



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

1998 SESSION

**HON. MABRY S. KIRKCONNELL, MBE, JP,
SPEAKER**

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Minister Responsible for Agriculture, Environment, Communications and Works

ELECTED MEMBERS

Mr. William McKeeva Bush, OBE, JP

First Elected Member for the Electoral District of West Bay

Mr. John Dwight Jefferson, Jr.

Third Elected Member for the Electoral District of West Bay

Mr. Dunstan Dalmain Ebanks

Fourth Elected Member for Electoral District of West Bay

Mr. Darwin Kurt Tibbetts

First Elected Member for the Electoral District of George Town

Capt. Mabry Salisbury Kirkconnell, MBE, JP, Speaker

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

Mr. Linford Ainsworth Pierson, JP

Third Elected Member for the Electoral District of George Town

Dr. Frank Swarres McField

Fourth Elected Member for the Electoral District of George Town

Miss Heather Diane Bodden

Second Elected Member for the Electoral District of Bodden Town

Mr. Roy Bodden

Third Elected Member for the Electoral District of Bodden Town

Mrs. Edna Marie Moyle, JP, Deputy Speaker

Elected Member for the Electoral District of North Side

* Completed tour of duty on 19 November 1998

** Replaced the Hon. Richard H. Coles on 3 December 1998

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

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First Meeting

20 February —20 May, 1998

Second Meeting

4 June —17 July 1998

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Fourth Meeting

16 November 1998 — 15 February 1999

**EDITED
FRIDAY
20 FEBRUARY 1998
9.41 AM**

The Speaker: I will ask the Rev. Winston Rose to say Prayers.

PRAYERS

Rev. Winston Rose: Let us pray.

Our Father, we come to you today through your Son, our Saviour, the Lord Jesus Christ. We thank you for your numerous blessings upon us, the people of these Islands. We love you and we praise you as the source of all true knowledge and power, and every good and perfect gift. We ask that your precious Holy Spirit direct the minds and hearts of our legislators and all others concerned, as they assemble to deal with the governmental affairs of these Islands.

Father, we pray that Your will be done in our lives and in these Islands, even as Your will is being done in heaven.

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth, justice and righteousness may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, all Members of Executive Council and Members of the Legislative Assembly. Father, we ask that you enable each one of them to faithfully perform the responsible duties of their high office. Grant them health and strength, and bless the members of their families. All these mercies we ask in the name of Your Son who taught us when we pray to say:

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us; and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.

The Speaker: Please be seated. The Legislative Assembly is in session.

PROCLAMATION NO. 1 OF 1998

The Clerk: Proclamation No. 1 of 1998 by His Excellency John Owen, Member of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

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

"NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, John Owen, Member of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, do hereby proclaim and make known that a Session of the Legislative Assembly of the Cayman Islands shall be held in the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10.00 AM, on Friday the 20th day of February, One Thousand Nine Hundred and Ninety-eight.

"Given under my hand and the Public Seal of the Cayman Islands at George Town on the Island of Grand Cayman, this 17th day of February, in the year of our Lord, One Thousand Nine Hundred and Ninety-eight in the Forty-seventh year of the Reign of Her Majesty Queen Elizabeth II. God Save the Queen."

The Speaker: Administration of Oaths.

Mr. Joel Walton, please come forward to the Clerk's table.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

Mr. Joel Walton

Hon. Joel Walton: I, Arthur Joel Walton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

The Speaker: On behalf of the Legislative Assembly, I welcome you to your term of service as the Honourable Temporary Third Official Member.

I call upon the Honourable Minister responsible for Education, Aviation and Planning.

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

Hon. Truman M. Bodden: Mr. Speaker, I move that this Honourable House do rise to await His Excellency the Governor and re-assemble on his arrival to receive a gracious message from the Throne.

The Speaker: The question before the House is that the House do now rise to await the arrival of His Excellency the Governor and to receive a gracious message from the Throne.

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

AYES.

The Speaker: The Ayes have it. The House is accordingly suspended.

AGREED: THAT THIS HOUSE DO RISE TO AWAIT HIS EXCELLENCY THE GOVERNOR AND RE-ASSEMBLE, ON HIS ARRIVAL, TO RECEIVE A GRACIOUS MESSAGE FROM THE THRONE.

AT 9.47 AM PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 10 AM

**ARRIVAL OF HIS EXCELLENCY
THE GOVERNOR**

*The Governor's Aide-de-Camp
gave three knocks on the door.*

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

Procession:

*Serjeant-at-Arms
The Speaker
His Excellency the Governor
Mrs. Owen
The Aide-de-Camp
The Clerk of the Legislative Assembly
The Deputy Clerk*

His Excellency the Governor: Please be seated.

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

**THE THRONE SPEECH
DELIVERED BY HIS EXCELLENCY
THE GOVERNOR MR. JOHN OWEN, MBE**

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

All over the world, countries are preparing to embrace the new millennium, and Cayman is no exception. It is as if the dawn of a new century affords us time to pause and take stock of where we have been, and where we want to go in the 21st Century. In my 1996 speech from the Throne, I announced the commencement of the reinvention of Government exercise, which is currently being carried out by the public service. All departments of Government have now reviewed their services and are working hard to introduce improved customer service and efficiency. I am particularly grateful to those individuals and organisations in the private sector who continue to work with Government departments on reinvention teams, and in completing customer

service reviews to assist the public service in planned improvements.

The concept of partnership is not a new one in Cayman. Cayman has shown the world what can be achieved by the public and private sectors working together. On 4th February, at the opening of the then Dependent Territories Association Conference in London, the Foreign Secretary, Robin Cook, announced the British Government's concept of partnership with its Overseas Territories. This will, I believe, set the tone for a much improved relationship between the United Kingdom and its Territories.

Here at home, Executive Council has agreed to further extend the partnership model in a national planning exercise to address the kind of community we wish to see the Cayman Islands become over the next decade. Today, I am pleased to announce the start of "Vision 2008," a national strategic planning exercise which will establish national goals and priorities for these Islands for the next ten years. It is the Government's intention to involve the entire community in identifying and discussing those key issues which must be addressed if we, as a country, are to maintain the quality of life, economic growth, social and cultural values and environmental protection which has brought the Cayman Islands to prominence on the world stage.

We are no longer the Islands time forgot. We continue to move ahead at a speed that is alarming to many of our people. The pace of development, the encroachment of outside values and customs, and the threat to our environment are continuous challenges to us all. This year we intend to take stock of our position, and to develop those strategies and action plans which the people of these Islands tell us are needed if we are to move confidently into the next century.

I have decided that the responsibility for overseeing Vision 2008—a visioning exercise, which will result in a ten-year National Strategic Plan for the Cayman Islands, will be assigned to the Ministry of Education, Aviation and Planning, under the Honourable Truman Bodden. The exercise will be led by the Permanent Secretary, Mrs. Joy Basdeo, using a participatory approach to planning which has been used successfully in Cayman to create sectoral plans for Education, Health and Drug Abuse Prevention.

The Ministry for Planning will shortly open a Vision 2008 planning office at Paddington Place, which will serve as a focal point for the exercise. The office will have extended opening hours to provide easy access for public responses, and a meeting place for small round-table discussion groups.

An interactive Web site, which will enable Internet users in Cayman and elsewhere to have an input into the consultation process, will be in operation from early next month. I would also like to encourage the many Caymanians living abroad to become involved through the Web site, and by other means, in what will be a very wide public consultation exercise.

In my Christmas Day message I said, "As you sit around with your families today, ask yourselves and your

children what sort of Islands you want to be living in, in ten years' time." Vision 2008 is your opportunity to help shape Cayman's future for the next ten years. For it to be a success, we need to hear everyone's voices—our young people and our children in particular, as it is their future we hold in our hands. I encourage everyone who cares about the future of these Islands to contribute to this project. I look forward to receiving your positive contributions.

I shall now turn to the Judiciary, the Portfolios and the Ministries.

THE JUDICIARY

The Chief Justice will relinquish his office in June. On behalf of the people of the Cayman Islands, I thank him for his service to these Islands. In 1998, priorities will include a reduction of the time taken to bring indictments to trial, and the introduction of a new system of court reporting. The introduction of a small claims procedure is also under consideration.

THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

The Portfolio will continue to promote the review and reform of public service administration under the Reinvention of Public Services. The continued success of these Islands is dependent on the effectiveness and quality of the services which the public sector provides.

THE ROYAL CAYMAN ISLANDS POLICE

The Commissioner of Police, Mr. Anthony Grey, retires today. His successor, Mr. David Thursfield, commenced duties on the 16th. On behalf of the people of the Cayman Islands, I thank the Commissioner for the major contribution which he has made to the policing of these Islands.

The Royal Cayman Islands Police Service will complete its Strategic Plan for the next three years (1998-2000). The Service will concentrate on: a crime reduction initiative of reducing burglaries; attempting to reduce road accidents; and improving effectiveness in the arrest and prosecution of those persons trafficking in illegal drugs.

PRISON DEPARTMENT

In 1998, the Prison Department will implement the recommendations of the United Kingdom Overseas Territories Prison Advisor. Additional accommodation for inmates will also be constructed.

IMMIGRATION DEPARTMENT

The Immigration Department will continue to give priority to customer service and technological improvements, including the possibility of introducing electronic processing of low risk passengers.

DEPARTMENT OF BROADCASTING

In 1998, the Department of Broadcasting plans to increase its revenue by adding more sales representation and by marketing a number of new products.

PERSONNEL DEPARTMENT

The review of Public Service Commission Regulations and the General Orders will result in some personnel activities being devolved to Government departments. This will allow for the reorganisation of the Personnel Department, to focus on providing specialist services and advice.

THE LEGISLATIVE DEPARTMENT

The first two days of the Second Meeting in 1998 of the Legislative Assembly, which is scheduled to commence in early June, will be held in Cayman Brac at the Aston Rutty Centre.

COMPUTER SERVICES DEPARTMENT

Computer Services has officially become a Department this year. It was previously a section under the Personnel Department.

GOVERNMENT INFORMATION SERVICES (GIS)

GIS will be relocating to Cricket Square in March.

THE PORTFOLIO OF LEGAL ADMINISTRATION

ATTORNEY GENERAL'S CHAMBERS

Following the enactment of The Misuse of Drugs (International Co-operation) Law, subsidiary legislation is being introduced designating all signatories to the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. This will enable the Cayman Islands to offer co-operation in legal matters in accordance with the Convention.

A draft Charities Law will be produced to enable charities to register and be accountable for their profits.

LEGAL DEPARTMENT

Training will continue to be offered to Caymanians wishing to be articulated, and to school leavers who express an interest in a career in law. Assistance will also be given to other Government agencies by way of lectures on legal topics and recent changes in legislation.

THE PORTFOLIO OF FINANCE AND ECONOMIC DEVELOPMENT

The Portfolio's main aims for 1998 are to continue the legislative programme for the financial services sector which began last year, and to complete revision of the Public Finance and Audit Law.

TREASURY DEPARTMENT

The arrears of revenue recovery rate will be increased by the introduction of improved systems in the Centralised Debt Collection Unit. Over the past 21 months, the Unit has recovered CI\$1.2 million of debt.

The implementation in 1998 of the first phase of the new Integrated Financial and Human Resources Information System will improve the management of Government's finances.

CUSTOMS DEPARTMENT

In 1998, Customs will continue to look for ways of improving its customer service, in keeping with Government's reinvention effort. In this context, one of the Department's aims will be to clear arriving passengers more quickly.

Training will continue to be a priority. A basic customs course and a Caribbean Intelligence course are planned to take place during the first half of 1998. As a result of recent training initiatives, the Department has increased its detection rate by over 100 percent in drug cases.

GENERAL REGISTRY

A major objective in 1998 is the computerisation of the Birth Register.

BUDGET AND MANAGEMENT UNIT

In 1998, the Unit will continue to lead and support the reinvention initiatives through service-based budgeting, publishing of performance targets and setting up of an award system for enterprise and innovation. It will also look at ways of cutting "red tape" in Government departments.

INTERNAL AUDIT UNIT

In 1998, the Internal Audit Unit will focus on Government's role as a regulatory body with audit objectives focusing on how departments ensure that regulations are complied with by the general public or their customers.

ECONOMICS & STATISTICS OFFICE

The Office intends to produce a Medium-Term Financial Strategy and Public Sector Investment Programme, 1998-2000; prepare quarterly and annual debt

reports; and assess the contribution of the Shipping Sector to the Cayman Islands economy.

Preparations have begun for the 1999 Population Census and the contents of the draft questionnaire will be tested by the end of 1998.

SHIPPING REGISTRY

The 1998 aims and objectives for the Shipping Registry are:

- ◆ To review and continue the implementation of strategies for strengthening the administration of the Shipping Register.
- ◆ To complete the review of the shipping regulations and put in place mechanisms for the updating of the law in line with international and United Kingdom requirements.
- ◆ To advance professional expertise of the Shipping Registry.

CAYMAN ISLANDS STOCK EXCHANGE

The Exchange plans to introduce new products in 1998. New rules for derivative warrants, global depository receipts and specialist international companies are planned. The Exchange will be seeking to attract international broker members, and gain selected recognition from overseas regulators to enable it to realise its full potential in the global marketplace.

CAYMAN ISLANDS MONETARY AUTHORITY

With the increase of its staff from 26 to over 40, the Authority is positioned to ensure that the regulatory regime in Cayman continues to meet the standards for supervision which are necessary for a mature international financial centre. One major initiative set for 1998 is the introduction of an on-site supervisory system for the various sectors that will complement the off-site surveillance practised for many years. Also planned for 1998 is the development of formal policy statements that outline the position on new developments or clarify existing practice.

During the latter part of 1998, the Authority will produce its first semi-annual bulletin.

A new currency note issue will be made in 1998.

MINISTRY OF TOURISM, COMMERCE AND TRANSPORT

DEPARTMENT OF TOURISM

The work of the Tourism Department in 1998 will continue to reflect the private sector partnership which has become the hallmark of its marketing activities. The Tourism Development programme will support training and development initiatives within the sector and the

wider community. Tourism awareness activities in 1998 will be treated as an ongoing series of activities through the entire year, with certain months assigned to particular districts.

The Ministry of Tourism will establish a Cayman Islands Government Web site on the Internet, in full consultation and co-operation with its private sector partners. The private sector will link into the Government Web site thereby providing increased exposure of tourism-related facilities and activities available in these Islands.

The Ministry has decided to fully implement an Integrated Marketing Communication (IMC) programme in the Department of Tourism, with the objective of marketing the Cayman Islands and Cayman Airways.

The Tourism Management Policy will be reviewed during 1998 to provide policy direction into the next millennium.

FIRE SERVICES

The Cayman Islands Fire Service will continue to give priority to its human resource development. During 1998 some middle managers and supervisors will be attending advanced courses in fire-fighting and rescue at institutions in the United States and United Kingdom.

Two fire-fighting vehicles and one rescue unit have been ordered, and will arrive in the Islands within the next six months. One of the vehicles is for Little Cayman, the remaining two for Grand Cayman.

PORT AUTHORITY

The installation of permanent moorings for cruise ships in George Town will be completed in 1998.

To keep pace with the increasing volumes of cargo imported into the Cayman Islands, the Port Authority has purchased additional land adjacent to the Cargo Distribution Centre. The land will be developed for extra container storage. The layout of the warehouse and the surrounding container storage yard are in the process of being re-designed.

The docks in Grand Cayman and Cayman Brac will be repaired.

TOURISM ATTRACTIONS BOARD

The Tourism Attractions Board was brought into operation during 1997, specifically to manage Pedro St. James Castle, and the Botanic Park was added to its management responsibilities. The Botanic Park is now fully operational.

In May 1998, the Pedro St. James project will be officially opened. It will include the visitor centre and gift shop, a multi-media theatre, café and additional parking.

TRANSPORT

In 1997, responsibility for the Licensing Department was transferred from the Police to the Ministry of Tour-

ism, Commerce and Transport, as a part of the reinvention process.

In 1998 a system of licensing of omnibus operators will be put in place. It will include the designation of specific routes, the creation and implementation of an identification system for buses and operators, as well as fare tables to be displayed in all buses. A bus depot will be located behind the George Town Library.

Improvements will be made to the general licensing section, including the implementation of a new computer system by the end of the year. This will lead to the decentralisation of the vehicle inspection and registration process to the districts. Pilot projects are planned for West Bay and Bodden Town.

The Ministry will introduce amending legislation to remove the requirement to annually inspect all vehicles. Under this amendment, cars and other private vehicles of less than three years or 36,000 miles, would be exempt from annual inspection. Commercial vehicles will continue to require annual inspections, and it is Government's intent to strengthen the inspection procedures for such vehicles.

COMMERCE

The Ministry has formed a Business Consultative Committee establishing another two-way channel of communication between the private sector and Government, with the objective of discussing issues and resolving problems that affect businesses in general and the Islands as a whole.

MINISTRY OF EDUCATION, AVIATION AND PLANNING

EDUCATION

While exam results continue to improve in all areas, continued efforts to ensure student excellence will be emphasised. Included in this initiative will be a strengthened training scheme for teachers and principals.

As pupil enrolment continues to grow, several new capital projects will be undertaken. A classroom block will be completed at Creek Primary School on Cayman Brac, and work will begin on the multipurpose hall at Spot Bay Primary School. On Grand Cayman, a new classroom block will be constructed at East End Primary School and an administration block will be constructed at Red Bay Primary School, as well as an extension to the existing administration block at George Hicks High School. A hall for John A. Cumber Primary School will also be started in 1998.

Construction of the new Lighthouse School will commence this year; the anticipated completion date is September 1999. The new facility will serve the needs of 125 special children from early infancy through early adulthood in a modern, fully equipped school designed specifically to meet their needs.

The Sunrise Centre will move to the existing Lighthouse School, when vacated.

Work will continue on identifying land for the future construction of two primary schools and a new secondary school. The education of our children is of major national importance. The support provided by the Government for their education should enable them to provide the skills, vision and leadership that the country will need in the twenty-first century.

This year, staff of the Community College will review all Associate Degree programmes to ensure that they are in line, both in quality and quantity, with similar programmes in colleges of excellence in the United States.

Special courses tailored for the needs of the private sector have been an important feature of the College's offerings since its inception. The College is now focusing on restructuring all such programmes to give equal emphasis to study on campus and work experience attachments.

AGRICULTURE AND INDUSTRIAL DEVELOPMENT BOARD (AIDB)

During 1998, the AIDB will review their range of services, such as financing for small business projects. These include cottage-type industries such as handcrafts, dressmaking and the making of jams and jellies. In widening its scope of lending to include small business projects, the AIDB will be helping entrepreneurs in the low income bracket to access a source of funds which would otherwise be unavailable to them. The Caribbean Development Bank has been invited to conduct an appraisal of such a small business development programme in early 1998 with a view to providing the AIDB with a line of credit.

AVIATION

The Civil Aviation Authority's primary aim in 1998 is to further enhance the safety and efficiency of facilities and services provided to the travelling community. In 1998, the Authority will develop Strategic Airport Master Plans for Owen Roberts International Airport and Gerard Smith International Airport for the next five to ten years. In addition, they will start the development of an airport in Little Cayman, as well as review and amend the scheme of charges for airport and aircraft operations with implementation planned for the latter half of the year.

PLANNING

In 1998, with the aim of improving customer service, the Planning Department will initiate a number of projects. These will include a plan for the Central Planning Authority to assist it in determining the future directions of planning policies. The exercise will also focus on how the Authority and Department can better work together to improve the service it provides.

The Development Plan will be updated. Plans for Cayman Brac and Little Cayman will be developed.

CAYMAN AIRWAYS

The planned development of Cayman Airways has been held back by the lack of stand-by capacity resulting from disruptions to scheduling caused by either regular or unscheduled maintenance. In order to address the problem, Government approved a guarantee to enable another 737-200 aircraft to be acquired in 1998.

MINISTRY OF AGRICULTURE, ENVIRONMENT, COMMUNICATIONS AND WORKS

AGRICULTURE

In 1998, work will continue on new offices for the Department of Agriculture.

A new Plants Bill will be brought to the Legislative Assembly. Additionally, the Department will focus on efforts to introduce legislation to govern the importation, distribution and regulation of pesticides and other hazardous chemicals.

Other activities will include joint efforts with the Department of Environment to complete an Aquaculture Development Policy for the Cayman Islands; and to facilitate training in the upholding of the Convention on International Trade in Endangered Species (CITES).

Having successfully stemmed the threat of introduction of serious exotic pests, including the Pink Mealy Bug, the Department will continue to enforce strict quarantine measures in 1998.

ENVIRONMENT

In 1998, the Department of Environment will implement a British Government-funded project to survey and develop management strategies for the protection of threatened nesting sea turtles on Little Cayman. Based on data derived from its monitoring programmes, the Department will also make recommendations for managing recreational impact on coral reefs.

The Department plans to continue working with the Ministry on finalising the designation of the Little Sound Ramsar site and on developing drafting instructions for comprehensive environmental legislation.

ENVIRONMENTAL HEALTH

In order to accommodate the growing demand for waste collection services, the Department of Environmental Health will take the following measures:

- ◆ upgrade its fleet of waste collection vehicles;
- ◆ evaluate the current routing system and redesign it for improved efficiency;

- ◆ establish a customer complaint service for recording, tracking and promptly resolving all customer complaints; and
- ◆ reorganise the billing system to improve accuracy.

The Department of Environmental Health recently completed a survey of capacity remaining at the George Town Landfill and is developing a plan for maximising capacity at that site.

The Department will continue to seek alternatives for future disposal technologies suitable to the Cayman Islands. In 1998, the Department will begin this process by requesting proposals for a biomedical waste facility. A new public drop-off at the landfill gate will provide 24-hour access to the community.

The Department will expand upon the existing waste oil collection, storage and recycling system. It will also expand the household hazardous waste collection programme, including pesticides. The Department plans to work with the private sector to manage and expand collection of recyclable materials. Target recyclables include aluminium, glass, yard waste, and construction and demolition debris. New markets for scrap metal, tyres and derelict vehicles will be identified.

Regulations will be drafted which will address: food safety, biomedical waste, solid waste, hazardous waste, drinking water standards, air quality standards and occupational health and safety.

COMMUNICATIONS

Public education will be a prime focus of the 911 Emergency Communications Centre in 1998. Presentations to businesses and schools will continue.

The first draft for a Telecommunications Law is currently being prepared.

CAYMAN TURTLE FARM

The Board of Cayman Turtle Farm (1983) Ltd. has given approval for the phased redevelopment of the farm. A master redevelopment plan and design drawings for the first phase of the project have been produced. This phase of the project will go to tender in March 1998.

POSTAL

A site has been acquired for the construction of a new post office at Bodden Town.

In 1998, the East End Post Office is scheduled to be upgraded and expanded, and a new post office is to be constructed at West End, Cayman Brac.

LANDS & SURVEY

Land Survey data has been accepted in a digital format for some time, and during the course of 1998, a private sector link will become available to Land Registry information.

MOSQUITO RESEARCH AND CONTROL UNIT (MRCU)

A new MRCU Operations Centre is being planned. One of the Department's two spray-planes will be upgraded to include sophisticated Global Positioning Satellite guidance equipment. This will allow both aircraft to conduct highly accurate operations, particularly the placement of slow-release granular larvicides.

PUBLIC WORKS DEPARTMENT

Public Works Department will continue to provide project management, architectural, quantity surveying and construction supervision services to the various Government departments and authorities. The Department will continue to emphasise quality, hurricane resistant, low maintenance construction.

The roads capital programme for 1998 will include improving the southern section of the Harquail Bypass, the intersection of Crewe Road and North Sound Way, traffic signals at the junction of Smith Road and Thomas Russell Way, improvement to Smith Road east of the four-way intersection with Hospital Road and the first phase of the Crewe Road Bypass from Tropical Gardens to the schools.

The operation of the Harquail Bypass will continue to be monitored.

VEHICLES & EQUIPMENT SERVICES

The computerised fleet management and information system is scheduled to become operational by June 1998. This system will improve efficiency within all sections of the Department.

THE WATER AUTHORITY

The Water Authority will continue to expand its public water supply system through the eastern districts of Grand Cayman during 1998, in accordance with the Ten-Year Development Plan for Water and Sewerage which was adopted by the Authority in 1996.

The piped water system is expected to be completed through the Cottage area of Frank Sound by December 1998.

The Authority is currently designing an upgrade to the West Bay Beach sewage treatment facility which is expected to be on-line by mid-2000. This upgrade will provide additional treatment capacity for the West Bay Beach area, as well as the potential for incorporating new areas such as George Town into the public sewerage system.

The Water Authority has recently signed a contract with a local construction company for a new Administrative Office Building which will be completed in late October. The new facility will provide much-needed space

and improved access to customers through extended cashier hours and ample parking.

MINISTRY OF HEALTH, SOCIAL WELFARE, DRUG ABUSE PREVENTION AND REHABILITATION

The Ministry anticipates the achievement of the following objectives in 1998:

HEALTH PRACTITIONERS' LAW

The draft has been approved by the Governor-in-Council and it will be presented to the Legislative Assembly for approval this year. The new law will address many needs which have developed since the enactment of the existing law in 1974.

MENTAL HEALTH LAW

A revised Mental Health Law will be presented to the Legislative Assembly in 1998.

STRATEGIC PLANNING

The Ministry will oversee the first annual update of the Strategic Plan for Health in June 1998. The Strategic Plan for Drug Abuse Prevention and Rehabilitation has been handed over, as envisaged under the Plan, to the National Drug Council which will co-ordinate its implementation.

HEALTH SERVICES

Construction of the new Cayman Islands Health Services Complex will be completed in the fourth quarter of the year. Commissioning of the new facilities will follow.

A Teleradiology Service will be introduced between Faith Hospital, Cayman Brac and the George Town Hospital, Grand Cayman.

The Health Services will establish an affiliation with the world-renowned Joslin Diabetic Center through the auspices of Baptist Hospital.

Mental Health Services will be enhanced with the recruitment of additional staff and the provision of specific in-patient facilities.

The cost of overseas medical referrals will be monitored closely. It is anticipated that there will be a reduction in the use of this service due to improvement in the quantity and quality of services that will be provided by the new Health Services Complex.

Dental Services will continue to be strengthened, with the recruitment of additional staff. Postgraduate professional training will be provided through a formal teaching link with the University of Bristol Dental School and Guy's Hospital, London.

Enhanced nutrition and dietetic services will ensure the provision of suitable diets to in-patients and increased community nutrition programmes, including schools.

An additional ambulance service will be based at the West Bay Nurses Health Centre. This will improve response time to medical emergencies in the district of West Bay and the Seven Mile Beach area.

The appointment of a full-time cardiologist and the establishment of a Cardiovascular Service will significantly improve cardiologic investigation at the George Town Hospital and reduce referrals overseas.

Faith Hospital, Cayman Brac will continue to offer improved health care with enhancements to the diagnostic and physiotherapy services. A resident nurse is being stationed in Little Cayman.

SOCIAL SERVICES

The Department will pursue the acquisition of a home for the care and protection of boys in the Cayman Islands.

Community-based programmes in Grand Cayman and Cayman Brac will be expanded to deal more effectively with the varied social problems.

Parent craft workshops will commence in some districts.

The Children's Law 1995 will be brought into operation in 1998 and greatly enhance the Department's ability to provide for the safety and well-being of children.

The house to be used as a Senior Citizens' Centre in Bodden Town will be renovated this year, and a survey will assess the need for day care services for the elderly throughout the Islands.

Approval will be sought to construct a Secure Unit and Remand Centre.

The Family Survey will be tabled in the Legislative Assembly.

A girls' residential facility at the Cayman Islands Marine Institute will be officially opened early this year.

New foster parents will be recruited and trained.

The Young Parents Programme will focus on teaching Information Technology skills to young unwed mothers.

A public relations programme will be initiated to increase the public's awareness of the services offered by the Department.

DRUG ABUSE PREVENTION AND REHABILITATION

The National Drug Council (NDC) will co-ordinate the implementation of the Strategic Plan for Drug Abuse Prevention and Rehabilitation, focusing on improving interaction between all Government and non-governmental agencies dealing with the issue of substance abuse.

The NDC will conduct further research on the nature and extent of the drug abuse problem in Cayman and will regularly inform the public of its findings.

It will also establish an information resource centre and will hold regular community-based educational workshops, services and conferences.

CAYMAN COUNSELLING CENTRE

The Cayman Counselling Centre will implement a programme for those convicted of driving while intoxicated.

The number of substance abuse programmes for adolescents, persons referred from the Courts and those incarcerated at Northward Prison will be increased.

The centre will publish an annual report, detailing the extent of the drug and alcohol problems seen at the various locations in the Cayman Islands and the work being carried out there to assist clients with those problems.

MINISTRY OF COMMUNITY AFFAIRS, SPORTS, WOMEN, YOUTH AND CULTURE

ART DEVELOPMENT

The recipient of the first Art Scholarship has completed the first term at New York University in the pursuit of a Master of Arts in Dance Education. A second Arts Scholarship will be awarded in 1998.

CAYMAN BRAC AND LITTLE CAYMAN

Government initiatives to revive and diversify the economy of Cayman Brac will continue in 1998. A sporting facility will be established and a coach will be put in place for the co-ordination and enhancement of sports on Cayman Brac.

In consultation with the Cayman Brac and Little Cayman Economic Development Steering Committee, Government will continue to examine new ways of improving the infrastructure with the objective of creating sustainable economic growth.

New and improved facilities for Public Works employees in Little Cayman will be provided, including new living accommodation, and commencement of the first phase of up-grading and relocating the workshop and storage facilities.

COMMUNITY AFFAIRS

In 1998, the Ministry will promote the importance of Christian values and a strong family structure by celebrating a week of activities in recognition of the family.

CULTURE

In its continued effort to preserve the cultural heritage of the Cayman Islands, the Ministry will seek an amendment to the Institute of Caymanian Heritage Law, 1991, to include the National Gallery and other cultural bodies, and develop a National Culture/Heritage Plan. Additionally, the Ministry will continue to liaise with the

cultural bodies to ensure that the Caymanian heritage is maintained throughout the school system with the help of an Education Co-ordinator.

CAYMAN ISLANDS NATIONAL MUSEUM

The National Museum will embark on a five-year master plan. This will include the planning of a new Museum Support Facility for the Museum's reserve collections, research library and conservation laboratory, which are currently housed in rented space. Plans will also be developed for a purpose-built museum with interactive exhibition galleries focusing on Cayman's maritime heritage and natural history to eventually complete the support facility.

CAYMAN NATIONAL CULTURAL FOUNDATION

This year, the Cultural Foundation will assume responsibility for the National Children's Choir and the Youth Band.

In April, Cayfest will feature an expanded "Seaside" which will re-create many of the old-time Easter Monday regatta events, and a special Cayman Brac weekend, called Bracfest, covering two days of various festival activities.

To celebrate the award of an MBE to Miss Gladwyn "Lassie" Bush an exhibition of her work will be opened in June.

CAYMAN NATIONAL ARCHIVE

Plans have been drawn up for an extension to the Archive. It will include a reading room to accommodate school groups, and a records centre which will securely store all Government and vital records that must be kept outside Government departments.

Research and writing of the new history of the Cayman Islands by Dr. Michael Craton will also continue in 1998.

PUBLIC LIBRARY

Two new branch libraries in East End and North Side are expected to be opened by April 1998. Each library has a meeting room available for public use. It is planned that work will begin on the conversion of the Town Hall in Bodden Town to a District Library. The Public Library in George Town will be upgraded.

NATIONAL GALLERY

The development of the National Gallery is progressing well. A series of programmes begun in 1997 will continue, and in 1998 will include classes on traditional thatch palm weaving.

A number of exhibitions will take place in the National Gallery's newly-opened temporary premises in George Town.

Fund-raising for the main National Gallery building continues, with specific events planned for the coming months.

HUMAN RESOURCE DEVELOPMENT

Project Prepare, a programme intended to facilitate the re-integration of ex-prisoners back into society will continue its operation. Activities of Project Prepare include the enrolment of ex-offenders in educational programmes at the Community College, as well as cost-sharing partnership agreements between private employers and Government, whereby ex-prisoners are placed in jobs, receive training and are closely monitored for periods of up to one year.

NATIONAL PENSION LEGISLATION

The National Pensions Law, 1996, amending Bill and Regulations will be brought to the Legislative Assembly during this Meeting. The Law will come into effect on 1 June, 1998.

The office of the Superintendent of Pensions will be established as a Unit within the Human Resource Department. The Ministry, on behalf of the Cayman Islands Government, has employed a Superintendent of Pensions and an Administrative Officer who will take up duties in the Piccadilly Centre by the end of March 1998. The Pension Board is being appointed this month.

SPORTS

The Ministry will continue to work closely with the national sporting associations to ensure that the recreational needs of the country are met, and will also assist with the provision and funding of sports programmes through coaches and grants. Various associations, especially those hosting events, will be carefully monitored to ensure that Government is getting good value for money invested.

Work will continue on the Cayman Brac, Bodden Town, East End and Old Man Bay playing fields, the National Cricket Oval and the community parks. The Family Sports and Recreation Centre in Spotts is a long-term project which will be phased as money is allocated. It is expected to include a national headquarters for our youth.

In Cayman Brac, plans will be completed for a sports complex which will attempt to establish and centralise sporting and recreational facilities for the Sister Islands.

WOMEN

The Ministry will focus on completing the ground-work needed for the establishment of a Bureau of Women's Affairs. The development of a Ministerial Mission statement regarding gender, women, and development will act as the guiding principles for a subsequent action plan.

**Cayman Islands
Advisory Committee on Women**

The Ministry aims to set up an Advisory Committee on women comprising representatives from various disciplines/agencies of relevance to the movement and the national programme. The role of the Committee will be to make recommendations to the Minister regarding programmes and the improvement of the well-being of women.

Women's Resource Centre

This year the Ministry intends to appoint a Co-ordinator for the Women's Resource Centre, who will be responsible for programming and publication as well as maintaining the Centre.

YOUTH

The Ministry of Youth will place emphasis on the development of a National Youth Policy. It will launch workshops and seminars with a view to assisting our youth in coping with our changing environment, and will address the issue of teenage pregnancy through counselling and re-education programmes.

CONCLUSION

Honourable Members, I should like to record my thanks and congratulations to the Members and officials who provided the material to assist me in the preparation of this speech.

Finally, as you embark on the first meeting of the new Session of the Legislative Assembly, I wish you God's blessing in your deliberations and debates. And I pray that Almighty God in His mercy and wisdom will continue to bless and guide the people of these Islands and all who serve them.

DEPARTURE OF HIS EXCELLENCY THE GOVERNOR

Serjeant-at-Arms (Mace-bearer)
The Speaker
His Excellency the Governor
Mrs. Owen
The Aide-de-Camp
The Chief Justice
Mrs. Harre
Mrs. Kirkconnell
Minister

PROCEEDINGS RESUMED AT 10.52 AM

The Speaker: Please be seated. Proceedings are resumed.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I have apologies from the Honourable Third Official Member responsible for Finance and Economic Development, and The First Elected Member for George Town who are overseas on official business. I also have apologies from the Honourable Minister responsible for Agriculture, Environment, Communications and Works.

The Honourable Minister for Tourism, Commerce and Transport.

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

Hon. Thomas C. Jefferson: "BE IT RESOLVED THAT this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the Address delivered at this Meeting;

"BE IT FURTHER RESOLVED THAT debate on the Address delivered by His Excellency the Governor be deferred until Thursday, 26 February 1998."

The Speaker: The question before the House is that the House do record its gratitude to His Excellency the Governor, and that the debate on the Throne Speech be deferred until Thursday, 26 February 1998.

If there is no debate, I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: BE IT RESOLVED THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORD ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE ADDRESS DELIVERED AT THIS MEETING;

BE IT FURTHER RESOLVED THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR BE DEFERRED UNTIL THURSDAY, 26 FEBRUARY 1998.

The Speaker: I now call for a motion for the adjournment. The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: I move the adjournment of this Honourable House until 10 o'clock Thursday morning, 26 February 1998.

The Speaker: The question is that this Honourable House do now adjourn until 10 o'clock Thursday morning, 26 February 1998.

If there is no debate I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until Thursday morning, 26 February 1998, at 10 o'clock.

AT 10.59 AM THE HOUSE STOOD ADJOURNED UNTIL 10 AM, THURSDAY, 26TH FEBRUARY, 1998.

**EDITED
THURSDAY
26 FEBRUARY 1998
10.04 AM**

[Prayers by the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.]

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER
OF MESSAGES
AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have received apologies from the Honourable Third Official Member responsible for Finance and Economic Development who will be arriving later this morning, and from the Honourable Minister for Tourism, Commerce and Transport who is in Cayman Brac on official business, and from the Honourable Minister responsible for Agriculture, Environment, Communications and Works who will also be absent today.

Item number 2 on the Order Paper today is Questions to Honourable Members/Ministers. Question No. 1 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 1

No. 1: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what provisions are in place for the investigation of complaints against Police Officers.

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

Hon. James M. Ryan: There is a Complaints and Discipline Department which is under the direct supervision of the Deputy Commissioner of Police. At present the Department consists of one Inspector and one Sergeant who conduct all investigations into complaints made against Police officers. Every complaint made is recorded and thoroughly investigated in exactly the same manner as the investigation of crime.

If, as the result of the investigation, it is apparent that an offence has been committed (as set out in the Police Law 1976 (1995 Revision), and the Police Regulations (1996 Revision)), the offending officer may be formally charged and disciplined or, for minor offences, reprimanded. In all cases, the person making a com-

plaint will be fully informed of the result of the investigation by the Deputy Commissioner by means of a letter.

A full report on complaints and discipline matters is made within the Royal Cayman Islands Police Annual Report.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say what provision exists for appealing these investigative decisions if a complainant is dissatisfied with the investigation done by the officers?

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

Hon. James M. Ryan: To my knowledge there has not been a case where the decision of one of these investigations has been appealed. I do not believe there is a provision for such an appeal.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Are we to understand that this facility for complaints is not limited to civilian complaints about the police, but that complaints about Police by Police are also handled this way?

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

Hon. James M. Ryan: It is very rare that there is a complaint made by one Police officer against another, but if there were a complaint it would be investigated in the same way as a complaint from a member of the public.

The Speaker: If there are no further supplementaries the next question is No. 2, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 2

No. 2: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs whether or not there are any facilities at the Central Police Station that Police officers may use as a lunchroom or recreational area.

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

Hon. James M. Ryan: There are no facilities at the Central Police Station that Police officers may use as a lunchroom or recreational area except for a small office which is being used by officers as such. Most have to take meals in their offices.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Honourable Member saying that there are no facilities at the Central Police Station which will allow Police officers to take a reasonable break between shifts to relax or freshen up?

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

Hon. James M. Ryan: I understand that this room I mentioned (the 28' x 8' room) is a lunchroom of sorts. It has a refrigerator and a microwave in it. This apparently accommodates the need, bearing in mind that not all officers on a shift would take their breaks at the same time, and that some of the officers would be on patrol and would not necessarily come back into the office to take their breaks.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if there have been requests from Police officers for the provision of such a facility where they may relax comfortably, or complaints by officers as to the inadequacy of this facility?

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

Hon. James M. Ryan: No, there have been no requests or complaints that I am aware of. I should go on to say that there are also no such facilities in the Government Administration Building for civil servants, other than a very small room on one floor. I do not think there is anything in the Legislative Department. While this is no excuse, I just simply state that this situation is not peculiar to the Royal Cayman Islands Police.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: May I ask for an undertaking from the Honourable Member that, in the absence of these facilities for officers of the Royal Cayman Islands Police, some investigation be made as to the feasibility of improving these facilities? I am aware that officers some-

times have to resort to relaxing in their cars between shifts. I think it is entirely inadequate. I ask if the Honourable Member could undertake to see what can be done to improve the present facilities, as my information is that it is far from acceptable.

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

Hon. James M. Ryan: I beg to differ with the Member. It is my understanding that the present facilities are sufficient. But if there is representation to the Commissioner of Police, the matter can be examined.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

Mr. Craddock Ebanks, OBE, JP

The Speaker: If there are no further supplementaries, before I take the next question, I would like to recognise the presence of Mr. Craddock Ebanks, OBE, JP, in the Chamber. He is a former long-serving Member of this Honourable House. I welcome him on behalf of all Honourable Members.

The next question is No. 3, standing in the name of the Third Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS (*Continuing*)

QUESTION 3

No. 3: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning what the pupil/teacher ratio is at the Alternative Education Centre.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There are thirty-three students enrolled at the Alternative Education Centre and five teachers. The average pupil/teacher ratio is therefore six pupils to one teacher.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister state whether or not these teachers carry a full teaching load, and whether or not the Head of the centre also has a full teaching load?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: They all have teaching responsibilities throughout the day and the administration is carried on by the Principal.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Are we then to understand that the Principal does not have a full teaching load?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: If the Honourable Member could define what a full teaching load is I would be prepared to answer.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I cannot believe that the Minister for Education does not understand what a full teaching load is. I am asking if the Principal is required to teach classes from 9.00 to 3.00, or whatever the hours of the school-day may be.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am amazed that a qualified teacher asked the question as to whether the Principal of a school spends all of his time teaching. Obviously, he has to administer the school. He teaches some and administers the school some; but, obviously, the priority of a Principal has to be administering the school. If he teaches all day every hour from 9.00 until 3.00, he has no time to administer the school. The answer is: No, he does not teach all day, he teaches part of the day and he administers part of the day.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: There are instances where Principals teach and administer. I know, I did that for many years.

My next question is: Can the Honourable Minister state what qualifications these teachers have, and if any of them have the qualifications to deal with students with behavioural problems?

The Speaker: I do not really believe that comes out of the answer to the substantive question. If the Honourable Minister has that information, he may answer it. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, that is totally outside of the question, as you quite rightly ruled. I do not have the information, Sir.

The Speaker: If there are no further supplementaries the next question is No. 4, standing in the name of the Fourth Elected Member for West Bay.

QUESTION 4

No. 4: Mr. D. Dalmain Ebanks asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to state whether the plans to turn the West Bay Town Hall into a Library are still to be pursued.

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

Hon. Julianna O'Connor-Connolly: The plans to turn the West Bay Town Hall into a Library are still to be pursued.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Can the Honourable Minister say why it is being held up for so long?

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

Hon. Julianna O'Connor-Connolly: The West Bay Town Hall is the only hurricane shelter in the West Bay area. Additionally, it is used as a public meeting place and an indoor sporting facility. As soon as the new Dalmain Ebanks Civic Centre is completed the Ministry can continue with its plans to convert the Town Hall into a district Library.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: This question is slightly off the substantive question, but is indeed relevant. I wonder if the Honourable Minister can state if there are any plans for the expansion of the George Town Public Library?

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

Hon. Julianna O'Connor-Connolly: The answer is in the affirmative. There are plans for the improvement and the expansion of the George Town Library facility, and I shall be happy to discuss that in detail if the Member so desires.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I thank the Honourable Minister. Perhaps I can meet with her later to discuss the details.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning. Item number 3, Other Business, Private Members' Motions. I will entertain a motion for the suspension of Standing Order 14(3).

The Honourable Minister for Education, Aviation and Planning.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

SUSPENSION OF STANDING ORDER 14 (3)

Hon. Truman M. Bodden: I move the suspension of Standing Order 14(3) to enable the debate on the Throne Speech to begin.

The Speaker: The question is the suspension of Standing Order 14(3) to enable the debate on the Throne Speech to begin. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14 (3) SUSPENDED TO ENABLE GOVERNMENT BUSINESS TO TAKE PRECEDENCE OVER OTHER BUSINESS.

The Speaker: Item number 4, Commencement of the Debate on the Throne Speech delivered by His Excellency the Governor on Friday, 20 February 1998.

The Third Elected Member for Bodden Town.

GOVERNMENT BUSINESS

COMMENCEMENT OF THE DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY 20 FEBRUARY 1998

Mr. Roy Bodden: Thank you, Mr. Speaker.

The Speech from the Throne as delivered by His Excellency the Governor on the State Opening of the Legislative Assembly on Friday, 20 February 1998, contained one important point which I look forward to following the progress of. I will speak more of this shortly.

In his introduction, the Governor also made mention of the opening of the Dependent Territories Association Conference in London. He mentioned the Foreign Secretary's (Mr. Robin Cook) announced conception of the proposed partnership with the Dependent Territories. Quite interestingly, I have been reading the comments made by political heads of the other Dependent Territo-

ries. Conspicuous by its absence is the speech given by our own representative at that opening conference, the Leader of Government Business. I look forward to reading his comments when published, and I hope that he has submitted it for publication in the local news media.

Your Office, Mr. Speaker, has made available to Members of the Legislative Assembly one copy of the proceedings of that conference. I am sure that I express appreciation on behalf of all other Honourable Members to you and also to the Clerk and her staff for making that available to us. As you will recall, Mr. Speaker, I spent some time a short while ago reading it. I would have loved to have perused it at greater length but, because there was only one copy, use was restricted to the precincts of the Parliament.

A new relationship, a new direction in our relations, is bound to come out of this conference. Mr. Robin Cook stressed several things which I think bear significant importance to us here in the Cayman Islands. One of the things he went to great lengths to amplify was this whole business of membership in the international community and the obligation such membership bears. The Honourable Robin Cook places great emphasis on the Universal Declaration of Human Rights. Indeed, in a speech by the Honourable Foreign Secretary given in the Lorcarno Suite of the Foreign and Commonwealth Office, on Thursday, 17 July 1997, he remarked: **"If every country is a member of an international community, then it is reasonable to require every government to abide by the rules of membership. They are set out [that is, these rules] in the Universal Declaration of Human Rights. To recite all thirty principles would absorb the time set aside for this speech, but they can be summarised in six core human rights."**

He went on to elaborate those six rights. I have chosen to focus on one because this one will have a special significance to something I am going to develop in my contribution. That one is: **"Everyone has the right to liberty and freedom from arrest without due process of law."**

The *Hansards* of this House will bear out that ever since my arrival here I have been a staunch advocate of the Universal Declaration of Human Rights. I think it is, perhaps, one of the most important pieces of legislation a country can have. I am reminded that this December the United Nations will be celebrating the fiftieth anniversary of the Declaration of Human Rights. Yet, we in the Cayman Islands have no defined document specific to the Cayman Islands which we can call our Human Rights Document.

Of course, there are those who will argue (as they have argued previously) that we are covered under the European Convention and under the United Kingdom. But if I am to understand the position of Honourable Foreign Secretary, he wants each entity to have a specific written declaration, and he wants to be satisfied that that declaration complies with what is required of the international community.

We have procrastinated in this regard long enough. The *Hansards* of this House will bear out who the pro-

crastinators are. Suffice it to say that I find it difficult to accept that persons who supported the Motion when we were all Backbenchers together now find it convenient to bury it. Circumstances being what they are, I hope that we in the Cayman Islands will also be able to join, by December of this year, in those celebrations by having a document which we can call our Human Rights Document.

The Governor made perhaps the most telling point in his presentation when he said, and I quote, **“Today, I am pleased to announce the start of ‘Vision 2008,’ a national strategic planning exercise which will establish national goals and priorities for these islands for the next ten years. It is the Government’s intention to involve the entire community in identifying and discussing those key issues which must be addressed if we, as a country, are to maintain the quality of life, economic growth, social and cultural values and environmental protection which has brought the Cayman Islands to prominence on the world stage.”**

I could not agree with the gentleman more. I have to say that it is a remarkable coincidence that there are those of us who had been advocating exactly such a vision recently. Indeed, Mr. Speaker, I mentioned many times the vision, the new visionaries, and we called it “Vision 2000 and Beyond,” but had modified it to “Vision 2020” because 20/20 is perfect vision, and also the year 2020 is a good time to set as a planning cut-off point. So let me say that there is enthusiasm and excitement among those of us who see ourselves as progressive, because it was exactly such a step that we—particularly in this corner here—were thinking about.

I have been an advocate of this type of planning for years. Indeed, I was an advocate of this type of development planning when it was unfashionable, because people thought that only the socialist countries indulged in this kind of forward planning. When I suggested it many years ago, I was labelled. I am happy to know that in the Cayman Islands we have now reached the maturity and the level of development where we realise that our continued growth and prosperity can only depend upon such planning, reassessment, refinement, and on-going and thorough examination.

It does not mean, once we have crafted a plan, that the plan is written in stone. It will be subject to any adjustment or modification which proves reasonable. I am concerned because the responsibility for the development of this plan has been thrust upon the least visionary of all the Members of this Legislative Assembly. Perhaps if the assignment had been given to Shelburn or Bud-Bud we would get better results, because people who make a practice out of going around putting down people who they call “theorists,” and putting people who can read and articulate ideas down as “defunct” do not have the qualities to lead in a new direction.

Mr. Speaker, if one has no respect for ideas, how can one implicate? How can one spawn? How can one generate? If one lacks the ability to appreciate progressive moves put forward by other people then tell me

how, in the creation of crabs, one can be expected to come up with new directions? There is a lot more that I could say, Mr. Speaker, but I will resist the temptation. I only want to state that another difficulty I see is that that Ministry and the persons named to head this new exercise are already sufficiently challenged with the Strategic Plan in Education which needs continuous energy, assessment and plotting. Education is perhaps the single greatest challenge we have in this country to maintaining our current standard in all facets of our lives.

I would have been happier to have seen this responsibility thrust upon someone not long returned from a university—someone who is energetic and oriented in this direction, who could be challenged and expected to set this new section up. These are the kinds of challenges we should thrust upon our returning graduates. This is what we have invested time and money in them for—for them to produce. I know that there are those persons in the Caymanian community now who would do great justice to such a challenge, so I have to record my disappointment that some brilliant and deserving young Caymanian was not given this chance, this responsibility to take off and run with this baton.

Having said that, I (although I have my own ideas which I will continue to develop among my colleagues) will not be the fly in the ointment. As I have remarked before, this country is greater than the entity known as Roy Bodden. I would not be so selfish as to stand in the way of a development such as this. I will only be too willing, if my assistance is needed, to give that assistance most graciously. I look forward to the development of ‘Vision 2008.’

I would suggest as a starting point in the development of this Vision that we examine the Singaporean model. For many years, as a matter of fact from the grant of its independence, Singapore (which is really a City/State, under the Prime Minister Lee Kwan Yu) took off on a unique development path that has since become the envy of all countries, including countries much greater in physical size and population. While I have not visited there myself, I have read extensively and spoken to many Singaporeans who take pride in their country and its development.

I am aware of at least one Member of this Honourable Legislative Assembly who visited Singapore, because that Member spoke to me about his favourable impression of its development. I know that he too touts it as a good model. But these kinds of ideas can only come from theorists, so unless the orientation has changed, we might not get very far. I want to leave that behind, but will footnote it by saying that I am sincere in my wish for ‘Vision 2008’ to be a success. I want to speak now on a very important matter, that is, the second topic the Governor spoke on, the Judiciary.

Democracy in any country is highly dependent upon the effectiveness of the Judiciary. We have had an exemplary Judiciary. Many people in our country hold that Department in high regard and have complete faith in it. I share that high regard and faith, but I am also aware that there is an increasing burden being placed upon the

Judiciary. That burden comes from many directions: First, we to have an ever-increasing caseload and the physical facilities are bursting at the seams; and secondly, there seems to be an increasing necessity to have to resort to the appeals process for justice.

About four years ago a very prominent defence lawyer in this country, a gentleman who holds the qualification of Queen's Counsel, told me that he was very concerned that the price of justice in the Cayman Islands was becoming very expensive and may be out of the reach of many people because they cannot afford to appeal certain decisions to a higher court. I, too, am concerned about that because I believe it is more real than perceived. Certainly, if one reads the newspapers frequently, one is led to that conclusion.

There is a celebrated case which I am sure all members of the Caymanian community are now familiar with. This, I might add, is not the fault of the Judiciary, although the burden for the decision fell heavily upon the Judiciary. I am speaking about the case of John Rea. As I stand here this morning, I am angry at what I read. It can only be described as a trespass of one's natural rights, and a serious challenge to democracy and civil society.

I wish that this were the United States, and it was possible to bring a class action suit against these trespassers and perpetrators, so they would have to pay the costs awarded out of their own pockets. Let me say that as a Representative of the people, I will not vote for public funds to be dispensed just to satisfy someone's personal prejudice. I am unhappy that we have such officers employed by the public of this country.

I do not often get like this, but I consider it, Sir, a serious challenge to democracy when the kind of judgment I read about here is handed down by the Law Lords. Is this South Africa under apartheid? Do we have some Bureau of State Security in this country? Or is this Argentina and Uruguay in the days of the Dirty War, when people came in and recklessly ran roughshod, dragging people away, trumping up charges on them and ruining their careers? What I fear is that it seems that the system protects them—they are above the Law, above answering to the Parliament. I do not know who their superiors are, if they have any.

I want to read something from a book entitled *Democracy and Civil Society*, a short quote, Sir. It reads, **“state decisionmakers who act contrary to the trust granted them are deemed to have declared war against their. . . property-owning subjects.”** How relevant in this case.

I want to read another short quotation from another book entitled *The State*. It reads: **“sanction[s], to be efficient, must be suited to the nature of the offence and the institution. For the prosperity of an organization it is probably equally bad to over. . . punish”** as it is to under punish.

Finally, Max Weber, one of the foremost sociologists, defined the state as **“the organization which ‘successfully claims the monopoly of the legitimate use of. . . force.’ ”** This author goes on to say that the

vulnerable aspect of that monopoly is to maintain that the monopoly is not abused. Mr. Speaker, I cannot say much more than that I am one person, one Legislator, one Representative of the people, who is chagrined that public monies will have to go to pay someone. It is not my business to judge and say who is or is not guilty, but reading as I have read, clearly it was a serious travesty of justice. Of course, I am compulsorily bound to mention that the perpetrator was be-meddled some short while ago. I just wish this was the kind of jurisdiction where he could be stripped because that is what he would deserve. Thank you, Sir.

I want to now turn to the Portfolio of Internal and External Affairs. I am surprised that there were some omissions when it came to the mention of the Royal Cayman Islands Police and the Prison Department. I am surprised because recently the news mentioned what I would call a scandal which exists among some elements of the Police. This is serious.

When the State entrusts—because that is what an arrest is, an entrustment of the social control agencies to take into custody and protect from themselves, from other elements and, most importantly, to protect and preserve from the element entrusted to keep them—and when this trust is betrayed, that is serious. There was no mention of that. I know it is a delicate matter, but we cannot brush these things under the carpet. It is an internal sore and we have to deal with it because people out in the streets are talking about it. They are asking their Representatives what they think about it. They are expecting to hear it raised. It is not going to go away.

I am also concerned because we have to be very careful that we are not giving the impression that we are practising double standards. I vividly recall the Leader of Government Business accusing me and the former Second Elected Member for Cayman Brac and Little Cayman of bashing these departments when we were said that there was something wrong. From the time I first came here in 1988 I have been raising questions. I have brought things to this Honourable House. I vividly recall raising certain matters during my tenure as Chairman of the Public Accounts Committee.

I see some serious issues being raised in the 1996 Auditor General's Report. I read in the *Caymanian Compass* of January 28, 1998, “Nine prison staff implicated.” There is nothing about that in the Throne Speech. I would expect that there should be, however delicately and diplomatically couched, because we are talking about the state of the nation. If the social control agencies entrusted to keep certain people for the State are corrupt. . . if the ‘keepers’ are corrupt, how can we expect the ‘kept’ to be reformed?

[Some Members: Hear, hear!]

Mr. Roy Bodden: It is a situation which will not go away. I do not know how we are going to purge ourselves, but we need a purging.

Let me say this: If something is not done, I am going to scream that we have double standards, because

when we had Caymanians up there and something happened, they lost their jobs. Born Caymanians lost their jobs, lost their reputation, some of them lost their standard of living. These people are still suffering. Now you are telling me that we have people, with whom we do not have these kinds of ties, and for whom we should not have these kinds of loyalties, in these positions and they are expected to remain with impunity? It is not the Third Elected Member for Bodden Town bashing them this time—it is the Auditor General speaking the truth, it is the *Caymanian Compass* reporting it (as is its responsibility) to the public.

The Public Accounts Committee made some very fair recommendations. There is no official comment. The investigation must be concluded. Are we saying that these people are untouchable? Are we saying that there is, indeed, a double standard—one for Caymanians and one for the rest?

There is another element in the existence of Northward Prison that I wish to touch upon now—happily, less contentious. I notice that we are about to expand. It seems to me that we are continuously expanding, and will have to continue to expand unless we decide that we are going to review our philosophy about certain things. I have long been an advocate of an enlightened approach to this kind of problem, and have said so in these hallowed Chambers before.

I am saying the time has come for us to look at simple possession of drugs in a different light. I do not know whether or not we are going to decriminalise it. The semantics of it do not interest me. I am saying that we must treat persons whom we catch with drugs for personal use different from those whom we catch trafficking, possessing, dealing and laundering drug money. By decriminalise, I do not mean to legalise; I am saying that decriminalise means we should treat them as sick people needing help, rather than as common criminals. When we place them in prison the emphasis should be placed on reform and rehabilitation, rather than as hardcore criminals. I do not care what we call it, in some jurisdictions they call it decriminalisation.

I want to emphasise that I am not advocating decriminalising any use of drugs. What I am advocating is treating people who use drugs—personal possession, one little stick of ganja, one little rock—different from the dealers, the big boys, the traffickers and all of that. Otherwise, we are going to have a society where all of our young people are going to have criminal records and we are not going to get enough of our own people to join the Fire Service, the Civil Service, the Police Service, and all these things. We have to put more emphasis on reform and rehabilitation when they are in Northward Prison.

When we continue to build prisons, who are we punishing, the prisoners or ourselves? When we continue to take this approach. . . and I want to say that I am not the author of this approach. People far more learned and far more experienced, people who have reached higher levels of political and administrative powers than I. . . I want to read a quotation from Joseph A. Califano, Jr., who is now the president of the National Center on

Addiction and Substance Abuse at Columbia University, and who you, Mr. Speaker, will recognise was the former secretary for Health Education and Welfare in the United States Cabinet from 1977 to 1979. He said: **“For two decades we [meaning the United States] have been filling prisons with drug addicts and alcohol abusers, and without treatment or training returning them to society to resume crime spawned by their substance abuse. This [he claims] is an absurd policy.”** I agree!

I know we have started to make some efforts, but there is a weakness, Mr. Speaker. The rehabilitation and reform efforts offered at the Prison need to be strengthened. It is through no fault of the Ministries. We need to strengthen it. We need to look at a system where these people, once they are let out of prison, can be a little more formally managed.

One thing that concerns me about the ineffectiveness of this programme in dealing with these people at Northward Prison is that some years ago they had a very good system offering some educational courses. I think they were even doing the GED, which is the equivalent of the American High School Certificate. It is my understanding that these facilities have shrunk; that there is a lack of interest by the administration, and that some of the classroom space has been converted into other things at the Prison. I do not know whether any of them have been converted to dormitories or prisoner space, but they are vanishing, and I understand it to be continuous encroachment. Even with the help provided by the Ministry and the counsellors available from the Ministry there is sometimes difficulty finding space. The interest shown by prisoners in taking certain courses is curtailed by the fact that the administration does not seem to place a high enough emphasis or priority on this reform effort.

Each year our Government spends large sums on the Prison and hires more guards. We seem to think that if all the King's horses and all the King's men couldn't put Humpty Dumpty together again, we must need more prison officers. It is not working!

It is my understanding that Government now has to look at additional land for the expansion of the Prison. I say that the time has also come for us to examine the number of foreign inmates we have in our prison and to decide what we are going to do about them. We spend one million dollars a year keeping these people, which is one million dollars that we could be spending on educating our young Caymanians, on scholarships, or by providing facilities in the communities for them.

I know it involves more than meets the eye because we have to enter into bilateral agreements, and we are not a country that determines its own affairs. But I am saying it is time for us to explore these avenues. If you ask the man on the street what he thinks, he will say, *‘Bundle them up and send them home! Deport them! Make it so they can't come back! Why should I have to pay to keep them in our prison?’* Even if we start with a system in which they serve a part of their sentence, we could investigate the feasibility of that—maybe a third, if

it is a long sentence—and then deport them for the rest of the time. That is money we could save and spend on other areas of our country's development, and it is space that could be utilised for our own Caymanian prisoners if needed.

Let us face facts: Prison in Cayman is really not prison when compared to prisons in Jamaica, the United States, Canada and the Central American countries. Anyone would gladly spend ten years here, because it is nothing but a glorified holiday. I have to say that even winter prisoners take advantage of that. One day I saw a young man, plump, not a callous on his hands, skin so clean like he had never been in the sun. I asked the young man, "Where have you been? I haven't seen you for a while." He said, "Roy, didn't you know I was in Miami for six months?" And he fooled me! But when he walked off, someone else said to me, "Roy, he just came from Northward." The way the young man looked he could have come from Miami. And believe you me, he thought he was in Miami, too! That is the interesting thing about it.

I know we have certain limitations, but it is an area we have to constantly and continuously review.

The Speaker: If you are going on to another point, would this be a convenient time to take the morning break?

Mr. Roy Bodden: Yes, Sir.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.13 AM

PROCEEDINGS RESUMED AT 11.48 AM

The Speaker: Proceedings are resumed. The Third Elected Member for Bodden Town continuing.

Mr. Roy Bodden: Thank you, Mr. Speaker. I want to now make some comments regarding the section under the Immigration Department.

In the Speech from the Throne, His Excellency the Governor remarked that "**the Immigration Department will continue to give priority to customer service and technological improvements, including the possibility of introducing electronic processing of low-risk passengers.**"

That is well and good, and I am sure these improvements will be greatly appreciated. However, I would like to suggest that the problem with Immigration is a political problem, and is entwined in this whole Vision we have expressed the ambition to explore and develop. We have to get over this hurdle. We have to be sincere with ourselves, and we have to be truthful. We have, in this country—this country, whose development has been predicated upon immigration from its very inception. . . because it is my understanding that there were no, what the anthropologists call, indigenous peoples here. If persons, like myself and other Honourable

Members of this Parliament, whom I describe as established Caymanians, were to trace our ancestry we would find that all of us to some extent are immigrants in the sense that we came here from someplace else—albeit many of us take pride in saying we have been here for six or seven generations.

I was reminded the other day as I was at a church in Bodden Town, that my grandfather on my father's side was born in the year 1882. I remember him telling me that he could remember his grandfather. That is not to say that those of us who think this way are advocating giving away the country, but we have to be pragmatic! We cannot expect people who spend thirty and forty years of their lives here without any security of tenure to use their economic resources diligently, plowing them into the development of this country. That would be most ill-advised!

I am saying that the success of any plan, whether it be 'Vision 2008' or 'Vision 2020' (as those of us in this corner were talking about), needs to face a certain political truth regarding the people in this country who are not tenured and who have been here for a long time. I am saying to the Government that that should be one of the first priorities of its plan. I am reminded of the Motion where the Government undertook to do something about these persons: Yet, to this day, it has done nothing. I hope we can look forward to Government tackling this problem, because upon this issue hinges the successful development of our country into the twenty-first century.

I am reminded that the greatest country in the world, the country to which all other countries aspire to be like, the United States, is proud to boast that it was developed by immigrants! The Statue of Liberty—what do they talk about? The inscription, "Give me your tired, your poor, Your huddled masses yearning. . ." for freedom and opportunity. We do not have to open our borders. We do not have to be like Jean Raspail writes in his book, *The Camp of the Saints*, but we have to be serious, we have to be honest, and we have to be reasonable. There are good people, deserving people here. I have them in my constituency—stalwart, conscientious, hardworking—dangling on a thread. I think, quite frankly, the country can absorb them. They are already here, they are already working. I think, economically, we stand to gain. If we make these people secure, they will then free up their assets! They will re-invest, they will buy more property, they will open businesses. And you know what? Our economy will have another kick, another boost. This is the best money—it is internal, it is money already in the Cayman Islands! We just have to give them the security of tenure to develop the confidence to free it up.

Immigration is a very important catalyst in our future development, and how we handle it is going to determine the level of success in our forward planning. I sometimes wonder how the Immigration Department copes. I wonder how those officers are physically able to cope. I am sure they have to be like Solomon in some of the decisions they have to make. They have to exercise the wisdom of Solomon, and their patience cannot be far

off that of Job. I know, as a Representative I am inundated! We are bombarded!

Another reason we must define this problem more clearly is that it puts us Honourable Members of the Legislative Assembly and the Representatives of the people—it pits us sometimes if we are not sensible. . . . We have to face-off squarely against the administration, against the Immigration Department, against the Civil Service. There is no room for any greying of the area. It must be black and white. If the political directorate were more fair with itself, we would not be faced with this predicament as we oftentimes are. People cannot understand that I, as a Member of Parliament, cannot call up the Immigration Department and get them Caymanian status. I, as a Member of Parliament, cannot call the Immigration Department and get them permanent residency with the right to work. Yet, some of them say it is a double standard, because some people who are either wealthy, or who are favoured by whatever—some of them suggest it depends upon skin colour—or who know the right people, get it.

I have deserving people in my constituency. There was one gentleman who literally cried. I had to hold his hand and pray with him, because he tried three times, and all three times he was turned down. I said, “Sir, I don’t know what else to do with you.” The man has been here, he has a nice house, goes to work every day, Monday to Friday, conscientious, no problem with the law. The gentleman cried! He said, “Roy!”

We cannot solve that problem, but we want to plan for the year 2008? It will be an exercise out of *Alice in Wonderland* if we do not. Who are we planning for? Can we afford to leave out these kinds of people?

Here is another reality which has to be faced. If we are saying that we are going to leave these people out, if we are going to cut them off, that impinges on the kind of lifestyle the rest of us have also! The whole economic web is very integral, woven together, very delicate! They are consumers in this society. They pay import duties also.

The challenge is to integrate these people comfortably into our society. We can give them what they want without giving away our birthright. In my corner, we are serious, we are conscientious and honest, and we are prepared to put that forward. We will be watching with interest to see if this is done, and will advocate that it be done! We can reassure our people that we are not giving away the store when we do this. We are not giving away the store! Established Caymanians, as I describe them, will be protected.

I am reminded that I have always advocated a system. . . . I like the Latin phrase for it, *primus inter pares*, first among equals. I have always suggested that indigenous Caymanians, like ourselves, must be *primus inter pares*. We must be first among the equals. There is room for us to accept these people and to protect established Caymanians as well.

In the teaching profession—I know this, and I have sympathy for these people—we have people here who have been labouring conscientiously for over twenty

years and do not have any security of tenure! Let me tell you something, Mr. Speaker. If I were the Minister of Education, that would be on my conscience! Where else are these people going to go, after they have worked themselves out here? Which country. . . not even the country of their birth is going to want them!

I am reminded of the gentleman who told me he had applied to emigrate to Canada, and the Immigration Officer asked him, “Why should I accept you, Sir, at fifty years of age, when I have applicants from Hong Kong, who are twenty? Do you know how many years of work I am going to get out of them? I can’t give you any priority or preference over them! In ten years’ time, you will be drawing social security, and we will not have realised any investment out of you.” I am saying that these people will face the same situation if they spend all of their lives teaching in a Caymanian classroom. Not even their own country would want them back, particularly as they do not have any claim to a pension by virtue of the fact that they are non-Caymanian and not on the Permanent and Pensionable Establishment.

I wonder if there is any element who wants it to remain that way so they can have some advantage, some stranglehold. We can pay all the lip service we want to equality and fairness, but neither democracy, nor equality, nor fairness is served in this regard by such behaviour. Neither is natural justice! I want to be remembered as an advocate of fair play and natural justice, because at one stage in my life I was an immigrant. I emigrated to another country, so I know what the two sides of the coin are. I know how I would feel if I had to spend the best years of my life working in a country in which I was just hanging by a thread, hoping I did not run afoul of any political gods or any political wind which blew strong enough to break my cord.

I appeal to the better judgment and conscience of those people involved in this plan and say please take this into consideration. It must be dealt with sooner rather than later.

I want to move on. I do not propose to be long-winded. There are a couple of other matters I wish to make mention of, and I want to turn now to the Economics and Statistics Office to say one or two things about the Medium Term Financial Strategy. This is not contemptuous, by any means, but I am reminded as I read, **“The office intends to produce a Medium-Term Financial Strategy, [page 6, this is, of the Speech from the Throne] “and Public Sector Investment Programme 1998-2000; prepare quarterly and annual debt reports; and assess the contribution of the shipping sector to the Cayman Islands economy.”**

When we mention Medium Term Financial Strategy I am reminded of the old African proverb, ‘So loud the thunder, yet so little the rain.’ We have been promised this Plan. It was supposed to come at the last sitting. It was supposed to come the sitting before last. Is it a political problem? Is it something the political directorate is uncomfortable with? I have a sneaking suspicion it is. But I say this: I hope it is realised that the Plan must now come, because without this Plan there can be no vision.

I look forward to reading the Medium Term Financial Strategy. I look forward to the laying of that Strategy on the Table. It will give us a jump-off point. It will give us a starting point from which to launch out into the new millennium. We must have it. I implore those who are holding it up to remove the obstacles and let us get on with the business.

I am reminded that in my time here I have often been accused of opposing for the sake of opposition, being called 'unconstructive,' 'defunct,' all sorts of things. But I have never been deliberately unreasonable. I have never in my time here been deliberately unreasonable! I am glad I come from a strain that is proud to stand up for things which are unpopular, or to say that I oppose when I think I have grounds for opposition. But I never oppose for the sake of opposition. I am asking now, how can we move forward? I am not stopping this plan now! It is not me! Why is there no plan?

I do not know why, but I believe my colleague, the First Elected Member for George Town knows. I encourage him to say why when it is his turn to speak. If we fail to plan a plan, how can we plan a vision? Which reminds me, Mr. Speaker, that one time they called me a dreamer too. The Leader of Government Business called me a dreamer. It is not a sin to dream! But it is a sin not to have a dream, because if you do not have a dream, you cannot aspire to anything. I was encouraged, and I am proud to be a dreamer. I believe I have acquitted myself well. I have not achieved all my dreams—it took me fifty years to get to this point, and maybe God will bless me with another fifty! I might make it.

I want to talk a little about the Cayman Islands Stock Exchange. I see that the Exchange plans new products in 1998. We must not have a Stock Exchange without some mechanism to regulate insider trading. It is a given. It follows as the day the night. If we continue to operate without that mechanism, we are going to get into trouble, sooner rather than later. I hope that among these new developments I will see brought to this Parliament some legislation which regulates and controls insider trading, particularly as I read, "**The Exchange will be seeking to attract international broker members and gain selected recognition from overseas regulators to enable it to realise its full potential in the global marketplace.**"

I want to footnote my comment by saying that I am not a legal mind. I never studied that kind of stuff, I never had an interest in it. But I pride myself on being wide read, and a peculiar kind of tourist. When I visit, I do not usually go to theme parks, although I have to do that sometimes now as I have young children in my family. I like to learn about what is going on in the country, what makes the country tick. So I find some time to read the newspapers, some time to spend in libraries, and all that. God has given me great common sense. The things I do not know, I try to research to a level where I can intelligently comment. I do not know of many stock exchanges set up without this kind of. . . in the United States, they would not be allowed to exist! We read that

every day. Every day! The biggest cases: Insider trading. Who was it? Michael Milliken? Junk bond king. We need it, otherwise we are going to be embarrassed, to say the least.

The Monetary Authority: The Speech from the Throne says it has been increased from a staff of 26 to over 40. "**The Authority is positioned to ensure that the regulatory regime in Cayman continues to meet the standards of supervision which are necessary to a mature international financial centre.**" There is a fundamental improvement which needs to be made. The Monetary Authority needs to be autonomous. The Monetary Authority needs to operate independently of the Executive Council. The Monetary Authority needs to be developed so that its decisions are professional, technical, and not, in any way, seen to be influenced by any political body—particularly as it could be reasonably argued that there may be conflicts of interest.

We need to develop this in that way. Some people need to extricate themselves from situations in which there could justifiably be accusations of conflict of interest. I do not know any other way to put that, without being [part of tape missing] will not be. I am talking about transparency, a very fundamental, important concept. I am reminded of the article appearing in the January 12, 1998 issue of the *Caymanian Compass*: "Bank Supervision—Can It Prevent Bank Failure?" Then there is a complementary editorial entitled, "Banking Supervision." Recently, the *Caymanian Compass* has been my primary textbook, because I like its interest in current affairs. This article, and the editorial, are very well written and give us some food for thought, particularly in light of the situation that has just occurred. So the question.

It seems to me that the Monetary Authority should also develop among its staff a team of what is called 'forensic accountants,' people who specialise. . . and I was researching this, and I gather that it is a relatively new field, so much so that I do not even know if there are any special qualifications, although the persons who practise are usually qualified accountants. They develop an interest and build their *vitae* through experience and practical work—persons who ferret out frauds and misdemeanours. In our jurisdiction, where we set ourselves up to be one of the leading financial centres, we should seek to have a team of persons available in the event it becomes necessary to carry out this kind of investigation and research. If Honourable Members have not read the Editorial or the article from the *Caymanian Compass* on the date I quoted, I would encourage them to do so.

I believe the Authority has its place, and I have great faith and confidence in it, so I do not want to leave the impression that my comments are indicative of cynicism or disrespect. I have reached a point in my political career, and in my life, where I am not frivolous in my comments about many things because I really do not have anything to prove. I do not set out to prove anything. I would only like to continue my reputation as an uncompromising critic, and at the same time be constructive in my criticism.

I do not pretend to have any expertise. My basis is what Caymanians call 'simple common sense,' bolstered by exposure and wide reading. I have to say that I am happy that I was able to benefit from the educational opportunities to which I was exposed, because I would be far less literate if I had not opted for the track I did. Some people specialise in vocations which are much more financially attractive. I derive my satisfaction from perusing, researching, and reading, because I feel good when I can hold my own on a wide number of subjects, and can speak in an informed manner about many current affairs. I say that because I look forward to the continued development of the Monetary Authority, and the strengthening of this Authority by its eventual autonomy and independence which will enhance its reputation for transparency, and remove any possibility of insinuation about conflicts of interest in the relationship between the Authority and the Executive Council.

I want to comment now on Transport, as was mentioned on page 9 of the Speech from the Throne. I think this business of transportation and vehicles in this country, and by inference, our road system, is one of those challenges that the planners are going to have to spend a considerable amount of time upon. I am encouraged by the fact that the Speech says, and I quote: **"In 1998 a system of licensing of omni bus operators will be put in place. It will include the designation of specific routes, the creation and implementation of an identification system for buses and operators as well as fare tables to be displayed in all buses. A bus depot will be located behind the George Town Library."**

Significantly too, the comment reads: **"Improvements will be made to the general Licensing Section, including the implementation of a new computer system by the end of the year. This will lead to the decentralization of the vehicle inspection and registration process to the Districts. Pilot projects are planned for West Bay and Bodden Town."**

First, I wish to comment on the system of licensing of omnibus operators. I regard this proposal as a step in the right direction. This has to be seen as a positive step. I wish to remark that I have been an advocate of such a system now for many years. I suggested some years ago to some persons in the transportation business that they should form a co-op, and then go to the Government and seek a franchise to develop a certain route, or routes. To the best of my knowledge, the late Mr. Murray Mitten was working with a group of transport operators exactly in that direction. The reason I encourage that is because I think it is one alternative to developing a dependable, sensible and financially attractive system of public transportation.

I recognise that Government has a tremendous challenge, and sometimes it is not politically advantageous for the Government to have to regulate and set up authorities to deal with the day-to-day affairs of these organisations. I respect that on many occasions politicians, particularly Ministers of Government, have run afoul of the wrath of certain people, and in an election

year people are quick to threaten you with withdrawal of their support. Believe you me, if you think that taxi drivers and bus operators are not influential and powerful, you should. Wait! I left out a very important word—politicised! If you believe they are not, try riding those buses! I did it one time for a simple experience, and you better believe that every one of those drivers is an armchair politician, if not an armchair Minister!

I wish to see a system where Ministers of Government would not have to put themselves in a direct firing line. That is why I advocated that these people form their co-op, regulate themselves, and take their papers to the Government and say, *'Mr. Minister of Transport, we have thirty people in our co-op. We have this number of vehicles. We are applying for a franchise to develop this route.'* That would put the Government in a position to say, *'Here are the terms under which we are prepared to entertain your application. We want you to screen, regulate yourselves, set your rates. We do not wish to be concerned with the mundane, everyday happenings of your business. We only want to see you when your Trade and Business Licence is up for renewal, or when your franchise is up for renewal, and we reserve the right to monitor and to withdraw the franchise if it is not operated to our satisfaction, or if you fail to accommodate the riding public, or if your department and conduct are not up to a reasonable standard.'*

You could franchise the West Bay route to one group, one co-op; you could franchise the Bodden Town, the East End and North Side routes to another co-op. Then we would have an almost ideal situation where, instead of them applying for individual taxi licenses as is done now—and all kinds of insinuations and aspersions are being cast—they would have to come through the co-op. Once the co-op says they are a member, it would be a mere formality for the Government to grant the licence for the importation of the bus. The co-op would regulate their numbers.

I explained to them that it could be established so that at the end of the month, each man could pocket his earnings. All they would have to do is pay a certain amount, whether that was \$200, or \$300, a year to be a member of the co-op; and have their sticker or badge. But the day-to-day finances would be their own. So it would not be that they were not seeing the money. I know some of them would be suspicious if they had to pay in, and in return be salaried, when they own their own vehicles. So I explained, and was really surprised at the frankness and the speed at which those people jumped at that. To the best of my knowledge, they had gone to their lawyers and they had their Articles of Association drawn up. That is the ideal situation.

But I must give credit. This, as quoted in the Speech from the Throne, is a beginning. The Government should now encourage it to be taken one step further. I have spoken to many of them. I meet them in the normal course of business at the establishment which I manage. I speak to them, and believe me, they are quick to see the merit in that. Right now they are receptive and

willing, and Government only has to find a little time and the mechanism to encourage them to take it that way.

They recognise that right now it is a dog-eat-dog world out there, and from my days of being a school-teacher, the most effective discipline is self-imposed. If you can get someone to agree, if they make their own rules, they are the best rules. Then they cannot come and say, *'Listen, Roy Bodden, I am not doing this because I did not have any part in the decision. You are imposing this on me, handing it down to me.'* But if they do so themselves, however Draconian, stringent or unreasonable it may be, they cannot come to the Government and say this is not working. Government will be in a position to say, *'You made the rules yourselves, so why not change or adjust them to suit the situation?'* I hope this can be developed. I recognise we may need to let it work, as is proposed here, for a little while prior to taking it to the next step.

I want to say that under Transport the development of roads and road usage must also be taken into consideration when we are talking about a vision of the future. I think every politician in this Honourable House knows that it would be instant death to suggest that people cannot own motor cars. Political suicide! President Tito of Yugoslavia said that is the most fearsome death of all to die! Political suicide! We have to find a way to rise to this challenge of bumper-to-bumper traffic. It is not going to be done overnight. I contend that we need at least five to ten years before we see a difference on our roads. I caution, given our state of economy, that more roads will not mean less traffic! The obverse is likely to be true—more roads, more cars! If we are not careful, we are going to be transferring the problem from one area to the next.

I am reminded every morning, as I drive from Bodden Town into George Town, that in that area we now have a traffic problem. I think our problem is worse than the problem which exists from West Bay into George Town because we do not have a Harquail Bypass. That we do not have more incidents of 'road rage,' as the new phrase is now, is attributed to the fact that we have a standard in which even the base model vehicle has air conditioning and a cassette deck—proven distractions when you are in traffic. If we did not have those two things, there would be more incidents of fisticuffs, aggression, and cursing than we could shake a stick at! But most Caymanians, thank heaven, and most people who use the roads, are quite content to crack the radio a notch higher or maybe push the air conditioning button to the next level when they are stuck bumper-to-bumper, and ride it out. But I do not know how long that is going to last.

One comment I must make on this is that I marvel at the number of people who must be late for work every day as a result of everyone coming onto the main road at the same time. I have to pray sometimes, because when I leave my house in Bodden Town at 7.15 and get down to some areas close to town, and these people are creeping out. . . I have to summon all the charity in me to let them onto the road, when I had to get up at 5.30! I know I am not unique. I get up at 5.30, do all my chores,

and prepare myself for work. I get down to Prospect, and someone who probably slept until 6.00 is coming out, and I have to let them in? Trust me, Mr. Speaker, I have prayed many times! Sometimes I turn my head so I do not see them, conveniently.

As I said, this is a first step. We have to be careful and watch it. Certainly the idea of the improvement in licensing by decentralising vehicle inspection, and by allowing certain vehicles to be exempt from inspection for up to three years is a step in the right direction. I have never been dishonest or uncharitable when the Government has made positive steps. I have to say that sometimes I am overly critical, and sometimes I am uncharitable, but even at those times I realise that I have a responsibility as a Representative of the people to do what is best for the country.

Even though I am hit and hurt many times, I have to stand up and say that something is right and good when it is. I have never taken the position in which I will exile myself from anything I can do to help the forward development in this country, irrespective of the fact that I am sometimes quick to declare that I am the Opposition. But I say again, that does not mean I will not support the Government when it does things right! I have! And I will continue to do so! But I reserve the right to speak my mind, and if that means telling the Government that it is not doing something right, then I will do that, and I will not apologise too much.

This is good, and I am prepared to give it my support and encouragement. It is a pity the Honourable Minister tendered his apologies because I wanted him to hear my suggestion about the development of the co-operatives, which would remove some strain from the Government particularly the political directorate being in the firing line.

Transport operators in the Cayman Islands are no different from transport operators anywhere in the world. Sometimes they have the shortest tempers and are the most unforgiving supporters. Believe me, I do not know if I would wish the wrath of them to fall even on my worst political enemy. I think it is necessary for us. . . not to mention, of course, that the using public, people who use the roads and drive their own vehicles can be educated to do so sensibly, and will be encouraged to take advantage of any reliable and dependable system of public transport, especially as parking space in the centre of George Town is becoming premium. This brings me to the corollary point which should also be taken into consideration in any development planning we are using, and particularly in Vision 2008.

The Government should also be investigating the feasibility of developing offices in the outer districts. I do not think there is any reason why Government should not be looking seriously at relocating some departments to the east, whether or not it be Bodden Town. It would be better if they were in a central place where they could be as easily accessed by the people in George Town and West Bay as they could be by the people in East End and North Side. One thing I also noticed is that in the mornings, there are but few occasions after one has

passed Red Bay, that there is any significant traffic on the road going east. The lane is pretty much empty once you pass the Red Bay School. That is something we may like to think about in the future.

I was pleasantly surprised to learn that the Government had bought the Racquet Club in anticipation of and preparation for the expanding Government Administration Building. I throw out as food for thought that some investigation be made, particularly into what I would call 'non-essential' kinds of services where it is not necessary to access a bank to conduct business in these offices. There are some we could relocate where banking would not be complementary. I realise it could not be done in all cases, because some of the businesses will have to have access to banks to carry out transactions. That is something we could think about in the future.

I do not have many comments to make on education, but I do have some. I think the strategic planning exercise is one which will need continuous assessment. Although I am not the greatest fan of strategic planning (as I have made known on previous occasions), I am sensible enough that if someone asks me for time, I give them time. I am aware that there are some pitfalls, but I believe there is no need to be overly critical. I would like to say that from the point of view of an educator, I am well aware of the weaknesses in the system. While there I could make many comments which would be political, I do not necessarily, at this stage, want to politicise my debate. There will be more appropriate occasions for that.

I want to say that I was disappointed that the Government saw fit to acquire the old Cayman Foods building for the Lighthouse School. I was of the opinion that it would have been better to begin from scratch. I shall be watching the development of the school building with keen interest.

At the secondary level, at both George Hicks and John Gray High Schools, we have a continuing challenge. As an educator, I say that we should look at establishing another high school, particularly one to serve the eastern districts. The children who come from East End, North Side and Bodden Town are seriously disadvantaged. They have to get up extremely early to catch the bus, and during those times of year, including this time, when, as the expression goes, the mornings are short, it is challenging. I know it is. It is challenging for them to get up that early, rush through breakfast, catch the bus, and then be expected. . . because many of them suffer from sleep deprivation, because if one is not disciplined enough to go to bed early, in the first week it might not take its toll, but by the time the semester and school year wear on, it most certainly does. A high school serving the eastern districts would alleviate that problem, and I think it is high time we thought about that.

I am also concerned about the lack of organised technical and vocational education at the high school level. I think if there is a weakness in the system, it is in that area. I am not saying that courses are not offered in these areas, I am saying it is something we could

strengthen. I am pleased with the development of the Community College, although there are improvements we can make. But I am disappointed with...

The Speaker: If you are going to another point, would this be a convenient time for us to take the luncheon break? Or would you rather continue a few minutes more?

Mr. Roy Bodden: No, Mr. Speaker, we can take the luncheon break. I would prefer that.

The Speaker: I shall suspend proceedings until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.22 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues with the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. When we took the luncheon suspension, I was about to make some statements regarding the position of the International College of the Cayman Islands, the difficulties experienced by the administrators and those entities who run that college in terms of recognition and acceptance by officialdom.

I have to commend the vision of Drs. Hugh and Elsa Cummings, and all the people who have supported them in their efforts from the inception of the college. The college still serves this community well. I understand that even up until this point, graduates of that institution are accepted for employment in the Government service. I am therefore puzzled, or as we used to say in the days I attended the good old Mico, I am mystified that it has been so difficult, if not impossible, for that college to cross the final hurdle. I cannot understand the logic of a product being accepted, but rejecting the manufacturer.

It is not a new phenomenon. It seems political directorates in the past have, through some lack of fortitude or political will, not gone that ultimate step, which is not asking for an impossibility to be done. I would wish that the correct attitude be displayed. Education should be far removed—and I have to say, in the absence of any other reason, it is purely political. We should stop playing political expedience.

It is my understanding that an evaluation audit was done recently. I was privy to the results. I think what I read was most unprofessional, discouraging and disheartening. The crux of the problem, it seems, has to do with a listing. Just because the college is not listed in one of the college directories or catalogues, means it is rejected. The one in which it is listed is not accepted as the recognised or authoritative listing.

I know how these things are done. Educational administration—even if some people think I am defunct—is

my area of speciality. I was trained. I know how these assessments are made, and I spent some time at that institution as a regular visitor to the library and as an adjunct member of the faculty. I know the material they get in terms of students; I know the physical facilities, and I know that anywhere other than in the Cayman Islands that institution would be accorded respectability and acceptance.

I do not need to belabour the point that we have in this very hallowed Chamber products of that institution! Products who acquit themselves well! So why give these people (to use one of my popular phrases) a Sisyphean exercise in frustration?

The Honourable Minister responsible for Education. . . and this is quite interesting. In the 1993 *Official Hansard Report*, Volume II, page 724, the Honourable Minister for Education posed the question: What about ICCI? Then he said: **“They run a lot of courses up there as well. Some of them, not a large amount of them, are technical and vocational to that extent. But it is a good college. It runs a lot of courses. I will agree that its aim is more that of Bachelor’s and Master’s degrees, so it is aimed a bit differently in some respects than the typical type of English community college. But they do a lot. Where is the recognition for them? They were the people who ran the hotel and training courses and the building courses in the early stages as well, which the present friends of the Mover and the Seconder of this Motion stopped.”**

It seems that the Minister and I, not surprisingly, are on the same plane, asking where the recognition is for this college. I wish this matter could be addressed. It is begging for a serious approach. I would ask the Minister to use his good offices to see if there is anything he can do from his political perch to promote a better understanding of this institution in the community.

We cannot talk about a vision and leave these glaring inconsistencies. We cannot talk about forward planning in the country, and leave an institution which is clearly playing a positive and constructive role dangling on a string. You cannot employ people—products of institutions—on the one hand, and then tell them you do not recognise the institution from which they came on the other hand. I hope this matter will be set down as a high priority.

Winding down, there are a few more things I would like to say, and passing quickly along I want to say that preservation of our environment is one of the most serious challenges facing this country on the eve of the twenty-first century. That the environment is under threat is no understatement. It is unfortunate that economic development and the environment are so tightly bound by an umbilical cord not easily severed. We have to find a way to continue our economic development without destroying and decreasing our bountiful supply of natural resources—animal and plant life.

That is not an easy challenge all over the world. If we have been following the news recently, in Indonesia they have fires as a result of clearing the rain forest. In Brazil, environmentalists have great concern. The Ama-

zon region is disappearing to the tune of hundreds of thousands of hectares a year. What is even more frightening is that scientists now recognise that some of the viruses, namely the ebola virus, have resulted from man’s tampering with the natural environment. It is recognised that for years these types of diseases lay dormant, and are now being aroused by man’s trespass into the environments which for them are natural.

We in the Cayman Islands, while not faced with such a serious threat, are faced with natural mangroves and reefs dying and becoming extinct. We have to balance this delicate state of affairs against the material spin-offs and costs. Once upon a time, it was extremely unfashionable to be a conservationist or environmentalist. Now the obverse is true—it is foolhardy not to be. We have an obligation to leave for our progeny a Cayman Islands no less well naturally endowed than we have found it. Unless we face the facts and juxtapose economic development against this threat to our environment, we are going to leave our children and grandchildren an environmentally dead Cayman Islands. Many of the things we now take for granted, they will have to read about in science books, or see during their visits to museums. I say all that because in our Vision 2008, we must also make provision for the maintenance of our environment, and sustaining our environment must play an important part.

I like the phrase ‘sustainable development’ because it connotes the kind of development which we will continue to encourage over the years. This is especially so in light of the fact that we set ourselves up as a premier dive destination and tourist resort.

I want to move now to the area of communications, and I want to focus on page 13, where mention is made of the first draft of a Telecommunications Law, which is currently being prepared. I have always been suspicious of monopolies. I guess it is the characteristic of the kind of exposures I have had. While I respect the fact that our utilities and essential services in this country have a vital role to play, I am concerned that the lack of a utilities commission is tantamount to a license for them to do anything they want. I have raised this matter before, to the extent that I brought a Motion calling for the establishment of a public utilities commission.

I want to focus on Cable & Wireless, its services, and the role it plays in this country. I want to challenge Cable & Wireless to be more reasonable and realistic in the fees. I note there was an announcement recently about a fee review. It is interesting. . . and the Chair will pardon me, because I intended to have enough copies of this to lay on the Table. I will ask the Serjeant-at-Arms if he would be kind enough to get this done so I can make available a copy to the Chair and one to lay on the Table.

When it comes to the World Wide Web, as it is now called, and the information network, what is happening in the Cayman Islands is tantamount to extortion. We have the highest Internet rates in the world! It is a mere coincidence that I was listening to the news two or three days ago, when I heard that there was going to be a rate

review. I have a copy of the report and order of the World Trade Organization's International Meeting of Politicians and Administrators from the Communications Industry, adopted August 7, 1997, and released August 18, 1997. I also have the Green Paper on the regulatory implications, put out by the European Commission in Brussels on December 3, 1997, entitled "Towards an Information Society Approach." Both of these documents stress deregulation and establishment of reasonable rates for users. When the Serjeant returns, I will lay documents on the Table which show that, comparatively speaking, even in the region, the rates Caymanian users pay are exorbitant.

Of course, I respect the capitalist system, and respect that a business must realise returns on its investment. But one does not have to be an Adam Smith or a Milton Friedman to understand that the telecommunications company in this country is operating without any competition—one could almost say with little or no regulation. We must get better rates. Not only are they benefiting and providing a service to business, but the very future of the Cayman Islands, namely the children who are studying, must have affordable access to the World Wide Web. I see no reason why, as a good corporate citizens, every school should not have at least one access to the Internet on a complimentary basis. Soon, Mr. Speaker, I am sure you realise, the information network, the World Wide Web, will make encyclopaedias in bound volumes obsolete, unless one wants to be an antiquarian, for it is easier to update a CD-ROM than to update. . . . Every year you have to come up with different editions—21st, 22nd, 23rd Edition. That means we have to buy a new set of encyclopaedias every year to keep current, when all we need is a CD-ROM. It is so much cheaper, coupled with the fact that it is less bulky, and easily accessed by multiple users at one time.

My colleague is reminding me, as a true environmentalist, that it is also sparing hundreds of trees in Canada and the Amazon.

Cable & Wireless owes it to this country of good customers to give us the best rates possible. I would venture to say that this could be done with no serious erosion of their profit margin. Indeed, the old Chinese adage might be applicable—volume. They may make the same money servicing a greater number of customers, because if it is affordable, more people will hook up to the network. I look forward with pregnant anticipation to reading of this reduction in rates for users of the Net, and, indeed, for services generally from Cable & Wireless.

I do not have to comment on everything, and I want to footnote my contribution by dealing with the National Pensions legislation. I expressed my disappointment before that such legislation did not come into force at the originally scheduled time. I have read from the proposed amendments (I think it is section 16) where certain people, namely, those people whom the Immigration Law...Excuse me, Mr. Speaker, I will now read section 16, where it says: **"Section 25 of the principal Law is amended (a) by repealing subsection (2) and substi-**

tuting the following subsection- '(2) Employers are not required to have pension plans or to contribute to pension plans for the benefit of employees who do not have Caymanian status. . . within the meaning of the Immigration Law (1997 Revision).' "

I am most disappointed at this amendment. Quite frankly, I do not see how it can possibly serve a constructive purpose. It means that employers will bypass Caymanian employees because they can hire non-Caymanians for at least 5% less than Caymanians. In a country where we already hear numerous complaints from our people about the difficulty in getting employment, I do not see how this is going to bode well. I am reminded of the letter I was reading several issues ago in the *Caymanian Compass*, from the gentleman who said he had been a banker for so many years. Obviously, he is qualified and experienced, but he cannot get a job! Do you think anyone in their right mind is going to hire a gentleman like that, where they have to pay 5% more, in preference to someone for whom they have no such commitment, when profit is the bottom line?

We are discriminating against our own people! We cannot do that. They have it difficult enough already! I hope someone sees the difficulty in this, and that we can amend or change it appropriately.

I believe I have taken enough time. I rest my causes with the knowledge and satisfaction, and offer that I shall carry out my responsibilities as maturely and as reasonably as the Government allows me to. I shall say that I will be as fair and gracious as I have been; but I make no apologies for where I have to offer criticism which is biting and stinging. I will only clarify that by saying that for any comment I made which was interpreted to be of a personal nature, I ask forgiveness. I have decided to put pettiness behind me. But, having said that, I expect that what I have said will not be twisted and turned to make me look like some kind of idiot or evil person. While I offer the glove, I would be stupid to throw away the mailed fist. Thank you, Sir.

The Speaker: The floor is open to debate. Does any other Member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: Thank you, Mr. Speaker.

I rise to give my contribution to the Throne Speech 1998, delivered by His Excellency the Governor of the Cayman Islands. I cannot, at this time, say I am sure of the direction which my reply should take. I have been preoccupied for the last two weeks with an issue that I think should be of interest to this Honourable House. In that my mind has continued to dwell upon this issue, I have not really allowed myself the opportunity to survey the terrain laid out by the Governor to the extent I perhaps should have.

As it is, it is very difficult these days to decide which approach to take regarding the state of the nation. We are still not sure if the Budget Speech should form part of the Throne Speech, or whether the Throne Speech should come first and the Budget Speech after. We are not sure about the order of many things; yet we are sure, as said by His Excellency the Governor, that we need to plan for the twenty-first century. The people as a whole

are not sure about their relationship with the Mother country, Great Britain; yet we are sure we need to plan. We are not sure what role immigrants will play in our society as citizens, or as persons participating in democracy; yet we are sure we must develop another strategic plan.

It is quite interesting that as we begin to wonder about the political process in these Islands we begin to see that in countries where people participate in the decision-making process, more and more people are being excluded from the process—not simply because there is any deliberate attempt on the part of the Government or on the part of Members of the Legislative Assembly not to consult, or to exclude, but simply because many of our people today do not have the sufficient background. There is not a bringing together, a gathering together, a pooling together of interests or direction, in that if we are to plan for the twenty-first century, as said by the Governor, we cannot plan without having a political concept.

It is very interesting, because in this world today we hear about plans, and plans for more plans, yet human beings are not more satisfied today in any part of the world than they were yesterday when these plans did not exist. Governments have made plans their ideologies. They will say they have no ideology, when the ideology today is, in fact, planning. Strategic planning is an ideology because it is based on the assumption that we can somehow arrive at what is best for the majority by consulting the majority through a particular process. It is here that when we begin to believe in that religion of planning, it becomes a religion because it motivates people to get involved in so-called finding of solutions, when the solutions are not there to be found. The solutions are not that easily acquired.

I have always said that we need a plan. When I say we need a plan, I do not mean that we need to develop something on paper. I mean a direction to carefully chart out our principles. When we begin to have difficulties deciding on our principles, it is that time we start talking about plans, because planning is sometimes a way of hiding the fact that our principles are weak, not known. We do not know how to tell other people, *'Here, these are the principles I believe in, and we can have a relationship based upon these principles.'* So in place of being clear about our principles, in place of assisting our population to come to terms with evolving principles in the later part of this century, we put that duty to planners. We give planners and technocrats the duty of providing the society with the leadership it needs.

We put technocrats and bureaucrats in the position of thinkers, and it will never work that way. Technocrats and bureaucrats are important, but it is not the all and all. Human society and human beings are more complex than rational thinkers would have us believe. It is the attempt, at the end of this century, to institutionalise and impose upon people the concept of rational behaviour that can be planned and managed. That is just a signal of the inability of people in most countries to abide by moral principles, and to use those moral principles as the basis on which to develop their political order, to use

those moral principles as the basis for the legitimacy of the state.

In replying to this Speech, I see the weakness of having someone come to us and make brief statements—statements without any kind of depth, statements composed of words put together in sentences and getting meaning because words are put together in sentences. Meaning does not come that way. Meaning is the result of going into something and delving in it and going through a metamorphosis, to the extent that one becomes that something. We can expect no less of the leaders in this country—that they go through a metamorphosis, through the experience and understanding of what the soul of this country is and what the being of this country is, and begin to plant principles in the minds of the young people that will later be responsible for the young person's actions, rather than believing that through rational planning we can begin to direct human behaviour. Human behaviour is more complex.

It is for this reason that the plans in the Soviet Union, and in China, and in all the communist countries fell. But it is very strange today, that in the so-called capitalist countries and so-called democratic countries, people are running to plans. Why are they running to plans? They are running to plans because they are running away from a plan. They are running away from a plan, therefore they are giving a plan to a plan as an alternative to a plan. If New Zealand is experiencing the need for strategic planning today, it is not because New Zealand did not have a plan yesterday. New Zealand had a plan yesterday. What was wrong was not the plan, but the assumption behind the plan, the assumption it made about human beings and their behaviour and expectations. It had to do with the question of division of labour, division of resources of a country, with the role of government. All of these things! It has to do with much deeper questions than we see on the surface.

When we have people talking about the reinvention of Government in this country, I wonder what they are talking about. They are talking about someone else's clothes second-hand. It is a second-hand process, that if it is not understood at the end of the day, if the assumptions are not understood, it will cause your system to fall apart much faster than you can put it back together again. That is the danger. One thing you do know, regardless of how bad your system might be, you know your system. It is for this reason that I said, when I started a programme called "Public Eye" on TV some six or seven months ago, I said I was starting this programme because we needed to develop a local perspective regarding issues we think are important.

We cannot import the styles, fashions and ideas from elsewhere any more. Everything is imported here, including ideas! But we are mature enough to manufacture those ideas domestically, and I am a case in point of that ability. It is for this reason I say to Members, watch "Public Eye." It airs on CITN the second and third Thursday of every month. I have to look for the money to pay for the programme. It is not paid for by the TV station, nor by the Government. It is paid out of my interest

in developing a local perspective. This, I believe, is the only way to begin to plan.

It is like everything else, if a woman is to conceive a child, she must get pregnant. You do not start with a pregnancy. You might even start with a courtship in certain cases, and a long period of relationship. We do not just have to jump and say, 'Plan!' We do not have to jump and say, 'This is it, we are convinced that what will help this country is a plan for the twenty-first century!' A plan into the twenty-first century? We have always had a plan. At least, I have had a plan. I have felt I have always been part of a plan, whether that has been good or bad, I have always been part of a plan in these Islands. The whole idea that someone else in the world is planning better than we are, I find very odd indeed; especially when we like to get up and boast about how successful we have been. If we have been successful, we must have been planning something! What is this hurry?

I know on this side we talk about plans, but I am talking about something different. I am talking about foresight. We have to foresee the problems before we get to them, so we can provide the solutions. We have to foresee. We do not have to regiment ourselves into a strategic straitjacket and say it has to be done this way, and this is the road we shall pursue. We do not have to create that kind of dictatorship, that kind of regimentation. This is a small country, and a small country could do very poorly with a big plan, just as a big country would probably do very poorly with a small plan. Big countries might need plans. Much planning is needed in those bigger countries, to the scale I hear people talking of. These great designs that these ex-socialists have in all these countries! These great visions! But do we need them?

I say, we need to have foresight, we need to sit down and every one of us individually think about who we are, what we are, and where we are going, and we need to apply that to the jobs we are doing, and we need to encourage people to do the same thing. It is very easy. We have not become so alienated from one another that we need to sit down and make plans for one another when we see one another every day. We see the people every day. We know the people. We know their needs. We know their concerns. We do not have to plan for them abstractly in some think-tank.

The think-tank was good for Roosevelt in the United States during the New Deal. He used the Harvard people, and these people and the other people, to come up with ideas to bind together a country that was massive, enormous, in terms of its physical, geographical areas. Massive in terms of the ethnic and cultural groups it represented! Massive in terms of its economic power. Definitely. But let us remain realistic here. We are Caymanians. We are blessed in being a small, prosperous country, and we should not jump the gun and plan too much for ourselves to the extent to which we become victims of our own planning. I therefore want to remark upon that to say that the best thing to be is open.

The best thing to do is always leave ourselves open to whatever suggestions may come our way. Because

we have to remember that the greatest thing in being a human being is the free choice we have. The choice, the choice, the choice! Regardless if we come from a bad past, or a good past, good family or bad family—we still have, as individuals, responsibility for the choices we make. We have free choice. Whether we are in a Nazi prison camp or in Northward Prison, or wherever, we are still animals of free will. We have the free will, the free choice, and that is very important. Any time we talk about a vision, let the vision grow from the idea that we have free choice, and that is what makes us dynamic, rather than static. That is what has given Cayman the growth possibility it has had.

We were not ideological! We were not saying, 'This is who we are and this cannot change!' We were very flexible, and we allowed ourselves to evolve. Now we have come to a level whereby we need to become reflective! Yes, we need to become reflective. But becoming reflective does not necessarily mean we have to develop a master plan. We must let every generation write their own history. We must create in our movement that possibility. We must not move too swiftly to say we all have the answers, or that we can even find the answers among our people, because sometimes we know we must go beyond our shores to find the answers to different questions.

We see this very obviously in the area of medicine. We do not find how to treat cancer by doing strategic studies. There can be no strategic plan. It has to go through another process, so sometimes we are not, in a sense, totally capable of providing our collective group with all the answers we need to continue to be a group. We must go outside and beyond this.

I throw the challenge, saying things are not the way they are, and to make it seem as if a little more in-depth examination would cause certain premises to evaporate slightly, and therefore it would be possible for us to set something else next to those premises, and perhaps give that which we set next to it the same, equal importance. I say this because I would now like to deal with the remark regarding the Foreign Secretary's speech.

The Speaker: Would this be a convenient time to take the afternoon break?

Dr. Frank McField: Yes, Sir.

The Speaker: We will suspend for fifteen minutes.

PROCEEDINGS WERE SUSPENDED AT 3.15 PM

PROCEEDINGS RESUMED AT 3.48 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town continuing.

Dr. Frank McField: Thank you, Mr. Speaker.

Just one more brief remark in regards to the introduction to the Throne Speech where His Excellency

stated, **“All departments of Government have now reviewed their services and are working hard to introduce improved customer service and efficiency.”**

I wanted to once again mention that in our attempt to make our systems more efficient I hope and pray that we will not make our people less efficient in that we just do not see efficiency as the goal, but the efficiency for the people as a goal. The people should come before the efficiency—not that the efficiency should come before the people.

We should not sacrifice our people in the name of efficiency, but use efficiency as the slave of our people and not our people as the slave of efficiency. I think that has to be borne in mind as we go along modernising because not all of us are at the same level of development. We need to be very careful how we apply principles developed in countries that have been developing in a very regimented manner over the last three or four hundred years. We need to seriously remember that our people have had a different experience and will not bend the same way as quickly. We must show some sensitivity in doing these exercises.

In referring to the Foreign Secretary's speech on page 2 of my copy it says, in talking about partnership, that **“The British Government has a duty to defend the Dependent Territories, to look after your fundamental interests, to ensure that you are democratic and politically stable, and to promote good government and prosperity.”** Again, I say that those are the responsibilities of the British Government to the Dependent Territories, in particular the Cayman Islands.

My concern today is with the promotion of good government. I believe that if a government is to be good, it must be seen to be good.

Some Members: Hear, hear!

Dr. Frank McField: It cannot assume that persons will make decisions in its favour, without it being obligated or feeling a responsibility to convince those persons with valid questions as to its credibility, that the Government's behaviour is moral and reasonable.

I bring up the question of good government in order to emphasise a fact that in this I am not alone. The Foreign Secretary has obviously taken the side that I am taking in that I am to take all things in the Foreign Secretary's speech as being reasonable and dependable. This one must be taken seriously. I prefer to deal with this because there is a decision that was made by the Executive Council some time in 1995 where I believe the purpose of good government would be better served if some explanation was given as to the justification behind that decision.

I question that decision in these honourable Chambers because in September of 1995 in Finance Committee a request for a Crown Grant was made by the Honourable Minister responsible for lands. The request was in respect of Block 9A Parcel 240 in West Bay. It affected the Estate of Aamon Ebanks. Another request was made before the Finance Committee for a piece of

land in East End. That request involved another piece of Crown land.

Mr. Speaker, a complaint was brought before me by a member of my constituency saying that he does not believe that the decision of the Executive Council was based upon good reason. The reason for this is that if Executive Council was to make a decision to have the question of land grants in regard to parcels of Crown land in West Bay and a parcel of land in East End brought before Finance Committee in 1995, and if Members of Finance Committee expressed a bewilderment as to why it was brought before Finance Committee, saying that they were not aware of this precedent. . . . Nevertheless, it went through Finance Committee. Finance Committee accepted the challenge to deal with these two land grants saying that it involved something of monetary value and because a request for Crown land was basically a request for something of monetary value to be divested from the Crown, that it (Finance Committee) was the right place to deal with this request.

The logic here, if it was right to deal with these two requests in Finance Committee in September, why was it not right to deal with a similar request made by the Honourable Minister for lands in the name of an Estate back in July or March of that same year? The question of whether or not we have seen good government performed here, whether or not there is a basis for the concern of my constituent. . . and, Mr. Speaker, I do submit that I have to use care in my wording of this because I do not want to impute any improper motives on the part of anyone. At the same time, if we are to have good government, the Government must be transparent. Citizens must have a way, besides the Courts, because it is very expensive when we tell our poor citizens when they have a grievance, especially when that grievance involves a Member of our Government, that they should take the grievance to the Courts.

As the first speaker, the Third Elected Member for Bodden Town, mentioned this morning, it becomes more and more expensive for citizens to take cases to court because they have to go through the appeal process and the lawyers' fees, in particular, are very expensive. People ask if we have in this country the rule of law, meaning the law for the Executive Council, or the law for me, as a Member of Parliament, the same as the law for any of my constituents. There is one law.

This grievance I have brought before the House in an attempt to get some clarification because His Excellency spoke about efficiency and customer service. But as I went to the Lands Officer to request documentation that might assist me in my inquiry into this matter that concerns me as a legislator and as a representative of that person who made the complaint to me, I was not assisted. They told me that they could not give me any information, that all the information I could see was the names of persons registered on land titles. What I wanted to see was the process they had followed in making the recommendation to the Executive Council that this Crown Land should be awarded to the Estate of

the late Whitmore Syms, of whom the Minister for lands is the Executor and sole beneficiary.

If we look at the logic of what the Foreign Secretary is saying here, and if I am to believe his words, and if I am to somehow believe that good government has to do with government that is transparent, government that is not offended when questioned how it arrived at these decisions. . . . Were they logical decisions? Was the Government presented with the material necessary to make the decision, or was there a short cut? We need to know. The public needs to know how this decision was arrived at earlier in 1995 when the request for Crown Land for Aamon Ebanks and Lester McLean in East End was brought to Finance Committee and justified that that was the right place for those requests to be.

I will read from the *Hansard*. It says at one point, **“The Chairman: ‘Yes, this request is being referred to the Finance Committee by the Governor in Council.’**

Mrs. Moyle then said, **“I would like a little clarification on Governor under the Standing Order, because my interpretation of Governor under this Standing Order is the Governor, not the Governor in Council.”**

The Chairman then said, **“I would have to take legal advice on that.”**

On another page, page 64. . .

The Speaker: May I interrupt you for just one moment? Would you state the date of that *Hansard*, and who is making the statement?

Dr. Frank McField: Yes, Mr. Speaker. This is September 28, 1995, page 64 of the Unedited version [of Finance Committee] and this statement that I will now read is by the Honourable John McLean. **“Mr. Chairman.”**

And the Chairman said: **“The question is whether the claims in respect to these two pieces of property should be allowed.”**

So it was decided that those claims should be dealt with in Finance Committee. The question my constituent has asked is if this was decided in Finance Committee, why was another issue not decided in Finance Committee, an issue that one Minister would benefit from if the land was awarded to that Estate. Therefore it seems more logical to have brought that issue to Finance Committee, if any issue was brought to Finance Committee, because that would have shown beyond a reasonable doubt that everything was above board, that everything was transparent. That is the way we need to act and that is the way the Foreign Secretary is saying that we are acting and that he is praising us for acting that way, being above board in what we do.

Now, I have been to the Lands Office. I spent two weeks looking into this matter. I have been to see the relevant bodies or individuals that I feel should be held accountable, or who should be giving an explanation as to my queries. I cannot say that anything is wrong, Mr. Speaker, but certainly, logic tells me that the Govern-

ment would be better off if they would Table before this Honourable House the methods used to assess the claim made by the Honourable Minister for Lands as the Executor of the late Mr. Whitmore Syms' estate. The method used to assess it, whether or not they took direction from the Lands and Survey Office, and why my constituent's claim with two affidavits signed by two reputable people in 1987 was not considered to be a relevant claim and why, if the Executive Council knew that my constituent's claim was based upon a Will made in 1865 they would go ahead and make a decision within the Council itself and not bring that decision to the Finance Committee that same year that they did it with two other Crown Grants.

Three Grants were granted that year; two were brought to Finance Committee and one was dealt with in Executive Council. What am I supposed to believe here? There is a question and there is no reason why that question cannot be answered. We know that there should be no secrets between the people and their leaders. There should be no secrets between the people and their Government. Democracy cannot seriously exist once the people have the feeling that they can only know what will not allow them to fend for themselves and to protect their interests.

Two hundred acres of land is a lot of land for that poor family that I am talking about. Believe it or not, we know that a lot of people in the Cayman Islands have lost a lot of land. The land question is not an easy question in these islands, but that is the reason it would be good for all of us to know the reasoning as to how this decision was made and why a Minister responsible for land was awarded the land by the Executive Council upon which he sits. Did he declare his interest? Did he help to make the decisions?

I think the people need to know.

POINT OF ORDER

Imputation of improper motives

Hon. Truman M. Bodden: Mr. Speaker, I am going to take a point of order on imputation of improper motives. It has been put in a question form, but those last two statements impute improper motives to the Honourable Minister for Agriculture.

The Speaker: I have been listening very carefully to his deliberations and following it here in the 22nd Edition of *Erskine May*. I have to agree with you.

You cannot impute false motives to a Member. Please desist from that. I ask that if you feel it necessary to bring it under a substantive question. It can also be dealt with in the Committee on Privileges, but this is not the proper forum, we are debating the Throne Speech. I ask you to continue with the debate on the Throne Speech.

Dr. Frank McField: Mr. Speaker, all I can say is that I am thankful to God that the Honourable Minister for Education has given me the opportunity to go as far as I have gone. I do not think I have to impute any improper

motives on the part of any Minister, all I have to do is raise a question of doubt, which I have done. I feel that that is right and proper.

If we are going to have a Kangaroo show. . .

The Speaker: May I interrupt you once more? I have made my ruling. Please desist from that subject and continue on another point.

The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, I am not going to get into this talk, but as to what is being debated in the Throne Speech. . . in all of my time, and I am sure in yours as a Member, Mr. Speaker, you can range in any subject. It is interesting what the Member has brought, albeit he brought it under the Foreign Secretary's statement. I am wondering if in the ruling we are really stopping the debate.

The Speaker: I really did not ask for a debate on this subject. I made a ruling. *Erskine May* is very clear. It is out of order to impute improper motives to any Member. There are other forums where this can be discussed further if he so desires, and I ask him to now go on to another subject.

Fourth Elected Member for George Town, please continue.

Dr. Frank McField: I guess in going on to another subject, again I must confess that my brain works slightly different from some brains I have become acquainted with. I believe that if the Throne Speech is like the State of the Nation, I think that we could deal with a whole lot of things. But that is just my opinion.

In moving away from the topic I would like to deal with the fact that education in this country seems to be at a stand still in that we have still not arrived at a policy that would make our people competitive in the twenty-first century; at least, we have not arrived at a policy that would make a large portion of our people competitive in the twenty-first century. In our schools we have all kinds of crises. They are not crises that are created by the school system, but they are supported by the school system in that the school system seems incapable of mustering the energy and motivation to deal with real Caymanian children and the problems they are experiencing at this late date in the twentieth century.

There is no point in continuing to believe that our people are this, or that. We must be realistic about the symptoms that the young people in our school systems are experiencing—the symptoms of disturbance, of being members of dysfunctional families; the symptom of being unable to concentrate, or unable to subject themselves to discipline; unable to study and take in instruction. The entire social decay of our system is magnified within the walls of our public schools. And yet we continue to believe that we have time left to solve the problems that our children are experiencing. We still believe that we have time to come up with strategic plans and

strategies for curing these problems, and for getting the attention of the children to give them an education.

I believe the need for technical/vocational training in this country has long been due. The days when I went to school back in the early 1960s we learned how to saw a piece of wood. They are probably still doing woodwork in the schools. What happens to a child when he has to sit for half an hour, or an hour and listen to a teacher that he does not understand; a teacher that he is not even interested in, a teacher he does not even talk like, that he does not even look like? What happens to the mind of the child who has to hide from reality, and go backward within himself to find his own dreams, sometimes negative dreams? What happens when the child's mind begins to wander away from reality and the child begins to come up with all kinds of ideas of how to do this and that which is wrong? The child has all kinds of time to breed asocial ideas.

There is no better place to breed these asocial ideas than in the schools because there they have time—they are not listening, their minds are not challenged; they are not being given something they feel they can really get into and deal with, that they can master and be king of. It is very important for even small children to be able to master something within a particular time because if they cannot master something within a particular time, they give up. They go on to find something else they can master and they begin to believe in that more strongly than they will in the things we think they should be concerned about and mastering.

The real problems in education are not educational problems, but sociological problems in our schools. The fact that the school system has been used in this country as a holding ground for children until they reach the legal age where we can allow them to go on the streets, and then to Northward Prison, is something most of us will not deny. The fact that parents have abdicated their role to the school system and the Social Services system, and the Social Services has abdicated its role to the Police system, and they have abdicated their role to the Prison System, does not strike us as strange anymore. The thing that is really strange about it is that we can be so complacent with this problem when regardless of all the economic prosperity, when these kids that are not educated, when these kids who are dysfunctional and cannot find a place come and say, '*You are going to find a place for me or I am going to find a place for you*'. . . that could mean the destruction of this country.

Therefore a failure to find a solution to the education of the grass-roots Caymanian person is the greatest failure in this country because our continual prosperity and harmony rests upon them being able to get some of the resources of this society by way of participating through work.

Why is it that we think the only kind of work one can do in this country is being a lawyer, or a banker, or an accountant? Why is it that being a construction worker or a radio repairman, or a computer repairman, or an auto mechanic is not dignified? A child should be encouraged to get involved from the age of ten or eleven years of

age. Today, with the way that children mature, you do not have to wait until that age, by the time they are six or seven they can already change the bolts on their little toys and become socialised into a work culture, rather than being socialised into a criminal culture.

Unfortunately, I did not come from the class in this society where people would automatically respect my views. Therefore, the fact that I have been sitting around in this country for the past twenty years with some pretty good ideas might surprise a lot of people today. But it does not surprise me. I would not have gotten a Ph.D. in 1977 at a German University if I did not have some ideas, and idea of how to develop those ideas.

When we are talking about planning for the year 2008, when we are talking about creating within the very same department that is incapable of solving the educational problems in this country, another planning authority, another planning agency, then we are not talking properly. I am sorry, Mr. Speaker, but this problem uncontrolled is too much of a threat to the national security of this country.

My office is located where I have to watch the violence that young children are exhibiting. I have to watch their role models. I am saying that we have to do better. To do better means to accept the fact that we need to divide our children between those who would be philosophers, lawyers, and doctors, and those who would be proud mechanics, those who would be proud carpenters to build houses for those poor philosophers who could not build for themselves, for those poor lawyers who could not even put a block together.

Mr. Roy Boddén: God bless you, brother.

Dr. Frank McField: The society depends upon the growth and training of both groups.

Thank God Almighty that He had the good wisdom to build two types of intellect, because if He had not, those with the so-called intellect would be in a real problem because they would have no cars, no homes, no clothes. . . they would be like cavemen, still living in the trees.

Let us not, because of the pay-scale system and the type of prejudices we have developed towards lawyers and doctors and accountants, have the child believe that if he is not going to school to study French or English Literature he has no contribution to make. Let us not instill that in the minds of the children. Let us understand exactly how comprehensive education came about in the first place in Great Britain. Let us understand that there was nothing educational about the decision to have comprehensive education; it was purely a political decision. It had to do with the access of the so-called working class to what they considered the finer type of education, the Oxford and Cambridge type where you sat and you read. You did not learn, actually, you read.

We need to get realistic and say, *'Hey, look. The little guy from down my way in Rock Hole is better pounding a nail than the little guy from South Sound.'* It

is possible, you know. Although the little guy from South Sound might be better spelling, the little guy from down my way in Rock Hole or Windsor Park would probably be pounding that nail more steady and better. So give him the ability to compete as early as you give the little guy from South Sound. Basically, what has happened is that the little guy who would work with Cayman Repairs repairing air-conditioners and sinks and all the things that I, myself, cannot put together, has to wait before his time comes to learn. He has to wait until he becomes sixteen or seventeen, then he has to have enough motivation and ambition to go to Community College.

By that time you say, *'Hey, I provided you with the opportunity. You cannot blame me for the fact that you are not taking that opportunity.'* Yes we can, if you are responsible for the system from the time the system is very young and the child is two or three years old. Yes we can. The planners must have spotted by now that some people just do not want to learn some things, they want to learn other things. They should be allowed and encouraged to learn other things. They should not have their value in society depreciated because of their preference in terms of what they want to learn.

I am saying this because I have seen many children who I have been trying to work with graduate from high school here illiterate, dysfunctional—but feel, nevertheless that they should have a job here—resenting people because they cannot get the jobs because at the end of the day they cannot even pass the most basic tests. I would have believed otherwise, until I started a programme. I came to find out that the majority of the kids have to be failures. Why do they have to be failures? Because they cannot read or write. We have to go back to the three R's—*reading, 'riting and 'rithmetic*. We have to go back to the drill system. We have to get this liberalism out of our education system and push that out and go back to the three R's; go back to the ruler and back to basic education. That is simple.

Until we do that, Mr. Speaker, we are not going to push ourselves forward fast enough to be able to stop the frustration that is setting into our country, because people still believe that it is better to get a job as a messenger than as an auto mechanic. But the cars come from Japan, and we bring them here and accept that that is what we will do. We do not produce cars here. There is no reason why we should bring the Japanese here to fix the cars. There is no reason why we cannot train the Caymanians to fix the car, or the refrigerator that is built in the United States.

There is a whole lot of work in this country for our people. There is a whole lot of decent work in this country for our people. There is a whole lot of rewarding work in this country for our people, but they have to be educated and trained to be able to take advantage of these opportunities. It is for this reason that we can no longer brag about the exams that people have passed because that only tells part of the story; we have to talk about the failures that also tells the other part of the story.

I live in the neighbourhood. I walk the walk, and I talk the talk, and I know that it is rough, it is terrible. It

needs to be done. We have to deal with our educational problem. We are a small country. So the vision—my vision—if I am allowed to have a different vision than some of the men in this Honourable House, is a society whereby people can be independent because they provide themselves with what is necessary for life and Godliness, and not a society where the Government has to provide persons with what is necessary for Godliness and life. That is my vision. That must begin.

To develop that vision, we must go into the educational system of this country. We must get rid of some of the misconceptions and the lies, and the conceitedness in this system. We must begin to dissect it and say that the failure is coming from the homes into the educational system. We have to become the correctors, not just of the educational system but of the family system as well.

Too often we forget that the greatest problems we have in this country are caused by persons who do not want to be responsible for their children. I am not saying that Government is responsible, but Government is entrusted with the security of the country, and the security can only be preserved if the people are given the right tools to work for themselves.

We have a whole heap of problems in this country with men who refuse to support their children. I have had a lot of complaints. I could find a nice little place with this to go on to Social Services, but until we as men and women, because a lot of the men are playing politics with their families and not being strong enough to say to other men, *'Look, it is your responsibility, if you fathered those children, to support them.'* We know that the problem goes right back to the family. We have identified that. The dysfunctional children in the school system were dysfunctional before they went into the school system. And I am not criticising anyone in the school system for making them dysfunctional, I am saying that we have to realise that these are the lots we have to deal with and we have to become more adaptive. This means we have to develop our own local solutions and not local opinions.

STANDING ORDER 10(2)
INTERRUPTION OF INTERRUPTION—4.30 PM

The Speaker: May I interrupt you at this moment, please?

We have reached the hour of 4.30. I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Boddin: Mr. Speaker, I move the adjournment of this Honourable House until tomorrow morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock tomorrow morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL
10 AM FRIDAY, 27 FEBRUARY 1998.**

**EDITED
FRIDAY
27 FEBRUARY 1998
10.07 AM**

[Prayers by the Third Elected Member for West Bay.]

The Speaker: Please be seated. Proceedings are resumed. Questions to Honourable Members/Ministers. Question 5/98, standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 5

No. 5: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to state what programmes of inmate training and reform are operational at H.M. Northward Prison.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The following programmes of inmate training and reform are operational at Northward Prison: educational programmes, including 'O' level studies in mathematics and English language; correspondence courses for inmates needing skills in a specific area; social skills; computer courses and skills training in electronics, woodwork, general maintenance, gardening, livestock care and craftwork.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member give the House some idea as to the number of prisoners who may be enrolled in all of these programmes, not individual programmes? Also, could the Honourable Member say if participation in these programmes is on a voluntary basis only?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. At the moment, there are approximately 120 inmates involved in these programmes. Some of the programmes are optional, but not all.

The Speaker: Are there any further supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member give the House an indication of the numbers in the teaching or instructional staff?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: There are two teachers permanently on the staff, and five others who are part-time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say whether these are salaried personnel, and whether any use is made of volunteers?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Two are salaried employees; the other five, the part-time persons, are given a token payment. They are not salaried.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Could the Honourable Member state if the part-time teachers are called on when needed? Or is there a regular schedule for when they perform their duties?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Mr. Speaker, there is a regular schedule in the evenings for the part-time teachers.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Honourable Member state if there is a need for more part-time teachers, or if the programme is working in a satisfactory manner?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The programme is working satisfactorily within the confines of classroom space. Perhaps if additional classroom space were available, we could possibly look for more volunteers for assistance.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Honourable Member state if at present the inmates who have a desire to go through these classes are all able to be dealt with? Or is there more demand than space allows?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I am told we are able to cope with the demands or requests at the moment.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will go to question number 6 standing in the name of the Third Elected Member for Bodden Town.

QUESTION 6

No. 6: Mr. Roy Bodden asked the Honourable Member responsible for Internal and External Affairs: What is the duration of the current training programme for Prison Officer recruits at Northward Prison?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The current basic training programme for Prison Officer recruits at H.M. Prison Northward is eight weeks.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town, a supplementary.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member state whether this was the originally scheduled training time, or whether there has been a reduction in the originally scheduled training time?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The original course was twelve weeks, but the course has now been restructured, and tailored more toward the needs; and it is now eight weeks' duration.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Honourable Member state if the training conducted presently is handled in-house? Or do outsiders come in to conduct the training?

The Speaker: Honourable First Official Member.

Hon. James M. Ryan: The training is a combination of each. We have senior Prison Officers involved in training; the teacher-counsellor is involved; and we have a number of outside persons who come in. I should go on to say that this course was restructured by the Prison Advisor for the Overseas Territories, Mr. Chris Gibbard, and this is one of his areas of expertise.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Honourable Member state if the senior Prison Officers used to conduct some of the training are trained trainers, or are they chosen based on their seniority?

The Speaker: Honourable First Official Member.

Hon. James M. Ryan: The prison officer involved in one aspect of the training is trained. In fact, the newspaper carried an article recently. This gentleman went to Belize to assist in training there, and there was some very good publicity given to the matter locally in the press.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if there is any kind of formal examination at the end of this training?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: There is a formal examination during the training, and also at the conclusion.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House whether there is any scope for identifying prospective officers who may benefit from further training, with a view to being promoted and trained for leadership positions at the Prison as a result of this training?

The Speaker: Honourable First Official Member.

Hon. James M. Ryan: Yes, I think there is scope for prison officers to be identified for advancement as a result of the training.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will go to question number 7, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 7

No. 7: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to state if there has been any reduction in classroom space, programmes or staff for the educational programmes at Northward Prison over the past three years.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Over the past three years, there has been no reduction in classroom space, programmes or staff for the educational programmes at Northward Prison. Instead, there has been an increase in pro-

grammes. We have added a tailoring class for males and a dressmaking class for females. A computer programme has been introduced to keep inmates current with ongoing trends in the job market. There is also a ceramics/pottery workshop, where inmates are taught pottery skills.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House whether the classroom space utilised for these programmes is used exclusively for purposes of these programmes? Or is there any combination of use?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: It is my understanding that there is a combination of uses among the classrooms.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House for what other use these classrooms are utilised?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Some of the space is also used for counselling.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, Question No. 8 standing in the name of the First Elected Member for George Town.

QUESTION 8

No. 8: Mr. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning whether any new teachers have had to be recruited since September 1997 for the public school system.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: New teachers were either recruited or employed locally to fill vacancies that have occurred since school began in September. Vacancies occurred at George Hicks High School as a result of one resignation effective 17 December, and one teacher on extended sick leave. Teachers were also required in primary schools to fill positions of teachers who were promoted, were on long-term maternity leave, suspended, or were unfilled in September.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Minister state the reasons for these unfilled positions which occurred in September?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Out of approximately 390-odd teaching positions, only one was unfilled in September, one peripatetic music teacher, and the post had, at that stage, been advertised, and interviews had been held. 390 teaching posts had been filled; one was unfilled.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House how many teachers were promoted; also, at what time during the school year were they promoted?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There have been some promotions. The one I have been told is that the primary teacher at the George Town Primary School, there was an internal promotion, and the post was filled with a Caymanian in January 1998.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: The answer says "teachers who were promoted." The Minister has said that there was one he knows of. My question to the Minister is, how many others were there? At what time during the school year were they promoted?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: In relation to this question, this is the only teacher who was promoted that required the post to be filled. I am saying other teachers were promoted, but the question refers to recruitment since September 1997. Only one teacher had to be recruited to fill a promotion since September 1997.

The Speaker: The Member for North Side. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House at what time during the school year this teacher was promoted?

Hon. Truman M. Bodden: I repeat what I said earlier. January 1998.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House why a teacher would be promoted in January 1998 and not at the beginning of the school year?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That was the length of time it took to go through the Public Service Commission and Personnel Department, even though it was put up earlier. This was when it came through.

The Speaker: Elected Member for North Side.

Mrs. Edna M. Moyle: Would the Honourable Minister tell the House how many teachers were suspended and why?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Beyond saying that one teacher was suspended, I cannot go beyond that. I think it should be a substantive question to the Chief Secretary, if the lady Member wishes the reasons on it, as under the Constitution, that aspect of discipline rests with the Chief Secretary.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, maybe you may give the Chief Secretary permission to answer that question, since it comes under him.

The Speaker: If the Honourable Chief Secretary wishes to answer, he may, otherwise you will need to put down a substantive question.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Honourable Minister state if there are any outstanding requests from the schools for additional teachers which have not been addressed?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am not certain how this arises out of this question, but I do not have the answer. It seems to me we are talking about...the question was whether any new teachers have had to be recruited since September 1997 for the public school system. I do not have the answer to what he is asking.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, that Honourable Minister simply had to state he did not have the answer. He did not have to try to say that my supplementary question was not relative to the substantive question. Since he does not have the answer, I will not pursue it, but I am letting him know I understand English, too.

The Speaker: Are there any further supplementaries?

Hon. Truman M. Bodden: I thought this was question time, not statement time.

Mr. D. Kurt Tibbetts: You can make it, so can I.

The Speaker: Please, order.

Are there any further supplementaries? If there are no further supplementaries, that concludes Question Time for this morning.

Item number 3 in the Order Paper, Government Business, continuation of debate on the Throne Speech delivered by His Excellency the Governor on Friday, 20 February 1998 the Fourth Elected Member for George Town continuing.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 20 FEBRUARY 1998

(Continuation of debate thereon)

Dr. Frank McField: Mr. Speaker, I was hoping the Minister for Education would have the Chief Education Officer and the Permanent Secretary for Education stay for this delivery on education, as I continue today on education. I want to make sure my analysis of the state of education in this country does not fall on deaf ears, since we are an Assembly, and that means we are collectively responsible for the improvement or management of our institutions, the educational institution of which I spoke yesterday being in disarray. The reason I said this was not to put blame on anyone in this country for the state of education, but to say I think it is time we look at the sociological reasons for problems within the school system.

The solution to the problems within the school system, I believe, must come, not just as a result of educational strategies, but also jointly with social strategies. For this reason, I was very pleased to note that the past Member for Community Development, the First Elected Member for West Bay, had the good sense to start a programme, the after-school programme, which supports the schooling programme. Again, it is pointing in the right direction, in that we cannot solve the problems in the schools in isolation. The problems in the schools must be solved jointly with problems in the community. If the Government accepts responsibility for the schooling

of children, simply out of legal obligation, that is the wrong reasons to accept that mandate.

We accept the necessity of training young minds because the entire productive capacity of our society relies upon persons being able to participate in the workforce, either as skilled or unskilled individuals. The role which human capital plays in improving the productivity of a society, strengthening the social fabric of a society, cannot be underestimated. As I speak regarding the Throne Speech, it is quite obvious that the way I go about showing the interconnectedness of things, of realities, is quite different from the way other persons, who were perhaps not educated in an interdisciplinary manner. My approach is the result of the fact that I think all human institutions are interconnected, therefore interdependent upon each other.

It is therefore impossible to treat the symptoms in the educational system without jointly treating the symptoms in the social system, in the family system in particular. If we separate the school institution from the family institution without jointly seeking solutions, we will find we are putting out the fire in one area, only to have it start in another area, and eventually spread to the area where we had put it out. If we have a culture that is not conducive to schooling on all levels—I think part of the assumption is we like to assume good things about ourselves and our country—but there is nothing wrong in having ideals. The ideal family does exist in the Cayman Islands, but not all families subscribe to these ideals. Not all families can be, truthfully, from a sociological point of view, said to be composed of the characteristics we consider embodied in the ideal middle class nuclear family. It has been for so long, that when we talk about Caymanian. . . and this goes to show how I connect the educational system with the culture in that I will go to the Ministry responsible for culture and show that, in a sense, the culture we are talking about—culture from the point of view of the way of life of a people, the traditions of a people, the social values of a people, the ideas of a people, the aspirations of a people—is all interrelated in terms of management of that culture. The understanding, first of all, of that culture. The critique of that culture. The critique of that way of life, to see what must be changed in going forward, what must be left behind, and what must be taken forward with us into the twenty-first century. A critique, a serious critique of our social, psychological composition as a group of people is necessary at this stage, if we are going to have an educational system that will allow a larger group of people to actively, productively participate in the new economic order of the twenty-first century.

Not all cultures are as regimented as the European cultures. When you look at Europe, and you look at the cold, and the seasons you can harvest and plant, at the way in which their entire life was, if not by nature, conditioned, then by wars conditioned, then when you look at the Industrial Revolution as it started in Europe, and how people were conditioned to behave in a particular manner, where the coercive forces in the society, the coercive forces of nature, could produce an individual who

complied, to a very large extent, with certain forms of regimented discipline, organised discipline. This does not necessarily mean, though, that we see this as the ideal society, that we see individuals produced by this society as the ideal individual. Why then should we always compare ourselves with other people and say, We're hardworking, we're this, we're that, we're the other. We're hardworking, and I always stress, for ourselves. That's the way we were before. To work for an organisation becomes a bit of a problem, and we have to begin to get 'hip' to that. It is not the same.

There is no coercive, regimenting force, to force the Caymanian, thirty years ago, to comply with the demands of an employer, to comply with the demands of a football team, to comply with the demands of organised business. For this reason, we have examples before us, like what happens to a football team after that team has had a certain amount of success. Organisational difficulties. There is a difficulty sometimes in people co-operating. People are very individualistic in this country, very self-centred in this country, very opinionated in this country, more so than in other regimented, developed places I have been. But when we accept the same economic systems as those countries have produced over a period of five or six hundred years of development, without going through the social transformation those countries have gone through, because of famine, because of the climate, because of war, because of the Industrial Revolution and the post-Industrial Revolution, if we have not gone through that in terms of the psyche of our people, of course we shall come to a point where we will find that our culture, our heritage is not necessarily compatible with the economic and organisational forms of other developed countries.

That does not mean we are inferior. Of course not! It means we are different. And differences are necessary to accept. We have to accept the differences in order to plan our educational system. That is where, I think, the failure comes. The failure comes by the educational planners refusing to accept the fact that the Caymanian child, the Caymanian family, the Caymanian heritage is different, and therefore you need a different kind of schooling. There is a need for us to communicate, for communication to exist between the culture, the people responsible for the culture, and heritage, and the people responsible for educational planning. Only by there being accepted an interconnection between these things, only by there being a recognised collective solution, an interconnective solution, will we find a solution to the problems.

We are talking about sports, we are talking about the development of sports, we are talking about the development of discipline that comes from sports, we are talking about how the sporting programmes can facilitate the problem of lessening the tendency towards delinquent behaviour, which would therefore lessen the possibility of delinquent behaviour disrupting the schooling process, and therefore making the schooling process more successful. All of these things we have to begin to look at in common and see how one thing supports the

other. We cannot go in entirely different directions in terms of building programmes in the community and building programmes in the schools. There must be an interconnection.

It is like saying that if you go to a private school, why are the children in the private school considered more successful? Not because the teachers in the private schools are any better than the teachers in the public schools. Sometimes the teachers in the public government schools are more qualified than the teachers in the private schools. Because Government can afford, in a lot of cases, to pay the teachers a better salary. At least that was the case than, say, Truth for Youth or maybe Triple C could afford. So Government attracts, because of salaries, good, qualified teachers, yet, when we look at it, everyone would agree that the level of education, the success of the children *en masse*, more kids are affected to do well in the private educational system than in the public educational system. And why? It has to do with the parents. It has to do with the family environment. It has to do with the primary environment, the environment that first of all begins to instruct the child in what to think and what to believe and how to pursue that curiosity which nature has given that child.

We need to accept that in all things, we must have assumptions. There can be no plans without assumptions, and sometimes the assumptions of our plans must be reflected upon after while, so we can get rid of some of the prejudices in our assumptions, and we can make our assumptions a little more based on the actual reality rather than the desired, wished realities. Of course, I am saying that if the educational policies in this country would reflect that and would adopt and look at, through the sociological knowledge now available to us through the family studies and through other studies that have been done, through our interest in our heritage and our exploring who we were and what we were, and accept the fact that we were not a regimented people, and therefore, to go into a regimented system, which is either a school system or a work system, takes some effort.

The state has to encourage this, because the state is the one empowered to do this. We get to the child from an early age. The law says a child must be sent to school at a particular age, because the state is saying there that we cannot just leave the education of the child to the parent. The state is actually saying that in making a law compelling all parents to send their children to school until a particular age. When they come to school, we have to make sure we are not just keeping them, we are not just using the school as a social control institution, an institution to control the kids, to contain the children. We have to use the school as an institution to educate the kids, and this means we have to devise a programme of education that will fit the minds and subcultures of the children we are training. We cannot continue to believe that there is one culture, even in this small country. We cannot continue to believe there is one family structure in this country. We cannot continue to believe that, because that is to the detriment of the people

we want to assist. That is to the detriment of the society in the long run.

We have to understand that social and economic factors create people differently, mould people differently, and therefore people's aspirations and dreams will be different. There is no reason Government should interfere with that. That is the natural order of things. If a child is best suited to drive a bulldozer, to be a welder, let that child be encouraged to be that, and let that child develop a good sense of self-esteem, based upon what he knows he will contribute to the society. Let us not go through what some of the African countries went through, where everyone was a lawyer, until a country like Ghana or Nigeria has more lawyers than planters or anything else, because that is what everyone wants to be, because they think unless you are that, you are nobody. That sort of thing. Those are the ideas we need people to come out with.

We need to have our Minister of Education, our teachers in the community, assisting people to believe in a new future for education in this country. We need to have those persons who know and have experience lead the way, not asking people who do not know for a plan. We need to come up with that plan ourselves, those of us who have knowledge of how human behaviour works. I have never made any contribution regarding ideas to the educational system. I have never been asked to make a contribution.

That is one reason I was saying it might be good if the Chief Education Officer or the Permanent Secretary responsible for Education had some ideas, or an opportunity to say my ideas are not necessarily relevant at this point, but I say, my ideas are relevant regarding education. We need to be realistic about the kids we are teaching, and stop dreaming, thinking we are teaching someone else's kids. It really hurts me, on graduation day, when I see all these people, especially people from my District in George Town, people with my complexion, let me say, dress up to go to the Lions' Centre to see their kids graduate. Graduate! Graduate from what to what? Someone needs to say to them, *Look, your child is just being let out of the school system. Your child is not being let into anything. Your child is not being graduated or elevated to anything. Your child has been let down!* Because your child does not have the tools to earn his or her bread in this country in a dignified manner, because the aspirations of your child were false. Because other persons said to the child, If you don't have these aspirations, if you don't have this kind of success, you should hide and be afraid of who you are and what you can do, so you don't ask questions, you don't tell the teacher you don't understand, you don't tell the teacher you can't read. You don't let anyone know you shouldn't be graduating, and people are promoted and promoted.

I hope, and I bet, we will probably solve this situation much sooner, because it is recognisable at this point, after all these years of graduating and promoting people according to some particular educational philosophy, because the idea was that people would be-

come equal because they had equal opportunities in terms of equal education. But the education can't be equal, because we don't start in this world as equals anyway! We all start as members of a primary group, the family, and not all families are equal. Some have this, and some have that, some have this ability and some have that ability.

The educational system is not going to make people equal. It is not going to make people equal, so the state should not take on the role of trying to make people equal who are different. Because people are different does not mean, at the end of the day, that we are unequal. Because I might be a mechanic and you might be a lawyer does not mean we are unequal. We have different contributions to make, and by George, we should be encouraged to make those contributions with as much pride and dignity as the President or the Governor or the Speaker, or a Member of the Legislative Assembly is able to do. I am saying, in all, that I would like to see the Portfolio of Education become more involved in education.

For it to become more involved in understanding the culture, heritage, social structures, values, and the dysfunctional abilities of some of our people. We need to be more sociological about our approach to education. We cannot have a new direction in education if, at the same time, when we need a plan for today, for education, we have to plan for the year 2000 for everything. The Ministry of Education should continue to do its job, continue to take advice from Members of this House and members of the public who know what some of the problems are in the community, who know that the community problems are defeating the problems, who know we can only support the schools by finding ways of supporting and changing parents who do not really feel their children are very much, because they do not have very much self-esteem for themselves, and it is very difficult and hard for them to convey that self-esteem to their children when they do not have it for themselves.

We need to get back to our communities and begin, as good Christians, to solve the problems in our community by caring and sharing. We have to get away from this institutionalised attitude toward everything, where everything has to be solved by the institutions, and some of us have to accept that spontaneity is sometimes the best way to go about solving problems. The schools for the twenty-first century are important, because education will be important. We are not an agricultural society. We are a society that is very much into tourism and banking.

And to talk about tourism and education at the same time, I believe more Caymanians would become involved in tourism if Caymanian children are introduced, not through Tourism Awareness Week, but by deeds, by actions in the school system. I believe, like Booker T. Washington, that old American educator from the South, that it is better, truly better, to train a person to be a good maid or a good butler or waiter, and to have that person be proud of that, than to say that the person should go to read French or to read philosophy, and if the person

cannot achieve that standard, because of the means of that person's family, or because of that person's educational ability, that person is nothing. I believe we have to restore in our society pride in manual work, manual labour, because it was dignified enough for my grandfather and my father, and it should be dignified enough for me or anyone else.

I always believe that part of how we need to change the attitudes of the so-called working classes is for us to show good value in what they do, by encouraging them to do what they do well, and by rewarding them financially well. Today, we find that the people coming here to fix the automobiles and washing machines, and being welders, are making more money than our young people who have college educations, who are going out to work as accountants. Because the world truly is held together, not just by people's brains, but by people's actions, and sometimes, in a lot of instances, those actions have to do with skill and technical labouring. I am encouraging us, in looking at the nation, in looking at the future, to begin to see that there is no way we are going to get away from the problems we will face in the twenty-first century by talking about planning. We need to begin to do today what we can do. We need to look at the problems we can solve, and we need to begin to solve those problems.

Which brings me, Mr. Speaker, to the prisons. Because, like I said, it has to do with this whole interconnection of things. The prison is basically an institution that, so far, has serviced us in a way of saying that if we are failures as leaders, it is not us who will be punished, it is those persons who we owe loyalty and responsibility to. So if part of my constituents do not get an education because the so-called academic education or comprehensive education did not fit their desires or their subculture, that they do not have pride in going out and working as block layers, although there is a lot of work in this country, and God knows you can make good money from doing that.

At the end of the day, they idle themselves as young kids, because they are not apprenticed to anyone. Then maybe they find it is easier to traffic in drugs, because it is much more romantic to begin with, and you can keep yourself looking better. You do not have to have cement on you and use lime to take it off. Maybe you get involved in selling a bit of drugs, and maybe you get involved in using a bit of drugs. We see there is a combination between using drugs and selling drugs. They hang out and talk about how the country is being taken over by foreigners, and they as Caymanians do not have any say, and they build little armies, little cells, all the time. Then we pick them and send them to prison, and that is even a much better training ground for them, and then they continue to build little armies. They will build little armies of consciousness because they have the same consciousness.

When you have the consciousness, when you have the institutions assisting the building of this consciousness, then one day, perhaps, if someone agitates that consciousness sufficiently, that could be very detrimental.

tal to a country like ours, that is dependent upon peace and tranquillity. Ten people, a hundred people, two hundred people, five hundred people, how many people have been socialised through the prison system? How many persons have been socialised through the prison system? And not just because of drugs, because of the failure of the educational system in this country, over the years, to build a solid Caymanian working class. And all we talk about is the middle class, the middle class, the Caymanian middle class, and the professionals. But what about the Caymanian working class? Why is it that no one is trying to reproduce or assist the Caymanian working people in reproducing their class, which is of necessity for the society? Why are they not assisted in this way?

Again, Mr. Speaker, we see the interconnection between things. The reason, speaking about prisons, I am seeking prison reform, is that I understand that if we fail, if we have failed educationally for some time, we need to buy ourselves some time. We send people to prison and think that is a solution, by punishing them they will do differently. But those of us who believe that type of punishment will cause people to do differently, fail to understand why people are doing what they are doing in the first place. People are doing what they are doing in the first place because they enjoy doing it, and they think what they are doing is right, regardless of what you think. Your norms and their norms are different. We have to come to realise a little bit about the delinquent, the criminal, we send to prison. We have to believe that, Okay, we're going to send him off there because he made a terrible mistake. Well, he made a mistake because he has been making a lot of mistakes, according to our position, not according to his friends and his position, because to his friends and his position, he is a hero, she is a hero. What do we do with them?

I believe prison should be, in this Island, because of the scarcity of Caymanian working people, a place of rehabilitation for the Caymanians. I believe that rehabilitation is no more or no less than rebirth. I believe that for a person to be reborn a person has to die in character and be reborn in character. That means the same for the criminal. Why does the state advocate a position on rehabilitation that is anything less than the total rebirth of the person? Do you want the person to stop taking drugs, but yet the person should not be reborn? How is the person going to stop taking drugs when taking drugs is only one part of all the things the person doing that is wrong? It is just one manifestation of a distorted character.

So because we are a small country, and we need our people, and we cannot afford for one or two hundred of them to come out and form themselves into this conscious army of resenters, people who have nothing to lose, like people in American ghettos back in the sixties who were burning the very places they lived in—lived in! That is how people can get when they have nothing more to lose. We do not want to create a class of 'nothing-more-to-lose' in this country. We do not want to do that.

I think, all in all, I have to give my cousin, A. Steve McField, credit for bringing this message home to me over and over and over again over the last twenty years, because he worked in the court system, and he has seen this and he has spoken to me about it. What are you going to do regarding this class you are creating? How are you going to reintroduce them, reintegrate them into the society by way of reintroducing them back into the workforce.

Again, we look for examples of this, and what the past Minister for Labour, Human Resources, the First Elected Member for West Bay did, in that he started a programme that would assist ex-offenders. We understand why this is so important. We understand why this is so important. We are not just doing this because we are altruistic or charitable. We are doing this because we believe that the continual survival of this state depends upon us taming the tempers, taming the minds, changing the minds of the offenders. We need to have their characters reborn.

You know, it is interesting that people talk about situations, how they deal with offenders, criminals, in China and totalitarian countries. They actually send them off to camps where they are actually part of what we in the West call indoctrination, which is changing their minds, giving them a new set of values and ideas. I seriously believe—I'm sorry—I seriously believe that being reborn—that is why if you look at the alcoholics programme, the programme for alcoholics, and you look at the Christian programmes, because the programme for alcoholics is a Christian programme—it can't be a secular programme! How are you going to have a secular programme rehabilitate a person! It is impossible! I am a sociologist and I say it is impossible! You can only be rehabilitated by changing your entire value system, and if there is no attempt in the prison to change the value system wholly and solely of the prisoners, then the prisoners will come back out and offend again and again and again. I would like to see reforms in the prison that take this position realistically into consideration.

I have a brother who is a pastor and he spends a lot of time at Northward Prison. As the questions were being asked today about Northward Prison, I did not ask any questions, because if I want to find out something about Northward Prison, I can ask George. One thing he always says to me is that he is excited about certain things that the Christian community is doing at Northward Prison, at least certain members. There is a difference in approach among Christians to these particular problems.

It excites me that we have people who are willing to go into these institutions, and change these institutions, for nothing. They try to change the people for nothing. We do not have to go and employ another social worker or psychologist to do it—we have the value system and the basis to do so. I continued to say that when we were talking about the rehabilitation with regard to Canaan Land. I said I support Canaan Land. Why does the Government want to get involved in rehabilitation? The Government does not want to get involved in this, simply

because it gets into a value problem. You never know which value. But the church knows which value. Let them go forward, because only when you are sure about your values can you convince someone that your value is right and their values, if they became like your values, would impart to them the same success. That is how you have to do it.

We are a small country, and it is still possible for us to grasp these problems. What we have to do as a Government, as a legislative body, is not be protective about the problem. Let them be pastured out, give it to the churches, to this group or the other group. Just be there to support them. I do not know how we would do it legally, but I am quite sure we would find a way of doing it legally. But to say that the State can send somebody to prison, but not say that the person has to get an education while in prison, the State could not say that the person should attend classes, the State should not say that the person should attend worship...that is, if they want to. You go to worship in prison, if you want to? What kind of position is that?

These are the things that when we begin to look, we see the solutions all around. We do not have to come up with some big magnificent plans, all we have to do is look. If we send people to prison, we are sending them there because their behaviour is wrong. If their behaviour is wrong, their behaviour is un-Christian. So that should be the first place we should look to put our rehabilitation programme in, in the little Chapel. I hear that the Prison is getting a Chapel and everyone is working hard on it, but I think that everyone in Prison should have to attend church services.

I am not saying that it will be the end-all solution, but I know that many of them think they have the answers anyway. It is hard, sometimes, for big men to break down and say, *'Oh, I was wrong.'* I did a lot of things wrong in my life. Do you know how long it really took for me to admit that the things I was doing were wrong? Do you know how hard that really is? Do you know how you would prefer to die and suffer rather than say that what you are is not good? If it were so for me, I believe it is so for the little man as well. To change him, we have to work to encourage him to seek a new life and a new possibility; a new structure of values and a new structure of choices. This is the direction I would like to see this country go in, a direction that sees solutions by seeing people, a direction that is spontaneous rather than regimented. It is the spontaneous rather than the regimented approach to planning and management that is Caymanian. We have to, if we are going to include our Caymanians in the twenty-first century, remain spontaneous.

We have to remain conscious of the fact that we were not a part of a cruel winter, of a terrible Industrial Revolution, of terrible wars that followed, to produce the kind of character of regimentation. The Caymanian will still say to you, *'I am going home. You can keep your job. I'm going home, because I don't need you.'* We still feel, somehow, that the elements of our kind nature support us with what is necessary for life and godliness.

So we must bear this in mind. We must bear this in our vision.

I would like to move on to...

The Speaker: This may be a convenient time to take the morning break. We shall suspend for fifteen minutes.

AT 11.15 AM PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 11.55 AM

The Speaker: Please be seated. Proceedings are resumed. Debate continues with the Fourth Elected Member for George Town.

Dr. Frank McField: Thank you, Mr. Speaker. I shall continue. I guess the great disadvantage in making long speeches is that people get a little bored, but nevertheless I think it is necessary and right that I give an overview of what I consider to be the important aspects of Government and Government responsibility in these Islands. Taking from what His Excellency the Governor has said, I have tried to show the importance of us coming to terms with our educational system, because at the end of the day it will affect how people are able to get a share of commerce in the Islands, how people benefit from the resources that are being distributed in the Cayman Islands. I would like to deal with the issue of commerce, in the way in which I deal with these things, from an interdisciplinary point of view again.

I understand that there has been a lot of growth in our economy, and that whether it is in the area of mutual funds, or of stocks, the growth is really the result, as we always like to say, between the partnership of the Cayman Islands and foreign capital and foreign expertise. The desire of persons to do business in this Island is well appreciated by all. Nevertheless, I feel we need to get our people to the point that they can demand for themselves whatever share they would like by way of their qualifications. So to continue to develop economically, and to continue to have more of the cake available in this country, without it being available to Caymanians, simply because Caymanians do not have the skills or expertise to demand that in a private enterprise system, will obviously affect us later on, in that Government will probably be pushed into a position of having to interfere in the running of the market economy. We do not want to see this. We do not want Government to have to act as a buffer between foreign investment and expertise, and the demands of the Caymanian people. We want it to remain free, and the only way our economy will remain free is if people are qualified to participate as free individuals.

Regarding the investments in these Islands, I think it is important that we begin to chart out a new way of seeing nation-building citizenship. Toward the twenty-first century, there is no reason we should be stagnant with the retrogressive concepts of nationalism and ethnocentrism. These dogmas provided mankind, in his primitive and early stage, with an idea of cohesiveness

and collectiveness, and perhaps was very necessary in the evolution of modern man. But as we stand at the dawn of the twenty-first century, as we reflect on the periods of nationalistic wars in Europe and other parts of the world, we see that most of mankind has come to the conclusion that these were all futile acts, and that they served no useful function in the development of human society. So we, as we come to view the world, as we become more participants in the new world of economic interdependencies, we should, more than anyone else, since we were not forced, because of natural factors or military reasons, to develop a nationalism, because of the lack of threats from the outside and inside, we developed as a state that did not need nationalism to create the kind of regimentation that other parts of the world have needed as a basis for their security.

I think the basis for our security today is exactly the lack of nationalism, the lack of ethnocentrism. The economic order today in the world is based upon all nations, regardless of size, recognising the interdependencies of states. Because if countries were to assume independence, if they were to want to supply themselves with everything they consumed, our world as we know it, which is bonded by trade, would fall apart, and civilisation would cease to exist.

I feel I can fairly say today that civilisation is based upon the development of trade, and trade is based upon the interdependencies, not just of people or individuals, but of countries in the world. For this reason, as we take our place in the twenty-first century, in the modern world, we must take it with the knowledge that we must not produce all for all, that we must produce what we can produce best, that we must play the role from which we will benefit most as a country. There is no need for us to be makers of shoes, when shoes can be made by other persons. Because there is no law in any society that compels anyone, except perhaps in some of the communist countries, that legislates that anyone, because he needs shoes, must make shoes, or because he has the capacity to make shoes, should be making shoes. We leave this up to the individual to decide, upon what basis can he get the best return for his efforts.

We should leave this also to the country to decide how best it can get the benefit from its efforts. If we can get the best efforts from being a financial centre, or from being a tourist destination, then that is what we should pursue. We should not be pursuing other things simply because in this sense we think we need to make ourselves self-sufficient. No country can make itself self-sufficient, simply because we are bonded together by the necessity to trade with each other. Not even the great United States can brag of self-sufficiency. Not Iraq, not Iran, not Germany, can brag of self-sufficiency, because at the end of the day we are all interdependent, and all affected by the trade policies and trade activities in each state.

So we, as a small Cayman Islands, must not always rush to say that we must become independent in this area and independent in another area. We must examine our role as a country that is interdependent. So

the possibility to develop and expand our dominance in the international financial markets, that possibility, I think, rests very much in conjunction with our relationship to the United Kingdom, to Great Britain. I feel that the development of the Cayman Islands as a financial centre has been greatly assisted by our relationship with the United Kingdom, and for this reason, we have to ensure, we have to guard this relationship because we should not come to the point to think that somehow in this world countries go it alone. We go it together. If we do not have a relationship with someone we know, we will obviously have to make a relationship with someone we do not know, and it is better to have, like they say, the one you know than the one you do not know.

I am saying we must pursue and peruse this relationship in such a way as to understand that there is nothing wrong with interdependencies. The concept of independence is a concept that is gone away with old nationalism and the old idea that people could somehow put up walls and barriers between them and persons in other countries. We are looking at a new era of internationalism, and in looking toward this internationalism, we can see how a small state like the Cayman Islands becomes an essential part of the family of great nations. Because we provide those great nations with an essential service, and that is a service that can remove itself from the bureaucratic limitations which exist in those developed countries, services that can remove themselves from the nationalistic expectations of the populations within some of these states.

We are in an ideal position, in that we are saying that what belongs to an individual, or what belongs to a corporation, should belong to that individual or that corporation unconditionally, that there should be no claim Caesar should have against an individual's wealth. There should be no claim that Caesar has against the corporation's wealth. In other words, the Government of no country should have a claim against what I earn, what I have. That should be mine to disburse as I see fit. We are believers in this concept. It is important that we re-establish and reaffirm our understanding of our role in the economic order of the world today.

We are grown up as a country. So we are not afraid that tomorrow foreign enterprises will leave this country. Foreign enterprises or activities or economic activities, or commerce activities, will not leave this country tomorrow any more than they will leave Japan tomorrow, or any other place in the world! Because of the interconnectedness of things, because of the way in which commerce has come to structure our civilisations today. So we feel pretty assured that we will continue to benefit economically. All we have to be able to do is to effect our domestic situation in such a way that it will not adversely influence the desire of persons to come here and do business in the Cayman Islands, as a neutral flag-ship, as a non-nationalistic flag-ship.

Today, when we sell condominiums for a million and a half dollars, and tomorrow when we sell them for three million and five million dollars, because a person can come here and enjoy the nice, peaceful atmos-

phere, be free of these forms of taxation, because why should any state be able to take away from people who work for something, what that state feels justified in taking? So we welcome those persons to these shores. We welcome the building of a new nationality that is based upon these concepts of wealth belonging to those persons who produce that wealth, and not to any government that feels they have a right to it to distribute to people who have not worked for that wealth.

I feel that we need to continue to reassure people that we want to stay away from any form of direct taxation, any form of taxation, and because we need to do this, we must be careful how we encourage our population to expect the Government to do this and do that. We need to have less government. The reinvention of government, or whatever we are talking about here, needs to be seen as government going backwards in size, not going forward. We do not need a government to protect us militarily; we do not need a government to collect taxes, impose taxes to see to our defence. We just need a neutral arbitrator, a neutral body to arbitrate. That is all we really need. Then we need our population to provide for themselves.

We have to go toward the whole idea that we are going to not be talking about Government providing more services, because if Government is providing more services, it means that Government has to collect more revenue, and ultimately, Government is going to be put in a position whereby Government has to consider the introduction of direct taxation. And that will be the day when we destroy the economic structure of our country. So we have to stay away from that. So there must be careful planning and careful consideration regarding how our social system affects our economic system. Therefore, we are back again to the question, if we are developing welfare cases, because people do not have the potential to earn for themselves, if people are not satisfied with what they can earn for themselves, they come to Government, they come to the politician, they affect the political order in such a way that the political order holds a big stick over business and says, *'We're the ones in control; we have the monopoly,'*—as the Third Elected Member for Bodden Town said, *'We have the monopoly on violence, and we are going to use that to threaten you, to see that you pay us a certain amount'*—as the Member called it, "Robin Hood Economics."

I must admit that my ideas are beginning to change in some ways, and alter, and thank God for the fact that I believe in change, and that I do not have to say, because I said that yesterday, I should say it today. I believe we need to consciously, at this time, when we are considering a plan for 2008, we must be conscious of making an assumption. The assumption must be that there must be no moves in this country toward a direct taxation system. We must move away from that, and the only way we will prevent that is to make Government smaller and smaller and smaller.

Mr. Roy Bodden: True, true!

Dr. Frank McField: It is unacceptable that reasonable men could assume that if Government becomes bigger, the tax burden will become smaller. When Government becomes bigger, the tax burden must become bigger. But our whole concept, our whole claim to this economic miracle is based upon our understanding that taxation could not be good in the first place. That is common sense Caymanian economics. That is common sense economics, very Caymanian. Taxation cannot be good, because it means that someone who has not made anything has a right to what someone who has made, has. This is something we need to steer away from.

We need to understand more our developed relationship with the mother country, and the new partnership, and the benefits this new partnership can bring to us in exposing us to the far horizons of the twenty-first century, and the possibilities of the twenty-first century. We have to bear in mind that our society, because we are inviting people with capital, that do not want the capital to be taxed in a particular way, that feel they could be more creative with their capital if they do not have governments leaning on their capital to buy arms, to fight wars, and to do whatever governments in these big countries do with the capital. That if we are going to invite those people to live here, to be residents here, we have to work out a new concept of belonging, a new concept of who belongs and why they belong.

Mr. Roy Bodden: Hear, hear!

Dr. Frank McField: Belonging can no longer be based on the primitive nationalistic concept that I belong here because I was born here, or I belong here because someone who had me belonged here at one time. We must belong because we produce! That should be the claim to the new order! What you are willing to put into it, not what you are willing to take out of it. It is not what your country can give you, it is what you can give your country.

So again we come back to trying to understand how that could help us, informing a concept of a new identity that is necessary for all we do. We cannot separate immigration from commerce. We cannot separate the energy of the expatriate community from the different parts of the world and the region, the contributions which they make to the resources which Government itself has access to, and spends in the name of the Caymanian people.

Because of the particular nature of our taxation system, that is not a direct taxation system, but a taxation system based upon consumption, that means the man from Jamaica or from England who is consuming the same amount as I am consuming is basically into Government coffers the same amount I am paying. Does that mean then that the person has no rights? Should the person have a right to something? Should the person just have a right to drive on the roads, but not to have their children visit the schools? How do we decide what rights, how are we going to decide what people

have a right to? People should have a right to what they pay for.

So we are moving away from the whole hereditary concept of rights, and moving into a new era, where rights are bestowed upon people, or where people get rights as a result of how they contribute. Therefore someone who has been dynamically a contributor in this country for the last twenty years, who comes from Jamaica, should be given all the rights that someone who was born here has, because we are equal in our contribution to the social and economic order. Therefore we should be viewed politically the same. These are the things we already can make assumptions about and make conclusions about, and we do not have to plan for the year 2002.

So when the Governor is saying that we have a chance to decide what kind of country we are going to live in ten years from now, I know already what kind of country I want to live in. I want to live in a country where people are fair, and where people are productive, and where everyone is benefiting, and where everyone knows that the only way one can benefit is if all benefit. Because we are all interdependent and all interconnected.

If we take out 1,000 workers from this country today, we get rid of those work permits, there would be disaster in this country. Not only would jobs not be performed that would affect our economic order and destroy our economic order, but the Government's tax basis would be drained. So even from the point of view of the ability of the Government to perform certain services to the majority of people, immigration is necessary. We have come to the point, therefore, to understand that there is no longer a need to procrastinate regarding what to do with immigrants in this country, we know what to do, and to put it into some future plan is just to say that those persons do not know what to do and I know what to do. I am not saying that everybody in the country will agree with my perspective, but given a little time I might be able to show some of the people the logic of what we are saying.

Why should we postpone the marriage? The engagement has taken place, the courtship took place a long time ago, why should we postpone the marriage? The marriage must come, and it must come soon. Only by that marriage will we be able to preserve that union, that unity called the Cayman Islands. I see, in all these things the vision, Mr. Speaker. We have to develop a new concept of citizenship, a new concept of belonging. We have to get away from the old hereditary concept that as long as you are born in a country you have a right to a country.

I must say that sometimes when I see hardworking people, not necessarily people who are working in the banks and trust companies, but people who are picking up garbage on the streets in this country and have been for twenty years...for twenty years they have been helping us in doing that job and paying their contributions back to the upkeep. People will look at them and say, 'You old Jamaican. You're not nobody, you're not from

here.' Yet, the contribution is here. The body is employed here. So what kind of order is that? As the Third Elected Member for Bodden Town said, we were all immigrants. We all came here from someplace. There is no reason why we cannot say that again: We are all immigrants. We are all here from someplace. As the Christians say, 'We are all in this world for a short time.' We are all immigrants in this world. This is not our home.

While we are here, let us be flexible about the terms and principles we use to connect one another and to create a union and a commitment between us. As long as persons who come here, obey our moral and legal order, as long as the persons have nothing against lawful authority in this country we have to give them their rights. We have to accept them as co-producers of wealth in this country. We cannot feel that somehow what they bring here we can keep and they are going to go away and we will be all right. That is not the way wealth is. I think that we need to come to a point in this country where we can explain to people what wealth actually is.

Wealth is activity. It is not something that you can say you are going to hold on this side. The foreigners are coming and they are taking away, we sometimes hear, Caymanian wealth. What wealth? The swamp became wealthy because—it was not producing anything, but the wealth of the swamp is because of our ability to fill the swamp which has to do with machinery. If we had to fill the swamps today with manual labour, the swamps would never be filled, but the swamps are valuable because of the machinery which has been produced in other countries through the labour of other people which we get here to get our swamps habitable.

This is something we have to continue to realise. Even when we are talking about the environment. Sometimes we have to trade something to get something. That is what it is all about. Sometimes we have to take some marl to fill some swamps to let some of our people have someplace to live. Not all men want to build their homes upon the sand, some will build upon the swamps. I am saying this to say that we have to understand in all this great plan, there is an inter-relationship between all brothers in this world. Somehow, those who decide to dwell here among us for a period of time should be regarded as useful and should not be given the idea that we have no ability to come to a conclusion as to what their legal relationship should be in this country.

Already I am saying that we are accepting very rich people in this country who have their businesses registered in this country, who can use the Internet and other means of communication in the modern world, to be working out of their offices in Hong Kong or New York without being there. Those people are allowed to come here and get Caymanian residency, yet the little guy who has been working on the garbage truck for 20 years cannot get residency. This is causing, as the Third Elected Member for Bodden Town so rightly said, people to find reasons for this that might not necessarily be there.

Therefore, we have to deal with the question of immigration and we have to deal with it because immigra-

tion is something that really defines our economics. It defines, therefore, our social relationships as well.

I would like to say that just like in a marriage you sometimes become vexed with persons and call them names. It does not mean that that is the way you truly feel. I think that is the way Caymanians sometimes feel about foreign people here. We say things about the Jamaicans, and we say things about the Brits, we say things about the Canadians that we do not really mean. We say them because it forms part of that vocabulary that is so available to most of us, that comes from the period when mankind was nationalistic and ethnocentric. We find these words and we use these words. But when we really reflect, we know that those people are human beings just like us. We know that we have developed such an incredible relationship, such an intimate, personal relationship with most of them that it would be very difficult for us to ask them to leave—even if it were economically possible.

It is funny sometimes when we hear people say, 'Well, those Jamaicans,' when that is who they are married to; their children's father happened to be a Jamaican. We find this in our vocabulary, so we have to begin to suspect the vocabulary. The vocabulary is not a true sign of how people feel. This is where the political directorate has gone wrong in making assumptions on how they should deal with the question of granting Caymanian status. They really think that they should go by the people who are rowing sometimes, rather than going by their homes and seeing how they behave with the same people they are rowing about.

It is a domestic situation and that is what happens when people get close to one another. We have to try to come to a conclusion in regard to persons who are of age in this country, persons in their twenties who came here with their parents when they were three years old. People who went through our school system cannot get work permits. Young people who came here early and have been allowed to stay here, but because they are not Caymanians people say they cannot get a job. The Immigration Board will say, 'Find a Caymanian for it.' The company says, 'Well, we cannot find a Caymanian.' This person could be a Caymanian. This person we are not giving the work permit to could be a Caymanian.

What is stopping that person from being a Caymanian is the political will. People feel that if they did this that somehow the Caymanian people would be upset and not vote for anybody who would make those considerations. I must make the best considerations for the Caymanian people that my rationality tells me and I say that any country this size with a population that we have. . . we need a core population at this point. A core population could be taken from those we have now and we could build from there. We could begin to treat those people who come after differently, perhaps, but we have all the room in this world, we have developed it by expanding, for all of the people who are here and more.

People will not get anything that they have not worked for. This whole concept of ownership...the country does not own anything. Everything is owned by indi-

viduals. So there again we need to go back to see that we live in a society where private ownership and private enterprise is the rule, not national ownership and national enterprise. Therefore, what a Caymanian gets has to be as a result of his labour just as what a foreigner gets has to be as a result of his labour.

All we can do is make sure that people have the rights the opportunities. Not even so much the right to opportunities, but that these opportunities exist. Once we continue to support the opportunities existing in a country, even the Caymanian who might not be qualified today might qualify in a year or two and therefore be able to take that opportunity because we have not pushed it out the door. Even when we do not have our people qualified for those opportunities, or we do not have enough people for those opportunities, we have to be careful that we do not run those opportunities away because the day might come when we do need those opportunities.

We are blessed in that we have so many opportunities in this country that we are able to accommodate other people. Other people can eat at our table without us inconveniencing ourselves, therefore, I believe that we should commune with them and make them a part of our blessed social and economic order.

Mr. Speaker, in dealing with the National Pension Legislation, I would like to register my disappointment in viewing today's headlines that ex-pats will not be included in this. I think that what I just said really goes to prove why that should not be that way. I am saying that we are still courting that relationship and the marriage should occur. What happens if the marriage does occur? What happens two years or three years from now if another political directorate came and made the decision to give those same ex-patriots Caymanian status? They would be behind in their pension savings.

One point that was made to me, because I have been concerned over the whole concept of pensions in terms of what we are trying to do, but if we are trying to do it for one group of people, I think it is possible for us to do it for all groups of people because they are all doing the same things—they are working to contribute to this society and the majority of ex-patriots who are here want to have an extended relationship here.

I was an immigrant. I know what it is like to go to a country. All of the immigrants are saying they will stay three or four years and will go back home. Very few immigrants ever go back home. Very few. The majority of them end up having one other goal to pursue—as long as the opportunities in the host country are there, they will continue to stay there. At the end of the day you end up with all the people who are not from your country.

What are you saying now? That you are not going to give them Caymanian status? That you are not going to even include them in a compulsory pension scheme there to protect workers when they get older? Goodness gracious. This is a Christian mind that conceived this plan? Please, I beg to be reminded why. Why not the generosity across the board if the pension plan is any good? If you say the pension is no good, do not give it to

anybody. But if it is good for one group of people, it should be good for the other group. What happens to the other people if they worked here for ten years and go back home? Ten most active years of their lives spent in the Cayman Islands contributing to the development of this society, yet they take no contribution back home from the employer who made money off of their skills.

I think that when the debate on that subject comes, I will have some other things to say. But I am saying that all in all it is inconsistent. It is an inconsistency with my vision. My vision is a vision where we are a partnership. It is the same vision the Governor has, the same vision that I hear everyone else talking about, this partnership. Well, if it is a partnership then there should be duties and obligations on both sides. If the Caymanian employer has the duty to pay something towards the retirement benefits of a Caymanian worker, then he should have the duty and the obligation to also pay that to a foreign worker. You cannot—morally, logically or politically—exclude 50% of the working population of this country that happens to be expatriate from this pension scheme if it is a good thing for people.

I would like to deal with Cayman Airways. We are talking about a free economy as much as possible. We are talking about allowing the flow of capital and labourers freely as possible because it is what keeps the economy going. But when the Government takes up a different position in regard to the national airline, and if you look in countries where nationalism persists, the Government believes that it should own certain things, and justify that by talking about the national good. In other words, they are saying that private business can do everything but it cannot support the national good. As far as I am concerned, that is a contradiction.

In a lot of countries, the government feels like it has to own the utilities, and different things like that.

Mr. Roy Boddén: Communist ideas.

Dr. Frank McField: Well, Socialists, Communists, which is just a development of nationalism basically.

If we are going to have competition, how do we then say that we are going to have competition in the retail business in George Town but not have it in the airline business? How do we do that?

How do we say that Cayman Airways should be given preferential treatment but if I want preferential treatment for my chickens, because I am producing chickens, and I feel that Fosters should not be able to bring in the chickens and have the advantage over me...my chickens are getting no protection. My fish that I produce are not getting any. They are not protecting the shoes of the cobbler down the street. We are saying that is bad. That leads to bankruptcies. That destroys countries. We should leave things like they are to be best decided the way the consumer wants them to be decided.

To say that Cayman Airways is necessary because of national considerations in case of a hurricane...now, I do not run from Cayman if there is a hurricane. I have

experienced one or two here. I stay here because when I look at the television and see what happened in Florida and other places, I know that this is one of the most blessed places in the world. All the people talk about how blessed Cayman is—but when a hurricane comes and they want to run...I do not agree. I stay right here because here is the safest place on God's earth. I do not need an airline to be there for me to run because I am going to stay right here like the night watchman and watch over what little I have here and who I have here. I intend to weather God's storm here in Cayman.

Basically, if the tourists want to leave, I believe that the pilot who flies for American Airlines, or Northwest Airlines will fly anybody who buys a ticket. If the airlines decide to fly in here and fly those people out, they will. We do not have to have any nationalistic consideration or mercy here to understand that. That can still be achieved by market principles and market factors. When we fly those people out, we cannot do it for free. We will have to charge them. Otherwise we would not be able to buy the energy to put in the planes to be able to do this. I am failing now to understand the logic behind that type of argumentation for Cayman Airways.

Cayman Airways provides Caymanian people with jobs. That is very important. But Cayman employees over 13,000 people from other countries in different jobs. There would be no possibility that those Caymanians would become unemployed as a result of Cayman Airways not existing. They might not have that choice of profession. Some of them might be affected by that. But can we really afford to spend all of that money for people to have choices of professions? If the pilots and hostesses are good enough to fly for Cayman Airways, they are good enough to work for Northwest and American Airlines, or any airline in the world. So that argument is not a good argument either.

What about the whole idea that American Airlines...

The Speaker: Would this be a convenient time for us to take the luncheon suspension?

Dr. Frank McField: Yes, Mr. Speaker.

The Speaker: Honourable Members have been advised of a meeting that will be held in the Committee Room at 2.15 PM, so we will suspend for the luncheon break until the conclusion of that meeting.

AT 12.41 PM PROCEEDINGS WERE SUSPENDED
(until the conclusion of an informal meeting in the Committee Room)

PROCEEDINGS RESUMED AT 3.11 PM

The Speaker: Please be seated. The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I continue with the Cayman Airways issue to say that overtime we are told that Government will embark upon a venture, the citizens of this country should then ask how much it will

cost. They should ask 'How will we pay for it? Where will we find the money? What will have to suffer if we embark upon this new venture?' Therefore, hearing that Cayman Airways will be acquiring an additional 737-200 aircraft in 1998, we know where the money will come from but have not yet identifies what will suffer as a result of that loan being guaranteed.

It is not just a case of being able to guarantee a loan, it is also a case of the institution that is draining the resources of the country in particular ways. It provides employment for many of our people, but as has been said, we feel that those persons could be employed in other areas of the economy since at this particular time we employ over 12,000 people from foreign countries in a variety of industries in the Cayman Islands.

It is also felt that some kind of negotiation could be entered into with regard to national carriers from other countries. The question is: Can we afford to continue to subsidise Cayman Airways? Can we continue to believe in the petty nationalistic explanations as to why we need this airline, like: it is a question of national security and necessary for our well-being because of hurricanes (I went through that before), because it provides work for our people (I have gone through that saying that the persons could be employed elsewhere and that airlines from other countries would perhaps be willing to give our people employment if we entered into such an agreement.)

We have to, as with any business, decide: Will you go on to take a risk? Just as at a poker table, you have to say '*All right, I have lost some money at this particular time. I will get up from this table because what I will lose if I continue to play will be greater than what I have lost already.*' So, at some particular time we have to make a decision as to whether or not we can ever get out of the difficulties we find ourselves in with the airline. This has been going on for a long, long period of time. Every Government that comes to power or gets out of power, gets blamed for having done this or that to the airline, but no Government has ever been able to give us a solution as to how we would be able to operate in this modern time a little airline that could be commercially successful.

Of course, this little airline has to compete against international carriers carrying a greater volume and are therefore able to offer cheaper fares and are capable of buying spare parts in bulk and providing maintenance. The whole concept of rationalising services and efforts within the airline industry is one of the things we cannot do because of the size of the airline. We cannot afford the risk of the capital that would really be needed to make Cayman Airways successful.

We have to wonder, then, why is it that we allow electricity to be controlled by foreigners? Why is it that we allow the water production to be controlled by foreigners, if we cannot allow the airlines to be controlled by the foreigners? What is the difference? How do we say that controlling an airline, having a national airline is important to the national economic interests if controlling the electricity or the telephone is not important for national economic interest?

Just as American Airlines could withhold services from us, Caribbean Utilities might be able to do something. The people who are making water, Ocean Conversion is not a Caymanian company, making water for both the Water Authority and Cayman Water. So there we are, we have a typical example of something that is necessary for life—water—being made by a foreign company and that company is not sabotaging the national or economic interests of the Cayman Islands.

If our air service was done by American Airlines, or Northwest, and they were to compete for our business, would they sabotage it? The answer, of course, is no. They would not. It is not reasonable to assume that they would abandon us as long as they had a possibility to make profits from serving us.

As long as tourism continues to grow, and as long as there is the financial industry working at the stage in which it is working today, people would be coming to the Cayman Islands. Therefore, the airlines will find all good reasons to have flights to the Cayman Islands. We cannot cover all the ground with Cayman Airways, so we do leave ourselves open to a certain degree of risk. We cannot cover all of our bases. I am saying that the base we are covering at present is costing us too much. We need to think of ways to save this money and use this money to help us develop in other areas; to help us give Caymanians the type of education they will need in the twenty-first century.

There is a lot of talk in the country about the lack of housing, the fact that working Caymanians are finding it very difficult to own their own homes. We know how important it is for persons to own homes in order to feel that they have common ownership in the country, that they have their little piece of land and their little home. Yet, we cannot, as a government, find any extra revenue to assist people with homes—not buying homes for them, but at least providing them with mortgages that would not have too high an interest rate to allow them to buy into a private home scheme.

The Government has the Government Guaranteed Mortgage Scheme, but we need an additional support. The survival of our system has to do with our ability to redistribute resources and the redistribution of resources should be by way of people working and getting rewarded as a result of their contribution. Therefore, we could spend some of the money that we save from subsidising the airline. We could spend that on developing a housing programme, or a fund of money available for mortgages that people could borrow at low interest rates.

We could do so much with this money. Not to say spend this money anyway on Cayman Airways because it is needed and because we can get money from someplace else to try to solve the housing problem. We do not have an unlimited amount of revenue. Our revenue source is limited, therefore, all the revenue that is committed should always be re-examined. We should always re-examine our commitment. We should constantly review our commitments to spending; our commitments to Cayman Airways or whatever. We should constantly

review that and ask whether or not the country can afford it and whether or not it is the best decision we could make in regard to how we spend the money. We should take into account the total needs of our society. We should not always build it up saying that those people critiquing this policy of subsidising Cayman Airways. The people who critique it have no suggestion as to what the alternatives would be.

I am saying that one of the alternatives is that the competitive carriers, like Northwest and American Airlines could be brought in here. We could sign an agreement with them that would stipulate what type of relationship we want to have with them. That is also a possibility. It could be explored. We could be told whether or not it is possible, but it should be investigated.

We are looking at whether or not this will be a good thing for our country at the end of the day. I am not trying to say that people should not have a job. I am not trying to take jobs away from anyone. But I am trying to look at the possibility of readjusting our commitment before we go too far, before we have too many planes and have too much capital and too many people dependant upon the airline for jobs, and before they get too old to have the possibility of getting jobs with other airlines.

I would like, in terms of considering the need for Government to raise additional revenue, look at the National Gallery. In the Throne Speech, the Governor mentioned the desire by the Ministry of Community Affairs, Sports, Women, Youth and Culture to have The Heritage Law (1991) include the National Gallery, and other cultural bodies, and develop a national cultural heritage plan.

The National Gallery is a strange concept. It is something that seems to have germinated back in the days of Mrs. Gore when she was here and expressed her desire to see a National Gallery established in the Cayman Islands. Again, whatever it is we do, when we are saying that we want to make Government smaller, while at the same time creating another institution, we are getting involved in supporting the idea of creating a National Gallery. At the end of the day, the National Gallery will take money, just like the Harquail Theatre took money. The Harquail Theatre was a gift. The Government did not pay money for the Harquail Theatre. But at the moment, the Government is spending over \$350,000 a year supporting the Harquail Theatre by way of the Cultural Foundation. So the National Gallery will take money away from other things that we might consider to be priorities.

Encouraging and fostering this idea we must critique it as to whether or not it can be justified at this stage of our development. We have persons in this country. . . and when we talk about a National Gallery we are talking about the fine arts—paintings, sculptures, different things like that, craft work could all go into that concept, depending upon what the persons involved were considering as appropriate to a National Gallery. We have a Museum. We have an Archives. It all costs. It is good to have, but it all costs us. A National Gallery at this particular time should be a private enterprise. Why is

Government going into it? Why is some private enterprise not developing this concept? How will it help us to better understand our Caymanian heritage? How will it show our heritage? How will it display our value system? What will the function be? Will it be a non-productive function, or will it be productive? Will it be a money-earning institution in that it would be able to pay for itself?

Judging from my experience with cultural development in these islands, I would say that most likely it will not be able to pay for itself, and even if we get private people involved at this particular time, Government will have to pay for the recurrent expenditures. The question is, Do we want to keep persons in the island qualified to take over the positions in these galleries, or will we end up in the same situation as we did with the Harquail Theatre where we feel that no Caymanians are qualified to have the position and at the end of the day we end up providing jobs only for expatriates.

This is the case at the Harquail even today. What we find is that the Harquail stifled Caymanian artistic creativity rather than helping it to develop. That is my prospective on that. I am not the person responsible for this particular Portfolio, but I have had my share of experiences with it as well. I do believe that what I am saying here is that we need to encourage the Caymanian artists. We need to encourage the painters and the sculptors. We need to encourage them to do basketweaving and so forth and so on. We need to encourage that. But we do not need to build a place to put these things in before we have truly developed the potential for people to produce these things on an artistically competitive level. That is still some way into the future, somewhere in the next 15 or 20 years, with ease, so what is the hurry? Why is there an attempt to push this in place at this particular time? I am saying again that we need to assist the Caymanian artists, like Bental Hydes, who have problems selling their works but who have to live from their ability to sell their works. It is much more important for me to see Bental's works in somebody's home knowing that they have paid for it, than in a museum knowing it was just borrowed. He certainly cannot be sustained economically by that type of patronage.

I am asking that the Government have a more developed approach to the culture and the artists that they get involved and encouraged to paint by providing them with seminars and workshops and encourage people with money to buy the paintings and sculptures and other works; but do not jump the gun by saying we need to build a National Gallery.

This is going to be recorded and I hope that the fate of the Gallery will not become like the fate of the Harquail because I did make the statement (back in the 1980s) that somehow the Harquail Theatre set Caymanian culture back by ten years if not forever. It was because the institution became more important than the individuals that caused a need for the institution in the first place. We have to remember that people are always more important than buildings or plans. We only plan for people, we make buildings for people. That is why they

are there. They are not more important than people, so we do not want to lose the perspective.

I am calling for some considerations on these particular issues. Although it all seems very critical, it is not very critical because I am not saying that art is not important. It is. I am saying that buildings are less important when you come to art. What is important in art is the motivation. It is the desire of the artist to create and to reflect and to bring to our attention certain issues and certain matters that give us a feeling that somehow we collectively own the same spirit. That can be the role of the artist. But in the case of Bental Hydes, for instance, who spends most of his time in the United States simply because he finds it very difficult to exist here from a financial point of view, it would be good if we could do something for him and the other artists who might be trying to go and follow his footsteps in a certain way, rather than holding up and putting on a pedestal the art institution. Let us put the artist on the pedestal and not the building. That I beg.

Mr. Speaker, I am going to do what most Members would love for me to do at this particular point—wind down and finish off. I think what I have tried to do is show the strategy, the linkage between the different ideas and principles that have been brought to focus, showing how all things are inter-connected. In planning for one thing, we must plan for many things.

I still have great confidence in the Members of the Legislative Assembly. I have great confidence in our ability, even if it is not a first step, to collectively select the best ideas that we have, the best directions we have, and to go forward to implement programmes that will at the end of the day reflect the best of our capabilities.

I still feel that we live in a blessed country. I am proud to be a part of this country, and privileged and proud to be a part of the Legislative Assembly of the Cayman Islands going into the twenty-first century. I am happy that this is my only job. I, again, thank the people of these islands for giving me a job because I can hold my head up and prove that in my head knowledge resides, and that given the opportunity and the possibility to expound upon these theories, I can give the country the type of leadership it so badly deserves. I do not need to go into any philosophical darkness because I have not been there before, I have been there philosophically, sociologically, physically also in that I have travelled and lived in a lot of these countries that we now borrow ideas from.

These ideas are no strangers to my mind. Perhaps the reason why I had difficulty adjusting myself back in this country in the first place was because in my mind and in my head were, perhaps, too many of these ideas and theories. Now that the chicken has come home to roost and time is longer than rope, we find that others are coming back from talking about vision and about planning. I still say that I said first, 'Time is longer than rope,' because I knew that I would be on this stage. I planned the delivery of these words.

Thank God Almighty, Mr. Speaker, I am here.

The Speaker: Does any other Member wish to speak? *(Pause)* Does any other Member wish to speak? *(Pause)* Does any other Member wish to speak? *(Pause)*

Honourable Members, I do not want to deprive anybody of their right to speak. This is an important speech, but we cannot wait much longer. *(Pause)*

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

STANDING ORDER 38 MOTION THAT THE QUESTION BE NOW PUT

Mr. Roy Bodden: According to Standing Orders, I move that the question be now put.

The Speaker: Before putting the question, I would like to give Members another opportunity to speak. Does any Honourable Member wish to speak? *(Pause)*

If no other Member wishes to speak, I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: BE IT RESOLVED THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORD ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE ADDRESS DELIVERED AT THIS MEETING.

The Speaker: That concludes the business on the Order Paper. I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Monday morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock Monday morning. Those in favour, please say Aye.

Mr. W. McKeeva Bush: Mr. Speaker, you do not usually take a debate on this, but it is a question before the House. I think it is a shame when people are ready to go to debate, because we see them writing and we see them with papers, we know they are ready and then they do not speak. I think it is time that we set up some kind of roster because there are those of us who like to speak but not ready while others we know are ready. I would ask you to write to Members to ask them whether or not they would consider a speaking roster.

The Speaker: Thank you. I certainly will do that. I hesitated to put the question as I felt this was a very important speech and all Members needed an opportunity. I think I gave all Members sitting in the Chamber enough time to make up their minds. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 3.41 PM THE HOUSE STOOD ADJOURNED UNTIL
10 AM MONDAY, 2 MARCH 1998.**

**EDITED
MONDAY
2 MARCH 1998
10.20 AM**

[Prayers by the Honourable Minister for Education, Aviation and Planning.]

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have received apologies for absence from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, and from the Honourable Minister responsible for Agriculture, Communications, Environment and Works.

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

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

Mr. Donovan W. F. Ebanks, M.B.E., J.P.

Hon. Donovan Ebanks: I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

The Speaker: Mr. Ebanks, we welcome you as the Honourable Acting Member. Please take your seat.

Questions to Honourable Members/Ministers. Question No. 9 stands in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 9

No. 9: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning: How are the behavioural problems of students at the Alternative Education Centre dealt with?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: When a student is first admitted to the Alternative Education Centre, he/she will

have been referred by the school and will also have been assessed by the Educational Psychologist. A complete report of the student outlining the problems he/she has been experiencing is therefore available to staff at the Centre.

After a brief period of observation, programmes are designed to implement strategies and behavioural management techniques to remedial and modify the student's problem behaviours such that he/she will be able to fit back into mainstream school.

Baseline Data is compiled from observations made - and the frequency and duration of appropriate and inappropriate behaviours are noted and graphed. After the intervention strategies have been implemented, this process is repeated and any changes either in terms of improvement or deterioration are noted.

At the end of each term the student is the subject of an multidisciplinary case conference where all concerned professionals meet to develop future treatment and educational programmes. If, as a result of this meeting, where teachers' reports and recorded data of observed behaviour are considered, it is deemed that the student is ready to begin the reintegration programme, then a provisional timetable is implemented whereby the student will return to his respective school for one series of lessons per week (e.g., five lessons of English or Mathematics per week, etc.).

The intervention strategies employed within the Centre have an emphasis towards a "positive only" behaviour modification approach and a token economy system is employed whereby students earn varying levels of privileges depending upon their work and behaviour.

It should be noted that the whole approach within the Centre is geared toward helping students realise that they have choices and decisions to make as to what actions they should take and that they are responsible for the consequences of those actions.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: While the students are at the centre, are there any counselling sessions with the students?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, from an on-site counsellor as well as from Cayman Counselling.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether these sessions involve individual students, or are they sessions with multiple students? Also, are parents involved with the students in any of these counselling sessions?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Most of these are individual conferences. Parents are invited in to them.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether in the event of some of the more disruptive behavioural problems it is mandatory for the parents to attend at least some of the counselling sessions with the students?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: We do everything, the school does everything possible to request that they attend. But there is no mandatory sanction (which is what I think the Member is referring to) by law that forces them to attend.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister state if, after the students have returned to the schools from which they came, there is any follow-up counselling?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The answer is yes. The counsellor goes to the school and follows up.

The Speaker: If there are no further supplementaries the next question is No. 10, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 10

No. 10: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning to state whether Cayman Airways Ltd has now met the Federal Aviation Authority's requirements regarding noise levels on their equipment.

Hon. Truman M. Bodden: This question has been asked several times previously. Cayman Airways Ltd has always met and is fully in compliance with the Fed-

eral Aviation Authority's requirements in this respect. If it were not so the Airline would not be permitted to operate in the Unites States of America.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House when this equipment was supplied to Cayman Airways , and at what cost?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The present jets we run are in compliance. I am not certain what equipment the Member is referring to.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if in the not-too-distant future there are any other requirements Cayman Airways will have to meet regarding the noise levels?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: At the end of 1998 one aircraft will have to be hush-fitted.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House what the cost of such a fitting will be?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Depending upon which kit is chosen, and depending upon the amount of time, it will range between US\$800,000 to maybe US\$1,004,000.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if the other air plane being used by Cayman Airways has already met this requirement?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The other aircraft does not have to be hush-fitted until the end of 1999.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether or not the (approximately) \$800,000 he mentioned included the cost of labour? Or is that \$800,000 exclusively for equipment?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It will include the labour. The cost of the kit will depend upon whether or not it has time on it or not, the same as if you were to buy an engine with half-time on it you would get it at a different price. That is why I have given an estimate of the cost ranging between that.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister state whether this exercise will be completed by the maintenance department of Cayman Airways in Grand Cayman, or is this work that has to be contracted elsewhere?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am instructed that it can be done here.

The Speaker: If there are no further supplementaries the next question is No. 11, standing in the name of The Third Elected Member for Bodden Town.

QUESTION 11

No. 11: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning if there are any plans to move the Maintenance Department of Cayman Airways Ltd. from Grand Cayman to Miami.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Presumably this question is meant to ascertain if it is intended to transfer the physical maintenance of the aircraft to Miami, rather than the maintenance staff. There are no plans to move the work to Miami or anywhere else at this time. Cayman Airways Ltd is presently examining the way it meets its obligation to maintain its fleet in order to determine the most cost effective and timely manner of doing so. When this examination is completed, it will be studied carefully by the Board and Management before any decision is made. Maintenance of Cayman Airways Ltd or any other airline is a very large portion of the operating cost of the airline,

and the cost and speed with which maintenance can be carried out can decide the profitability of the Airline.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister give the House some idea of when this examination may be completed?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I would estimate within the next two to three months.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say what spurred Cayman Airways on to do this examination?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: In accordance with our planning, as we plan ahead, we review different departments and areas of the airline and this one is now under review.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if the reasoning behind the so-called study is because it has been determined that the cost of maintenance of Cayman Airways is above the acceptable norm?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I have looked at the cost of maintenance of US airlines. While I cannot give the specifics, it ranges from about \$475 per hour up to about \$700 per hour. I think we are somewhere mid-way in that. We are closer to US\$600 per hour.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if the physical maintenance of the aircraft is presently being done by existing staff in the maintenance department of Cayman Airways, and if a decision were taken to move this physical maintenance would it then mean that the numbers of staff in the maintenance department might diminish?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That is a question where I am asked to give an opinion. Since no decision has been taken, I would really rather not have to give an opinion on it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Let me be as clear as I can be with the question. I am not asking for the Minister's opinion, I am asking the Minister if this is done would the number in staff change. That is not an opinion, Sir. That is simply asking him if a situation were to arise would the numbers diminish.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I am being asked to answer a hypothetical question. At this stage it is not a fact—and I have stated that—that there is going to be any change. I do not want to give the Member wild guesses on this and I really would rather not answer that. If he comes back and specifically puts a question that I can prepare on that point, I think that would be better rather than my attempting to give an opinion on something that I do not really know precisely what I am stating.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House whether the maintenance staff at Cayman Airways are employed exclusively to Cayman Airways, or are they also taking in outside work?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Maintenance Department does work for other carriers that are in here. On major jobs staff are brought in from overseas, normally the United States, for example a C-7 Check (which is commonly called a D-Check). That would probably be done overseas, but the C-Checks that are done annually for example, we do bring in some staff to do that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if Cayman Airways has any contracts with any other airlines, whether local or foreign, to do maintenance?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, Mr. Speaker, as I mentioned earlier, we do have contracts with other carriers in here to do maintenance. In fact, we maintain most of the carriers in here.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if one of the terms of reference of the examination is to explore the economic feasibility of having the maintenance done in the Cayman islands as against being done in another jurisdiction, (i.e., Miami)?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This study, the first decision that the Board makes is the question of safety. Wherever it is necessary for the safest maintenance to be done, that decision over-rides. I want to make that clear at the beginning. The second and subsidiary point is cost. This is being looked at. But throughout, the over-riding decision will be safety.

As I said, there is no decision to move maintenance from here. We do studies of different departments of the airline on a fairly regular basis and look at each department in depth in an effort to improving the department within Cayman Airways, and improving its overall efficiency.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say why there would be an over-riding concern with safety of the maintenance at this point? Is there some reason to be dissatisfied with the performance or with the level of maintenance procured in the Cayman Islands?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Board, the Government and I think every Member of this Legislative Assembly, throughout with Cayman Airways, the first and over-riding duty is safety. This is not being done because of any cause of concern and I am very surprised that this would be raised. This Legislature, the Government and the Board of Directors have stated throughout that safety is first. I am repeating now for the fourth or fifth time that this is a routine study being carried out by this department. It has been carried out in other departments and will be carried out in the future in further departments as well. It has nothing to do with any worry of any sort; but it has to be good practice from the point of view of safety and business to review departments in the course of planning which Cayman Airways has at present.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning.

Item number 4, Government Business. I will entertain a motion for the suspension of Standing Order 46 to enable the Bills to be taken at this time.

The Honourable Minister for Education, Aviation and Planning.

GOVERNMENT BUSINESS

BILLS

SUSPENSION OF STANDING ORDER 46

Hon. Truman M. Boddén: I move the suspension of Standing Order 46 to enable the following Bills to be read a first and second time:

- The Patents and Trade Marks (Amendment) Bill, 1998
- The Public Loans (Repeal) Bill, 1998
- The Miscellaneous Provisions (Fees and Duties) (Temporary) (Amendment) (Environmental Protection Fees) Bill, 1998
- The Companies (Amendment) (Exempted Company) Bill, 1998

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 46 SUSPENDED TO ENABLE THE BILLS SET OUT ON THE ORDER PAPER TO BE READ A FIRST AND SECOND TIME.

FIRST READING S

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1998

The Clerk: The Patents and Trade Marks (Amendment) Bill, 1998.

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

THE PUBLIC LOANS (REPEAL) BILL, 1998

The Clerk: The Public Loans (Repeal) Bill, 1998.

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

THE MISCELLANEOUS PROVISIONS (FEES AND DUTIES) (TEMPORARY) (AMENDMENT) (ENVIRONMENTAL PROTECTION FEES) BILL, 1998

The Clerk: The Miscellaneous Provisions (Fees and Duties) (Temporary) (Amendment) (Environmental Protection Fees) Bill, 1998.

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

THE COMPANIES (AMENDMENT) (EXEMPTED COMPANY) BILL, 1998

The Clerk: The Companies (Amendment) (Exempted Company) Bill, 1998.

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

SECOND READINGS

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1998

The Clerk: The Patents and Trade Marks (Amendment) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move the second reading of a Bill entitled the Patents and Trade Marks (Amendment) Bill, 1998.

The Cayman Islands Trade Mark Registry is an extension of the United Kingdom's Registry. In 1996 the United Kingdom Trade Mark system was changed by ratification of the Madrid protocol to reflect the introduction of the European Community Trade Mark System which operates in parallel with national systems. Accordingly, rights under marks registered pursuant to the protocol are protected in the United Kingdom where the United Kingdom has been designated for inclusion by the Trade Mark Proprietum.

In order for such rights to be duly extended to the Cayman Islands Trade Mark Registry, our Patents and Trade Marks Law needs to be amended to specifically allow this. Clauses 3, 4, and 5 of the Bill deal with this aspect. Clause 8 provides that the Cayman Islands Registry be notified of any changes or modifications to the registration of the rights made in the European Community.

Additionally, the amendment Bill in Clauses 6 and 7 also removes the reference to service mark which is obsolete. Clause 9 revises the fee structure to enable the Cayman Islands registry to charge fees based on the number of classes in which protection is sought, as is done in the United Kingdom's Registry. Consequently, the fee for registration in one class remains as it was, but there is now a fee of \$50 for each additional class registered upon application, and \$25 per additional class annually. The application fee for renewal has been in-

creased from \$50 to \$100 and the search fee from \$10 to \$25. These fees were last revised in 1992.

I commend the passage of this Bill to this Honourable House.

The Speaker: The question is that a Bill entitled, The Patents and Trade Marks (Amendment) Bill, 1998, be given a second reading. The motion is now open for debate. (Pause)

If there is no debate, I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE PATENT AND TRADE MARKS (AMENDMENT) BILL, 1998, GIVEN A SECOND READING.

The Speaker: Second Readings, continuing.

THE PUBLIC LOANS (REPEAL) BILL, 1998

Clerk: The Public Loans (Repeal) Bill, 1998.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I beg to move the second reading of a Bill entitled, The Public Loans (Repeal) Bill, 1998.

The Public Loans Law (1996 Revision), enables the Currency Board to raise money by issuing Government securities such as treasury bills and government bonds. As this House is aware, the Currency Board was abolished with the creation of the Monetary Authority. The Law is therefore inoperative with the absence of the Currency Board Law, and in the absence of any corresponding enabling provision being made in the Monetary Authority Law similar to what existed in the Currency Board legislation. For these reasons it is necessary to repeal the Public Loans Law which is the subject of this Bill.

I commend this Bill to this Honourable House.

The Speaker: The question is that a Bill entitled, The Public Loans (Repeal) Bill, 1998, be given a second reading. The motion is now open for debate.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: I rise to support this Bill, and to raise just one or two questions on it.

I note that the Bill seeks to repeal the Government's power under the Public Loans Law to raise funds through the issuing of treasury bills and government bonds. The rationale used on this is that the Government will continue to be able to raise money through loans from banks, which has been possible since time immemorial.

Notwithstanding the demise of the Currency Board, one would have thought that the Monetary Authority (an advancement on the Currency Board) would have made

provision for other means of raising funds for the country, especially in view of the fact that this country is one of the leading financial centres in the world. One would have thought that the somewhat tried and antiquated system of bank loans would have been improved through additional areas. I believe that the Honourable Member moving this Bill will no doubt comment on this, but to restrict Government's ability to raise loans through just the banks is, I think, not a very progressive step.

I would ask that the Honourable Member moving this Bill to reconsider this position. If we have now advanced to the stage where we have a Monetary Authority, one would have thought that under the Monetary Authority Law, or even within its internal operation that consideration should be given for this country to raise loans in the cheapest manner possible that would have the least negative impact on the finances of this country.

I ask that the Honourable Member to take these few remarks into consideration in his winding up.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddan: I support this Bill. One of the points the Member has raised, while it obviously has a lot of merit and is one especially that I know is usual when central banks are in place. I think we should exercise caution in relation to all borrowing, but especially in relation to borrowing bonds or debentures. What is lacking in a bond or a debenture is the compellability to repay. If that is strictly put in the Law and carried out, then I fully agree with the Honourable Member.

Some of the other countries that we know have issued bonds or debentures and roll them over at the end of, say, every ten years or whatever, and after a while, one Government can bind another Government over a very long period. While I think there is merit in what the Third Elected Member for George Town has raised, I believe that we have to exercise caution. I am sure that he would want that caution to be put into a Law, and that it be done with strict rules, as he knows because he is a qualified accountant, on a sinking fund to make sure that repayment, retirement at the end of the period does happen. With the loans from Caribbean Development Bank and the other banks, the banks do enforce strict repayment of it.

I guess what I am saying is that while I agree with the Honourable Third Elected Member for George Town, I would say that when the stage comes that we look at issuing bonds, perhaps a separate Law, as was done in the past, like a Loans Bill, or a Bonds Bill, could be brought setting out strict pay-back clauses in it.

The Speaker: Does any other Member wish to speak? If not, I will ask the Mover if he wishes to reply. The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Mr. Speaker, first of all, let me thank Honourable Members for their contributions to

this Bill. In particular, I have taken note of the comments raised by the Third Elected Member for George Town, and also the comments shared by the Honourable Minister for Education.

What we have in front of us does not challenge the merits or demerits of the Government to borrow money by way of raising bonds. We have an anomalous situation, whereby we have a Law that cannot be operated, and it is of necessity that this should be corrected by way of repeal of this legislation. I do take the point made by the Honourable Member, that it is more desirable in given circumstances to seek to raise funds, especially loan financing, through the issuing of bonds. We do recognise that borrowing from the bank will normally be more expensive, both in the short and long run. For us to get to this stage, we are at a point where we are considering a reform of our financial systems. We are also looking at the revision of the Public Finance and Audit Law.

We are also, of necessity, looking at other pieces of legislation and regulations as well to accompany to review of the Public Finance and Audit Law. Once a policy has been established by the Government as to its public debt position and the way forward in the future, a decision can be taken as to what precise measures should be put in place to govern any decision that should be taken regarding the issuing of bonds and other treasury bills. I support the views advanced by the Honourable Member, as I said earlier. They are of substance, but this is something we will have to look at, rather than just retaining the provision as it now exists, or seeking to amend the Monetary Authority legislation to put in a corresponding provision, as existed in the Currency Board legislation.

The Speaker: I shall put the question. The question is that a Bill entitled The Public Loans (Repeal) Bill, 1998 be given a Second Reading. Those in favour, please say Aye. Those against, No.

AYES.

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

AGREED: THE PUBLIC LOANS (REPEAL) BILL, 1998, GIVEN A SECOND READING.

THE MISCELLANEOUS PROVISIONS (FEES AND DUTIES) (TEMPORARY) (AMENDMENT) (ENVIRONMENTAL PROTECTION FEES) BILL, 1998

The Clerk: The Miscellaneous Provisions (Fees and Duties) (Temporary) (Amendment) (Environmental Protection Fees) Bill, 1998 .

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move the Second Reading of a Bill entitled The Miscellaneous Provisions (Fees and Duties) (Temporary)

(Amendment) (Environmental Protection Fees) Bill, 1998.

The Miscellaneous Provisions (Fees and Duties) (Temporary) Law, 1997, currently states that an environmental protection fee of \$4 shall be collected from cruise ship tourists, and this shall come into effect by order of the Governor in Council. Honourable Members of this House will recall that when this additional fee was being discussed, the Honourable Minister for Tourism pointed out to this House that the cruise lines normally sell their tickets eighteen months in advance, and as a consequence, it was agreed that the implementation date should be determined by Executive Council.

Subsequent to the legislation being given passage, the Minister of Tourism met with the Cruise Line Association representatives, at which time it was pointed out by the Association that the additional increase of \$4 would be quite onerous to absorb or to pass on by the cruise lines to their passengers who had purchased their tickets long in advance. After several meetings with the cruise ship representatives, it was agreed that effective 1 October 1997, every agent shall collect from a cruise ship specified by the Minister as a seasonal cruise ship, a fee of US\$2 or CI\$1.60 for the first year commencing 1 October 1997.

After the expiration of this period, the fee would increase to US\$4 or CI\$3.20. For those ships classified as year-round cruise ships, a fee of US\$1 or CI\$0.80 for the first year commencing 1 October 1997, and after the expiration of this period, the fee would be increased to US\$2 or CI\$1.60. Further, as a good will gesture, and for the Cruise Lines Association, in showing their support for the Cayman Islands, they agreed to an annual contribution to the Hospital of \$100,000 for the next five years, for a total sum of US\$500,000. The first instalment of this sum, which is \$100,000, was paid during last year. I commend this Bill to this Honourable House.

The Speaker: The question is that The Miscellaneous Provisions (Fees and Duties) (Temporary) (Amendment) (Environmental Protection Fees) Bill, 1998 be given a Second Reading. The Bill is now open to debate.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. In understanding the intention of this Bill, a couple of questions come to mind, and I wish to raise them so that the Honourable Third Official Member, in his wind-up, may address them. As the Bill reads, it is repealing section 7 of The Miscellaneous Provisions (Fees and Duties) (Temporary) Law, 1997. In the new proposed substituted section, 7(1) reads, "every agent shall collect from every passenger in every outward bound vessel or aircraft, an environmental protection fee of \$2 or such other sum as may be prescribed by the Governor in Council in regulations, subject to affirmative resolution.

While I am sure it has already been thought out, or I hope it has been, I would like to get a clear understanding as to the mechanism that will be used to collect these fees, and the method by which the checks and

balances will be put in place. It also brings to mind something that has come to my attention, and I do not have the exact details, but I will voice it in my ordinary lay terms so it can be addressed. It is my understanding that, at the airport, any fees collected from outgoing passengers by some regulation or the other, it may not be a local one, but there is some specific regulation, and I use that term loosely, which not only implies but states that these fees that are collected at the airport should only be used to the upgrading of that facility and any other surrounding facilities, which the Civil Aviation Authority is in charge of. I do not know too many details of it, but if my understanding is clear, that is a real concern and it needs to be addressed.

If we go into section 7(6), it makes a statement again, and it reads, "Every person having a full or part proprietary interest in a vessel or aircraft in the Islands shall appoint an agent in respect of that vessel or aircraft for the purposes of collecting an accounting for the environmental protection fees referred to in subsection (2)." That statement, if it were someone else who brought the Bill forward, and I will not call any names here, but if it were someone else, I know that person would answer my first question by saying, This is the answer to it, because some of us are like that, Mr. Speaker. But I am sure the Third Official Member is made of different stuff, and he will go into a proper explanation so we ordinary people can understand.

The other point I wish to raise, and I do thank him for advising the Honourable House that there is this \$100,000 per year donation to the Hospital for five years, while this Bill does not directly address the issue of cruise ship moorings, based on knowledge gained in the previous sitting of this House, where we understand that the Government intends to make some payment out of this fund to the loan which the Port Authority procured for the cruise ship moorings, perhaps the issue could be addressed, whereby we will be able to determine if, having installed the cruise ship moorings, there will be any other fees levied for the use of these moorings by the cruise ships, or how this situation is going to be addressed in the long term. Because naturally the loan that has been procured by the Port Authority must be serviced until the debt is retired. I hold the view that if a service, or something in the nature of a service, is provided by a certain entity, and there are others who use the service, especially if it is not the people of the Cayman Islands, there should be some type of remuneration.

If the \$2 being addressed in this Bill is that remuneration, then I raise the question, if the Port Authority is dealing with the cruise ship moorings on the one hand, should it not be the Port Authority who deals with the collection of a fee for the use of these moorings. If that is not the case, is the Port Authority simply providing these moorings, not only to protect the seabed, supposedly, on our part, but are they going to get any remuneration? These are issues which may seem trivial, but I think it is all to do with the way the Government operates, and I would like to hear some answers on it. Thank you.

The Speaker: Does any other Honourable Member wish to speak? Does the Honourable Mover wish to reply?

Hon. George A. McCarthy: I should point out that, in response to the several questions raised by the Honourable First Elected Member for George Town, by way of the checks and balances that will be in place to ensure that the monies collected are properly accounted for, first, these monies will be paid into the Treasury Department by the agents appointed or approved to collect the environmental protection fees from these cruise ships. This money will be supported by the details of the passenger manifest. This will provide an accurate indication as to the amount being paid over.

As Honourable Members are aware, at the previous sitting of this Legislative Assembly, or during the Budget meeting, approval was granted for the setting up of an environmental protection fund, into which these fees will be paid.

Secondly, once the mooring arrangements have been put in place, it is understood that the Port Authority will be allowed to levy additional charges, as a part of its fee collection process for the services it will be providing under this arrangement. The monies collected and paid over into the environmental protection fund will not be the only levy made on the cruise ships, but there will be a service charge for the use of these facilities. By way of the assistance being provided by the Government, as mentioned during the setting up of this fund, in the first instance, approval of this Honourable House will have to be granted for all disbursements out of that fund, because it was deemed that the installation of the mooring buoys was necessary to give protection to the environment, and were seen as such. It was therefore deemed that the servicing of this loan would qualify for a draw-down or charge to be made against the environmental protection fund. I also would suggest that whenever a meeting of Finance Committee is held to give further consideration to this and to state specifically what sums of money will be taken out of the fund to service the loan, more details will be provided.

The Speaker: The question is that a Bill entitled The Miscellaneous Provisions (Fees and Duties) (Temporary) (Amendment) (Environmental Protection Fees) Bill, 1998 be given a Second Reading. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE MISCELLANEOUS PROVISIONS (FEES AND DUTIES) (TEMPORARY) (AMENDMENT) (ENVIRONMENTAL PROTECTION FEES) BILL, 1998 GIVEN A SECOND READING.

THE COMPANIES (AMENDMENT) (EXEMPTED COMPANY) BILL, 1998

The Clerk: The Companies (Amendment) (Exempted Company) Bill, 1998.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move the Second Reading of a Bill entitled The Companies (Amendment) (Exempted Company) Bill, 1998.

The Companies (Amendment) (Exempted Company) Bill seeks to make an amendment to section 194 of the Companies Law (1995 Revision), to provide that if an exempted company is listed on the Cayman Islands Stock Exchange, it does not fall under the prohibition against exempted companies inviting the public in these Islands to subscribe to their securities. With the advent of the Cayman Islands Stock Exchange, it has come to our attention that there are quite a number of exempt companies, specifically mutual funds, which currently are inhibited from listing on the Stock Exchange because of the section 194 prohibition.

In amending this section to remove the prohibition in respect of the listed exempted companies, we will still be preserving the investors protection rationale of section 194, because a listing requires that the company prepare and make publicly available to prospective investors detailed and updated information about its business, investment objectives and financial position. This is normally done by way of the companies being required to issue a prospectus.

First, to take into account the comments by the Honourable Third Elected Member for Bodden Town on insider trading, the rules enacted by the Stock Exchange expressly prohibit behaviour abusive to the markets, such as insider trading. The amendment is fully in keeping with the definition of what activities an exempted company is allowed to undertake, as defined by section 192 of the Companies Law itself, as well as the Local Companies (Control) Law, and the Stock Exchange (Company) Law, and it will remove a commercial disadvantage from the Exchange, such as that companies at this time, because of difficulties experienced with the prohibition of section 194 of the Companies Law, a number of them are going to other jurisdictions to be registered, and then coming back into the Cayman Islands to do business.

We feel that we should not allow this disadvantageous position to continue to operate, because obviously the companies are being formed—we have the Stock Exchange facility; we are also providing the management of the mutual funds operation; we have the competence in this jurisdiction. So of necessity, it would be within our interests for this prohibition to be removed to allow those companies to do business on our stock exchange, rather than going elsewhere.

The Speaker: The question is that a Bill entitled The Companies (Amendment) (Exempted Company) Bill,

1998 be given a Second Reading. The Bill is now open to debate.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I am pleased to see that the position regarding the Stock Exchange offering the public the opportunity to subscribe to securities, especially in relation to some of the mutual funds that are listed and will be listed on the Stock Exchange, has been put into effect. However, there are a few matters which I believe should be taken into account in the interests of the protection of the Caymanian public. There is a reason for section 194 of the Companies Law (1995 Revision). That is the section the Bill seeks to amend.

Section 194 of the Law says, “**An exempted company is prohibited from making any invitation to the public in the Islands to subscribe for any of its shares or debentures.**” It goes on in section 195 to say, “**If an exempted company carries on any business in the Islands in contravention of this part, then without prejudice to any other proceedings that may be taken in respect of the contravention, the exempted company and every director, provisional director and officer of the exempted company is responsible for the contravention, is guilty of an offence and liable, on summary conviction, to a fine of \$100 for every day during which the contravention occurs or continues, and the exempted company shall be liable to be immediately dissolved and removed from the Register.**” This was placed in the Law to protect the Caymanian public and to protect anyone doing business with an exempted company, mainly because, as the term implies, an exempted company was exempt from certain requirements necessary in respect of other companies, such as a local company, ordinary local company.

“**A proposed exempted company applying for registration as an exempted company shall, at this time, remit to the Registrar a declaration signed by a proposed Director to the effect that the operation of the proposed exempted company will be conducted mainly outside of the Islands.**” Other than for that declaration, there is very little else expected from an exempted company, and that is why, if you check the Register today, with the number of companies registered, perhaps 80% of the total number of companies registered, if not more, would be exempted companies because of the very limited amount of information available to the public. The outside investors prefer to go through exempted companies because of this very limited amount of information they are required to provide to Government.

On the other hand, an ordinary registered company, or even an ordinary non-resident company, is obliged to keep a much more detailed account and provide more information to Government when it is being registered. Basically, a register of companies shall be kept in respect of every company, and I am speaking mainly of an

ordinary resident company. This information provides a list of requirements that a company will provide to the Government. In addition to the name of the company, it has to provide where it is registered, it has to provide the amount of capital it is registered, and the names and addresses of the subscribers to the memorandum, and the number of shares taken by each subscriber. This is not necessary in respect of an exempt company.

It is against this background that I am concerned that the exempt companies selected by the Stock Exchange will indeed provide the necessary transparency now being given by other companies doing business within the Cayman Islands. The transparency is necessary, so that the local people will know exactly the type of company they are doing business with, notwithstanding the checks that will be put in place by the Stock Exchange.

Before this amendment to the Companies Law came into effect, these checks and balances were put in place so that the Caymanian public was protected. I realise, in listening to the mover of this Bill, that this will relate mainly to mutual funds listed on the Stock Exchange. This does not matter, because mutual funds are being made by a lot of people these days. It does not have to be a major company. They are being put together by anyone who has the slightest idea of what a mutual fund is all about. Unless this is very closely monitored and supervised, the potential is there that some of our people could get hurt. I would ask that the Honourable Third Official Member, in his winding up, would give some assurance of any checks and balances that may be in place or that are being considered by the Stock Exchange, through his Ministry, for ensuring that the proper transparency is in place, and that every effort is being made to protect the Caymanian public. Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I am sorry, but there was a little bit of a mix-up. I am not sure exactly if certain things have been mentioned during some of the debate. Again, it is obvious the good intentions of this Bill, but even if I may be a little bit repetitious here, I wish to bring to the attention of the mover of this Bill a section in the Companies Law, 1995 Revision. The existing section 194 has been read by my colleague, the Third Elected Member for George Town, and the Bill, which seeks to repeal that section, and just to quickly read what will be replacing it, the new section 194 will read: **“An exempted company that is not listed on the Cayman Islands Stock Exchange is prohibited from making any invitation to the public in the Islands to subscribe for any of its securities.”**

If we go back to section 183 of the Companies Law, 1995 Revision, I will quickly read that section, **“A proposed exempted company applying for registration as an exempted company shall submit to the Registrar a declaration signed by a proposed Director to the effect that the operation of the proposed ex-**

empted company will be conducted mainly outside of the Islands.”

That says to me that if we are calling for an amendment to section 194, this section 183 needs to be amended, too. It is telling me, unless I am not understanding it, that one is contradicting the other.

If we go to section 186 of the Companies Law, 1995 Revision, it states, **“In January of each year, after the year of its registration, each exempted company shall furnish to the Registrar a return which shall be in the form of a declaration that (a) since the previous return, or since registration, as the case may be, there has been no alteration in the Memorandum of Association, other than an alteration in the name of the company effected in accordance with section 30, or an alteration already reported in accordance with section 9; (b) the operations of the exempted company, since the last return, or since registration of the exempted company, as the case may be, have been mainly outside the Islands; and (c) sections 192 and 193 have been and are being complied with.”**

I raise the point to ask the question, if the new section 194 is basically—and while the wording does not say so, it says to me that it is encouraging certain types of companies who do business outside the Cayman Islands in certain areas because the laws of our land inhibit them from doing business locally, then certainly sections 183 and 186 of the Companies Law will also need to be amended in order for these companies to be able to operate within the confines of this Law.

I may be misunderstanding, but if I am, I certainly would like to get it cleared up before the vote is taken on the proposed Bill. Thank you.

The Speaker: Does any other Honourable Member wish to speak? If no other Honourable Member wishes to speak, does the mover wish to exercise his right of reply? The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I would like to thank the Honourable Third Elected Member for George Town and the Honourable First Elected Member for George Town for their observations on this Bill. I should point out, Mr. Speaker, that this amending legislation is not intended to put at risk the public of the Cayman Islands in terms of investing in local instruments, or instruments that would be made available through the amendment to section 194 of the Companies Law. This amendment, in itself, lifts the veil of an exempt company. We are talking about full transparency. All relevant details will have to be given. In fact, I know the Honourable Third Elected Member for George Town, being an accountant, knows that when it comes down to the details that will have to be provided in a prospectus, not only does it call for factual information, it also renders that certain relevant opinions be made available. It takes to a higher level than the details that would otherwise be provided, by way of an ordinary resident company.

When we talk about full transparency, this is exactly what will be provided. Like the Honourable Member, the Government is concerned to ensure that full protection is given to every monetary instrument in which the public at large would seek investment opportunities. It is for this reason that this amendment will only affect those companies coming on to the Stock Exchange, because the minimum requirements will remain in place, and the provisions of section 183 and 186 will continue to operate in respect of those companies that will not otherwise be approved for listing on the Cayman Islands Stock Exchange. These are the types of vehicles that drive the setting up of mutual funds.

The minimum filing requirements for an exempt company will not be the information the Stock Exchange will be dealing with. It will be full transparency, and these companies will be required to give full disclosure of their operations and prospective operations to the public at large, so the public can be put on alert as to the risk associated in engaging in the investment vehicles that will be promoted through the setting up of these mutual funds. Thank you very much, Mr. Speaker.

The Speaker: The question is that a Bill entitled The Companies (Amendment) (Exempt Companies) Bill, 1998 be given a second reading. Those in favour, please say Aye. Those against, No.

AYES.

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

AGREED: THE COMPANIES (AMENDMENT) (EXEMPT COMPANIES) BILL, 1998 GIVEN A SECOND READING.

The Speaker: We shall suspend proceedings for fifteen minutes prior to going into Committee.

PROCEEDINGS SUSPENDED AT 11.35 AM

PROCEEDINGS RESUMED AT 12.28 PM

The Speaker: Please be seated. Proceedings are resumed. The House will now go into Committee to consider a Bill for the Patent and Trade Marks (Amendment) Bill, 1998 and other bills. Before we go into it, I would like the views of the House.

It is my understanding that it is wished to adjourn after we have completed the Committee and Reports. Shall we continue until we reach that time? Or do we take the suspension for lunch? I do not believe we will complete the Committee at the usual time, as we only have fifteen minutes before the normal lunch period. Is it the wish of the House that we continue and then adjourn?

Hon. Thomas C. Jefferson: Mr. Speaker, I think it would be more effective if we just went completely through and took lunch afterwards.

The Speaker: That is my view, yes. Is that the wish of the House?

We will now go into Committee.

HOUSE IN COMMITTEE AT 12.30 PM

COMMITTEE ON BILLS

The Chairman: Please be seated. The House is now in Committee. With the leave of the House, may I assume that as usual we would authorise the Second Official Member to correct minor printing errors and such like in these bills? Would the Clerk read the bills and clauses?

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1998

The Clerk: The Patents and Trade Marks (Amendment) Bill, 1998.

- Clause 1. Short title.
- Clause 2. Interpretation.
- Clause 3. Amendment of section 2, Definitions and Interpretation.
- Clause 4. Amendment of section 7, Mode of Recording Rights.
- Clause 5. Amendment of section 9, Effect of Recording a Trade Mark.
- Clause 6. Repeal of section 11, Application of the Law to Service Marks.
- Clause 7. Amendment of section 12, Annual Fee.
- Clause 8. Amendment of section 13, Changes.
- Clause 9. Substitution of the Schedule, Fees.

The Chairman: The question is that clauses one through nine do stand part of the Bill. It is open to debate. No debate? I will put the question that clauses one through nine do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 9 do stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 9 PASSED.

The Clerk: A Bill for a Law to amend the Patents and Trade Marks Law, 1995 Revision, to enable the registration in the Islands of European Community trade marks and trade marks registered under the Madrid Protocol, and for incidental and connected purposes.

The Chairman: The question is that the title do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The title do stand part of the Bill.

AGREED: TITLE PASSED.

Mrs. Edna M. Moyle: Mr. Speaker, if I may, maybe I missed this. Did we put the question on the Schedule?

The Chairman: Maybe I am not correct, but I would have thought that was covered by Clause 9. Would the Honourable Second Official Member concur that the Schedule is covered under Clause 9?

Hon. Richard H. Coles: It is, Mr. Chairman, that is quite correct.

THE PUBLIC LOANS (REPEAL) BILL, 1998

The Clerk: The Public Loans (Repeal) Bill, 1998.

Clause 1. Short title.
Clause 2. Repeal.

The Chairman: The question is that Clauses 1 and 2 do stand part of the Bill. It is open to debate. No debate? I will put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 1 and 2 do stand part of the Bill.

AGREED: CLAUSES 1 AND 2 PASSED.

The Clerk: A Bill for a Law to repeal the Public Loans Law, 1996 Revision.

The Chairman: The question is that the title do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The title do stand part of the Bill.

AGREED: TITLE PASSED.

THE MISCELLANEOUS PROVISIONS (FEES AND DUTIES) (TEMPORARY AMENDMENT) (ENVIRONMENTAL PROTECTION FEES) BILL, 1998

The Clerk: The Miscellaneous Provisions (Fees and Duties) (Temporary Amendment) (Environmental Protection Fees) Bill, 1998.

Clause 1. Short title.

The Chairman: The question is that Clause 1 do stand part of the Bill. No debate? I will put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clause 1 do stand part of the Bill.

AGREED: CLAUSE 1 PASSED.

The Clerk: Clause 2. Amendment of section 7, Environmental Protection Fees.

The Chairman: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Chairman, it was brought to my attention a few minutes ago that there is a need to insert the wording, in the second line of subsection 7(1), which reads as follows (the words are to be inserted between “bound vessel” in the second line and “or”): “**except vessels referred to in subsection (2)**”. Once that insertion is made, it will read: “**Every agent shall collect from every passenger in every outward bound vessel, except vessels referred to in subsection (2), or aircraft, an environmental protection fee of \$2.**”

This amendment is to make it clear that the environmental fees to be paid, as set out in subsection (2), which varies between the amounts payable by seasonal cruise ships and those that visit on a regular basis, will not include the \$2 as set out in subsection 7(1).

The Chairman: I waive the notice to two days’ notice for the amendment. The amendment has been moved. Does any Member wish to speak to the amendment? If there is no debate, I will put the question. Those in favour, please say Aye. Those against, No.

AYES.

AGREED: AMENDMENT PASSED.

The Chairman: The amendment has been approved. The question is that clause 2 as amended do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clause 2 as amended do stand part of the Bill.

AGREED: CLAUSE 2, AS AMENDED, PASSED.

The Clerk: A Bill for a Law to amend section 7 of the Miscellaneous Provisions (Fees and Duties) (Temporary) Law, 1997, to provide for the collection of environ-

mental protection fees and for incidental and connected purposes.

The Chairman: The question is that the title do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The title do stand part of the Bill.

AGREED: TITLE PASSED.

THE COMPANIES (AMENDMENT) (EXEMPTED COMPANY) BILL, 1998

The Clerk: The Companies (Amendment) (Exempted Company) Bill, 1998.

- Clause 1. Short Title.
- Clause 2. Amendment of section 194 of the Companies Law, 1995 Revision.

The Chairman: The question is that Clauses 1 and 2 do stand part of the Bill. It is open to debate. No debate? I put the question that Clauses 1 and 2 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 1 and 2 do stand part of the Bill.

AGREED: CLAUSES 1 AND 2 PASSED.

The Clerk: A Bill for a Law to amend the Companies Law, 1995 Revision, to enable exempted companies that are listed on the Cayman Islands Stock Exchange to invite the public in the Islands to subscribe for their securities, and for incidental and connected purposes.

The Chairman: The question is that the title do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The title do stand part of the Bill.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on Bills entitled The Patent and Trade Marks (Amendment) Bill, 1998, The Public Loans (Repeal) Bill, 1998, The Miscellaneous Provision (Fees and Duties) (Temporary Amendment) (Environmental Protection Fees) Bill, 1998, and The Companies (Amendment) (Exempted Companies) Bill, 1998.

The question is that the Bills be reported to the House. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: THAT THE BILLS BE REPORTED TO THE HOUSE.

HOUSE RESUMED AT 12.41 PM

REPORTS ON BILLS

The Speaker: Please be seated. Proceedings are resumed. Reports.

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1998

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I am to report that a Bill entitled The Patents and Trade Marks (Amendment) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

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

THE PUBLIC LOANS (REPEAL) BILL, 1998

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I am to report that a Bill entitled The Public Loans (Repeal) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

The Speaker: The Bill has accordingly been set down for Third Reading.

THE MISCELLANEOUS PROVISIONS (FEES AND DUTIES) (TEMPORARY AMENDMENT) (ENVIRONMENTAL PROTECTION FEES) BILL, 1998.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I am to report that a Bill entitled The Miscellaneous Provisions (Fees and Duties) (Temporary Amendment) (Environmental Protection Fees) Bill, 1998 was considered by a Committee of the whole House and passed with one amendment.

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

THE COMPANIES (AMENDMENT) (EXEMPTED COMPANY) BILL, 1998

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I am to report that a Bill entitled The Companies (Amendment) (Exempted Company) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

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

It is my understanding that the House will now adjourn. I would entertain a motion for the adjournment of the House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday of this week at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 AM on Wednesday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 am Wednesday.

At 12.43 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 4 MARCH 1998.

**EDITED
WEDNESDAY
4 MARCH 1998
11.06 AM**

[Prayers by the First Elected Member for George Town.]

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I would like to apologise to this Honourable House for the late start this morning. I have apologies for the Honourable Second Official Member, who will be arriving later this morning, and for the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture. She will be arriving later this morning.

Item number 2 on the Order Paper, Questions to Honourable Members/Ministers.

Before we go into that, I would like to ask for a motion for the suspension of Standing Order 23(8) so that we can take Question Time, as the hour is after 11.00 AM.

The First Elected Member for West Bay.

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

Mr. W. McKeeva Bush: Mr. Speaker, I beg to move the suspension of the relevant Standing Order so that Question Time can be taken.

Mr. D. Kurt Tibbetts: I beg to second that, Mr. Speaker.

The Speaker: The motion has been made and seconded. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Question Time.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTIONS TO BE ASKED AFTER 11 AM.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

The Speaker: The question to the First Elected Member for West Bay, Question Number 12 standing in his name.

QUESTION 12

No. 12: Mr. W. McKeeva Bush asked the Minister responsible for Education, Aviation and Planning what progress has been made with the building of the new primary school in West Bay, in view that the school now has an enrolment of 476 students?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: A site has now been located, and Executive Council will be requested to approve the purchase, subject to funds.

SUPPLEMENTARIES

The Speaker: Supplementaries? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. When the Member says, "subject to funds," I presume that we have funds, that we can move forward.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There are funds there, but as the Honourable Member knows, once this is approved, it goes across to Lands & Survey, and then negotiations begin. So it depends on what the ultimate price of the property would be. That is why I was cautious in saying this, but yes, it is a priority. It will be bought this year.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So far the Honourable Minister has answered the question with regard to the potential purchase of the property. Can the Honourable Minister say what the plans are as far as the time-line for construction of the new school once the property is acquired?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Once the property is acquired the next move will be to prepare the plans for it. Thereafter, once it is approved and there are funds for it, it goes out to tender, I would assume, and then go on to the building stage. I cannot say how long that will take other than to say that as I understand the plans, I would think a few months. I know the tendering takes about six weeks. I guess that is the best estimate I can give.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Can the Honourable Minister tell this House the location of this property?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The property we are looking at is West Bay Northwest Registration Section Block 4B Parcel 181. It is near to the Boatswain Bay Road and Fountain Road.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Although he cannot give a specific timeline, can the Honourable Minister say, if there are funds allocated for the commencement of construction during this financial year, if time allows for it to be started?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I cannot be precise on that, but all I can say is that this is a priority and that if there are no funds (I know there are funds for the purchasing of the land), I will either come back here or we will vire it from somewhere else so that we can continue to give this priority.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If memory serves me right, during the last Budget Session, under the Capital Section, there was some move about priorities with regard to the amount of money allocated to Capital. Since the Minister is going from left to right in answering the question, I will ask if, within the amount allowed for Capital Expenditure in the 1998 Budget, there is a Primary School for the District of West Bay?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: As this Honourable House knows, the Budget contains several thousand items. If the Member will refer me to the amount and if I can borrow a Budget I will look at it and come back to him. I cannot remember and the Budget is something that all Members of this Honourable House have, and they can really look it up themselves. If he can refer me to what it is, I will look at it and give him my interpretation.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The thousands of items that the Minister is talking about is not what I am talking about. There is one specific section that is under Capital. The figure was \$28.(something) million. When the Honourable Minister for Tourism, Commerce and Transport spoke regarding that, he had his priorities lined up and came back here and gave us those priorities. I am asking the Honourable Minister for Education, Aviation and Planning if within that \$28.5 million (I am not exactly sure, but that is close enough for him to understand) a new Primary School is part and parcel. That is not thousands and thousands of items—it is one amount.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Sorry, Mr. Speaker, I did not understand that. I thought the Member was referring me to a specific amount. Yes, this is within the ambit of the \$28 million vote. It is a priority within that ambit.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: My question then, if that is the case, is how can the Minister in his answer say, “subject to funds”?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It is hard to figure out how to answer that. It is within the ambit of the Budget. I do not know if there is a specific vote somewhere in there among the thousands of items. I am being honest about it—I do not know. We all have the Budget, and we all approved the Budget. As far as I can remember, money was put in for it. I just do not know where in the 400 pages of the Budget it is. But it is a priority and whatever funds are needed to start this year’s work will be there. If it is not there, I will come back to the House. That is the most I can say on it, Mr. Speaker.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: The First Elected Member for George Town asked my question, Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: The Honourable Minister is saying that the purchase is going to Executive Council, and I know that is the route it would normally go. So he is saying that once Executive Council approves it they will go to Lands & Survey for the normal procedure, but it is the intention to carry on through the funds voted and the assurance given to us in the House. Is that what the Honourable Minister is saying?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: That is correct.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say (maybe he said it in one of his supplementary answers, but I did not understand it clearly) that if the plans can be drawn up for this school, as it is a priority, they will be in place once the purchase of the property has been completed, and only have to go to Planning?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: What normally happens is that we secure the land and then they do the plans to ensure that the plans apply to that site. What the Lady Member has asked, I could ask them to do on the basis that we would hope...I do not see any reason why it should not go through, so I take the point. I would ask them then to begin the plans before the purchase.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I thank the Honourable Minister for his answer, but I would ask him to give this Honourable House an undertaking that this will be done because the property only refers to the site plans, not the actual building. The actual building is what I am referring to.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: I will pass the request of the Member on in relation to the building plans, not the plans of the site. But she does appreciate that it is a different department from mine, so I put the request in to them which I will do on the plans for the building.

The Speaker: If there are no further supplementaries the next question is No. 13, standing in the name of the First Elected Member for West Bay.

QUESTION 13

No. 13: Mr. W. McKeeva Bush asked the Honourable Minister for Tourism, Commerce and Transport what were the reserves and available cash on hand at the Port Authority as at September 1997.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The reserves and available cash position of the Port Authority as of September 1997 was C1\$1,875,392.86 and C1\$203,323.00 respectively.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Minister say whether those funds are available today?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I did not check this morning whether they are available today, and I do not have a December or January position.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Well then, can the Honourable Minister say whether he had cause to use any of the funds between September and today?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: In relation to some of the cash, the Port Authority did make an additional contribution to the Government of \$0.5 million on 31 December 1997.

The Speaker: The Third Elected Member for Boddén Town.

Mr. Roy Boddén: Can the Honourable Minister say how much of these funds were available on the day the answer was prepared (and I am assuming that this was in the recent past, namely about a week or so ago)?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The amount of funds available on 31 December when this amount was taken from it was in the range of \$2 million.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say what the arrangement is between central Government and the Port Authority in regard to any annual contribution which the Authority is asked to make to central Government's coffers?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: There is an expectation on the Government that the Port Authority will make contributions on an annual basis to the Central Government's general revenue. That amount can vary, as it has in the

past. Most recently on an annual basis...let me step back a bit, Mr. Speaker. I believe it was two years ago that we made a contribution of \$225,000. In the last two years it has been at \$1 million. In 1997 the contribution was \$1.5 million.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Minister can state if, as the Minister of the Ministry under which the Port Authority falls (and thank God I am asking this Minister and not the Leader of Government Business because I am going to ask him for his opinion) in his opinion there should be some firm arrangement on an annual basis depending upon the proposed activity of the Port Authority, rather than as per the answer given, something that is done as and when it is needed, or when it is seen fit.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Perhaps as a former Financial Secretary I can offer an opinion. I believe that it is in the interests of the Central Government as well as the Port Authority or any of the Statutory Authorities operating today to come to a firm agreement as to what is expected on an annual basis. I think, in all fairness, you also have to bear in mind that although you start out with a particular budgeted amount of revenue and expenditure, the economic cycle can cause it to change. But I think some kind of arrangement, whether on a percentage basis or otherwise that the Authorities understand, that is realistic and leaves the Statutory Authority at the end of the day in a strong financial position, I think is the key to the answer.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I certainly wish to thank the Honourable Minister for that answer. Following up on that answer, can the Honourable Minister state if this has ever been done? Is there an intention whatsoever to do this, and, if so, when might this be done?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I believe there is intention to move in that direction. I do not believe that the Government (when I say the Government, I mean formally within Executive Council) has taken that decision. But it has certainly been discussed on many occasions and I believe that in the very near future there will be such an arrangement.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Notwithstanding the collective responsibility which exists in Executive Council, can the Honourable Minister give an undertaking that within a given time frame this situation will become a reality with all of the Statutory bodies?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I am reluctant to give such a bold undertaking, given that I am only one of the Ministers of Executive Council. But I can give an undertaking to bring it to the attention of Executive Council and request that some decision be made.

The Speaker: If there are no further supplementaries the next question is No. 14, standing in the name of the First Elected Member for West Bay.

QUESTION 14

No. 14: Mr. W. McKeeva Bush asked the Honourable Minister for Tourism, Commerce and Transport: (a) What is the present budget for the Miami Tourism Office, and what are the accounting procedures used? and (b) Do the accounting procedures used ensure that all expenses paid by the Miami Office and the other overseas offices are for expenses incurred by the respective Offices?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: (a) The present budget of the Miami Tourism Office is CI\$3,607,592.18. The accounting procedures used are in accordance with the Financial and Stores Regulations and the Treasury Guidelines on accounts for all payments made by each office. The answer to (b) is, yes.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: With regard to part (b) of the question and the answer which says, "yes," this means then that expenditures paid for things done in Miami, for instance, cannot be done in Cayman and paid by the Miami office?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I am not sure that I understand the question being raised by the Member, but if I have a glimpse of what it is, expenditures incurred by Members of the DOT Office at Cricket Square or at the Ministry at the Glass House are paid for from their budgets only—not from Miami, New York, Los Angeles, or Houston.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: In turn then, expenses incurred in Houston cannot be paid by the Miami office?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: think we have to divide the cheese here because the Miami office, which used to be called the Headquarters of the United States operation, does pay rental and other matters for other regional offices.

The Speaker: If there are no further supplementaries, the next question is No. 15, standing in the name of the First Elected Member for George Town.

QUESTION 15

No. 15: Mr. D. Kurt Tibbetts asked the Honourable Minister for Tourism, Commerce and Transport to give the total projected cost of the Pedro St. James project on completion.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The total projected cost of the Pedro St James project on completion is estimated at CI\$6,933,767.78.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say what the original estimated cost was for the project?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The original estimated cost by Commonwealth and the President, John Stewart, was CI\$5 million.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if there have been any changes to the original plans, or anything of that nature, which has increased the actual cost by \$1.933 million?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: There may have been some minor changes to the original estimate. You must also bear in mind that we are talking about \$5 million as an estimated figure back in 1993. We are five years down the road from that and if we take into consideration the inflationary factor over that period of time, we are talking about an additional 30% in terms of construction costs—The cost per square foot in 1993 versus the cost per square foot in 1998...you have to add 30% to it.

The other matter is that the estimated cost of a building, be it the Visitor's Centre, was \$1.4 million. The contractual cost is \$1.7 million. There are a number of items that the original cost estimated by Commonwealth did not include, such as the freight and duty on multimedia equipment, the Watler House renovations, the fitting up and furniture for theatre and cafe, the cabana, the landscaping at the Visitor's Centre, the roof for the reception area, the rock flooring for the theatre and professional fees as well.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the Honourable Minister saying that wonderful long list of things he just mentioned was not included in the original estimate?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The answer to that is yes, and I will add another one—the cost of the land and the stamp duty on the land which was in excess of \$825,000 was also not included in the \$5 million. That is included in the figure I gave you.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say what the amount will be, by way of loans which will have to be repaid for this specific project on completion?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Let us start off with what we know. The loan that was for this project was US\$5 million. That is my understanding. All right, \$5.79m...I am not saying that this number is carved in stone. What I am saying is that at this particular time I am unsure how to answer that question as to how much of the loan will be drawn down. I will undertake to give that answer to Members in writing. I do not want to give an answer that is not accurate.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is the Member saying that in the original estimate of the project, the land cost was not figured in?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The Member is understanding correctly.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So that the Minister will not misunderstand my intention, the question I asked regarding the loan figure was leading up to more questions. I was not trying to tie anything down with that.

The follow-up question is to ask the Minister if, when the project is completed and up and running (I remember hearing about a Board of Governors, the Tourism Attraction Board which will be dealing with the running of the project), it will be dealt with in such a way that the loans borrowed by Government will be paid back by way of monies received by the ongoing activities? If that is the case, does the Minister have any specific projections with regard to what kind of time-frame before the project does not have to be subsidised?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I believe that is another opinion, Mr. Speaker. But I am happy to try to answer.

The Speaker: If you wish to, you may.

Hon. Thomas C. Jefferson: The Tourism Attraction Board is already in operation and has been for some time. Members have been appointed and meetings have been held, and Members should be aware of it because it was carried on the front page of the *Caymanian Compass* some time ago.

The intention and mission of the Tourism Attraction Board is to run both Pedro St. James and the Botanic Park in a businesslike manner with the view that we will first be able meet the operational costs from the earnings of each project; and, secondly, to repay the loan from Caribbean Development Bank.

I am a little hesitant to say what year that will happen. Perhaps the Member will ask the question again at a future meeting and I will be in a position where I can give him more than what I call a 'wild opinion' on that subject.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Member say if the present estimated cost in the answer to the question, includes funds placed in this year's Budget?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: It does not include the amount in this year's Budget as far as...and I am looking at it from two angles. There is an amount in the Budget that deals with the recurrent operational costs of the project that is not part of the construction of Pedro St. James project. The second part is that the funds in the Budget as a loan for construction forms part of the answer.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state, since he now knows what the projected cost of the project is, and the fact that there was \$1 million in this year's Budget (if memory serves me right)...and we never did get an answer as to what was the difference between what was in the Budget and what was actually going to be paid out by Government. Can the Minister now state what amount out of the capital section of the Budget will have to be used to fill the gap to pay off the total contract of \$6.933 million?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: What I can say is that Pedro Castle is one of the priority projects. Out of the \$28 million in the Capital Expenditure section of the Budget, what is needed will come forward. It is fair and reasonable to say that some of us, including me, have never been completely comfortable with the way in which the project had been run in the past. We have recently (within the last six months) caused the project manager to be changed so that we are sure ourselves of what the ultimate arrangement will be. In the process of this exercise going on in the last six months, we have uncovered certain things such as I mentioned this morning, that the original estimated project cost did not include certain sums. So, even though we had \$1.1 million in the Budget, the amount required to complete the project will be closer to \$1.6 million or \$1.7 million.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Arising out of the last answer, was the project manager part of the team of the Commonwealth group?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Yes, he is part.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: When the Minister says he "is" part...all right, "was." Let me get this right. Was the project manager who was changed part of the Commonwealth group?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: On this occasion I should not give a short answer. The Commonwealth group out of Toronto was hired back in 1991. They started out by first carrying out the archaeological study to try to understand what exactly did take place at Pedro Castle back in the 1780s or after that date. As a result, this group of advisors, or consultants, or project co-ordinators (whatever we wish to call them) carried on the project from there until last year in a major way.

When the Caribbean Development Bank came into the picture and actually did an estimate which differed significantly from the original estimate, we began to become uncomfortable with the whole scenario. As a result, when we went on to the construction of the Visitor's Centre, we thought it a good time to have Public Works take over the project and carry it through to the final end.

So Commonwealth is still involved. That is why I said he is, and he was. Commonwealth is still involved with the multi-media aspect of the project—but that alone.

The Speaker: If there are no further supplementaries, the next question is No. 16, standing in the name of the First Elected Member for George Town.

QUESTION 16

No. 16: Mr. D. Kurt Tibbetts asked the Honourable Minister for Tourism, Commerce and Transport whether any action is being taken to establish a category under the Traffic Law whereby omnibus operators will be licensed.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The issue of permits to omnibus operators, as the Honourable Member realises, was under the authority of the Royal Cayman Islands Police Service and they operated with a Category 3 licence. The Ministry of Tourism, Commerce and Transport assumed the responsibility for Vehicle Licensing in October 1997. Since then, the Public Transport Board has been establishing the administrative machinery to carry out all of its duties under the Law. The Board is presently organising itself to issue a variety of licenses.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Bearing in mind the substantive answer, can the Honourable Minister say whether one specific category of these licences will be for omnibuses?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The answer to that question is yes.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Following up, can the Honourable Minister state if, along with this special category of licence, there is any consideration being given to some type of organised public transport system for the Island?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Organised public transport system...at the moment, transportation between the outer districts and the capitol is done by the private sector. We are seeking to encourage that to continue. We are in the throes of...maybe that is not the right word, but we are in the process of dealing with the movement of these buses that line up beside Bank of Nova Scotia, to place them behind the Public Library in George Town; and at the same time have a proper bus depot for them, with a view that as we move forward (and I thank Honourable Members for their support on this) we will deal with it, realising that they are all human beings and need some getting accustomed to the changes before we dump more changes on them.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps my choice of words was not the best, but to make it clear let me explain the reasoning behind the question. If licences are going to be issued for omnibus operators and they will be operating within certain districts, is any consideration being given to the licence being issued to allow the individual to operate within certain given areas, so that some type of assessment can be made where we will not have all of them going in one direction and not enough in another so that there is some organisation for everyone's benefit?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I think that is what I said when I referred to another change, and another change. Our view is that any person who operates an omnibus from a district to George Town, in addition to having a Category 3 licence, must also be licensed to run that route. Eventually there will be places where they set down and pick up, as well as other matters. But we will take it step by step.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if the Government is going to confine its role exclusively to

a regulatory body, or is the Government in a position to encourage the operators to form themselves into some kind of body with the eventual aim of regulating themselves, so that the Government's role will be reduced primarily to that of awarding the routes?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I think I will step back to part of what I said earlier. We are encouraging this public transport to remain within the private sector. In so doing, the Director of Licensing, among others, has been having meetings with those individuals who provide the service from the other districts to George Town, with a view to encouraging them to not only do it properly, but to think about what happens in the future and what sort of service will be needed and to build in that mechanism, so that we also get preferential treatment, if you wish, of Caymanians operating on those routes as well as bus drivers.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if the Government prefers to deal with an agglomeration of individuals, or is it the Government's preference and eventual hope that groups may evolve which would make it easier for Government's administration?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I think from a simple point of view (if I could have that), we begin with what we have and try to organise those who have been in the business for several years. Those who have been offering that service should be encouraged to move on into the development of that service. If these members of the private sector are unable to deliver it, then I think the Government will have to look at some other possibility. I am reluctant, personally, to even think about the Government doing it—by that I mean delivering the service.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if, in dealing with these licences, there will be any such thing as quotas?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I believe that when we look around the world, we will find there are only a certain number of taxi drivers who are allowed to be taxi drivers, whether it is in London, New York or any other place. So, to ensure that those who are in the business today continue to make a reasonable return on their services, then

I believe that the Government will have to look at that possibility.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: What, if any, support is the Government prepared to offer the persons currently rendering the services in an effort to help them organise themselves to optimum efficiency?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I hesitate to speculate here. I think we first need to understand what is needed before we go off saying what we are prepared to do. At the moment I am unsure what exactly is needed by each operator.

The Speaker: We have had a large number of supplementaries, I think I will limit it to two additional supplementaries on this question.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Minister telling the House that it may be necessary for the Government to do some kind of investigation into this matter with a view to determining exactly how best it can be organised?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I think there are sufficient members in place at present to gather that information to take a decision. It is just that when you are dealing with transportation in these Islands, there are so many items to do—it is a matter of where you place your priority list. What are the first five items to deal with? In that sense, it is the reason we have been moving as we have been in the past three or four months.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just following up on the issue of quotas, can the Honourable Minister say whether a decision has been made to make the quota on an overall basis with sheer numbers, or if it will be quotas as per each route?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: This is an item that is under review. I do not think we have reached any decision as yet. It would be unfair for me to make any statement to cause the Member to believe that we have it all finalised.

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

QUESTION 17

No. 17: Mr. Roy Bodden asked the Honourable Temporary First Official Member responsible for Internal and External Affairs to state the terms under which the Trade and Business Licensing Law and/or the Local Companies (Control) Law, permit the oil companies to operate in the Cayman Islands.

The Speaker: The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: The situation in respect of Local Companies (Control) Licences and Trade and Business Licences held by the two oil companies operating in the Cayman Islands is as follows:

Company	Purpose of LCCL	LCCL Valid until	Purpose of T&BL	T&BL valid until
Esso Standard Oil (S.A.) Ltd.	Bulk fuel installation	31 Dec 1998	Bulk Fuel Installation	31 Dec 1997
Texaco Caribbean Inc.	Bulk Fuel Installation/ Marketing of Petroleum	01 Jan 1999	Bulk Fuel Installation	31 Dec 1997

I should say in the case of both the Trade & Business Licence held expired on 31 December 1997. In fairness, Texaco has submitted an application which is currently with the Board of the Trade & Business Licence.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House if these oil companies have any special licences or operate under any Laws? If so, which Laws allow them to retail bulk fuel and its derivatives and other products?

The Speaker: The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: The licences the two companies hold are, as I have just stated. Neither company holds any licence in relation to retail activities.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the Government aware of any retail activity being carried on by these two companies?

The Speaker: The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: Preliminary but substantive examination of the activities of the two companies in relation to the licences is now almost complete. That examination will address issues such as what the Member alludes to, but I really cannot state the outcome of that examination at this time.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Seeing from the answer that the companies do not have any licence to retail, what has Government done about these companies that have put Caymanians out of business by taking their stations from them, the retail outlets?

The Speaker: The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: I cannot comment on what seems to be a specific example or situation that the Member is referring to, but I can say that the examination I alluded to earlier is fairly broad and looking to address the entire issues of the range of activities of the companies.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I realise that the Member is here temporarily, but can he give an undertaking that he will look into the situation and cause that to be examined with the sincerity of purpose it needs?

The Speaker: The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: If the Member would provide me privately with a bit more information on the problem he is alluding to, I would certainly be happy to look into it.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I will do that, but I hasten to say that complaints are in the proper places already, and I took the opportunity, seeing it is now published publicly that there is no licence.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: According to the answer provided, the oil companies have contravened section 9 of the Trade & Business Licensing Law (Law 25 of 1971) in my opinion. What is the Government prepared to do about this ap-

parent contravention, and is the review going to include any discussion of sanctions or settlements, as is usual in these cases?

The Speaker: The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: I note the Member's opinion as to possible contravention. I can only say that there are no restrictions I am aware of in terms of action which may be taken subject to the conclusion of this review. There is really nothing more that I can say on this question, Sir.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: It is obvious that there is much concern from many of us here regarding the activities of the oil companies. I do not think any of us wants to be a judge, but I would ask the Honourable Member, not just to give an undertaking, but, if possible, to give us some type of time-frame based on his knowledge of where this review is, so that we may have at least some comfort that it will not remain in limbo forever. It has been going on for a long time. Complaints have been made, and there are not only a few individuals involved in some of the complaints. I think the country needs to know how these two companies are going to be allowed to operate in the future.

While I understand that Government's intention is to make sure everything is on line, I think we are really asking for some specific time-line, so that we will be able to tell our constituents and the country at large exactly how quickly Government plans to act on what has to be done when the findings are complete.

The Speaker: The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: Mr. Speaker, I think I should learn from the experienced Minister on my right who earlier said he could not give an undertaking individually on behalf of the Government. Certainly, I cannot do that either, but I can give the Member an assurance that the Portfolio I represent will be doing all it can to ensure that the findings of this review will be shared with the relevant bodies and whatever actions be taken as expeditiously as possible and the situation brought to a conclusion.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if the Government is aware, through any formal or informal complaints by station owners, of what could be deemed unfair competition as a result of their having to compete against the same persons from whom they purchase fuel oil and its derivatives?

The Speaker: The Honourable Acting First Official Member responsible for Internal and External Affairs.

Hon. Donovan Ebanks: I know of no formal complaints in relation to that possible situation. I have heard of it informally, but I have not seen formal complaints made to the Portfolio or to anyone else in Government.

The Speaker: If there are no further supplementaries the next question is No. 18, standing in the name of the First Elected Member for George Town.

QUESTION 18

No. 18: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, What is the projected total cost of construction and equipment for the new George Town Hospital?

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

Hon. Anthony S. Eden: The total projected cost of construction and equipment for the new Hospital is \$27,690,000.00.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state how this new projected cost falls in line with the original estimate? Secondly, if everything is presently on stream and the anticipated completion date is still true?

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

Hon. Anthony S. Eden: When we started in 1994, the projected cost at that time was approximately \$22 million. Subsequently, in going through the steering committee and user groups within the hospital we added approximately 25,000 square feet of space because of new services we were adding. I think I shared that with the House in 1996. We increased the contingency sometime last year from 2% to 10%, which brings it up to where it is today.

My understanding is that, God willing, without any undue bad weather with the hurricane season coming up, we should be looking at sometime in September for the conclusion of construction, and the commissioning would take place when we start to put in beds and equipment, later on this year.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I skirt the periphery here and it will be up to the Minister, but does the Minister have any idea what the recurrent operational cost of the hospital will be once it is completed and everything is up and running?

The Speaker: I think this is outside of the ambit of the substantive question. But if the Minister has the information, he may give it.

Hon. Anthony S. Eden: That is going to be one of the questions coming up and will be rendered next week sometime.

The Speaker: If there are no further supplementaries, the next question is No. 19, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 19

No. 19: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if any section of the new Hospital building

has flooded as a result of the recent rains on Grand Cayman.

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

Hon. Anthony S. Eden: After the recent rains (and I think we can all remember last month, it was almost a deluge) a small puddle of water was found on the floor of the staff room on the second floor of Building 5, which accommodates the new laboratories. The Contractor is investigating the source of this minor leak.

Some water entered the ground floor of Buildings 6, 7 and 9 which are still under construction. The reasons for this are:

- i) the doors in the exterior walls have not yet been installed, which allowed rain to be blown inside the buildings;
- ii) the ground around the door openings in the exterior walls has not yet been lowered to its final level, which allowed water to flow into certain areas.

No major damage occurred in any location as a result of water penetration, nor will there be any delay to the project as a result of this.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister state whether it was necessary to do any work on the sur-

rounding grounds to improve the groundwater absorption, or if the leakage of water is limited to the areas listed in his answer?

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

Hon. Anthony S. Eden: As I mentioned, that was a most unusual downpour. There are certain drain wells already in place, but the entire drainage system will be hooked up and levelled when we put in the pavement. That will certainly get rid of this problem.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Minister in a position to say whether poor drainage on Smith Road is in any way responsible for some of the problems experienced and discussed?

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

Hon. Anthony S. Eden: I would not think so, Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the Honourable Minister give an undertaking to investigate this, since I live in that vicinity and I am quite aware of the flooding in that area? It might be a good idea to have it investigated.

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

Hon. Anthony S. Eden: Would you please repeat the last part?

Dr. Frank McField: I was asking if the Honourable Minister would undertake to investigate what influence the Smith Road drainage has on the water that pours into the hospital. That area is known for flooding, so it must have some effect on the flooding in that particular area.

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

Hon. Anthony S. Eden: That is a good point. We have commissioned, through my colleague the Minister for Communications and Works, a study of this area. We are looking forward to dealing with that situation with the drainage on Smith Road.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning. Item 3 on the Order Paper, Statement by Honourable Minis-

ters/Members of the Government. The Honourable Minister for Tourism, Commerce and Transport.

STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF GOVERNMENT

THE PUBLIC PASSENGER VEHICLES (AMENDMENT) REGULATIONS 1998

Hon. Thomas C. Jefferson: Honourable Members will be aware that the Taxi/Bus Dispatch Centre became operational on 1 January 1998, and that the police were asked to rigidly enforce the provisions of Regulation 10(4) of the Public Passenger Vehicles Regulations 1995, with effect from the same date.

This Regulation states, and I quote: “**Between 6.00 am and 6.00 pm on any day, no driver of a bus or taxi shall pick up passengers or wait for any period for that purpose anywhere in the district of George Town on the road shown coloured in red on the plan in the Schedule to these Regulations.**”

The area of road shown coloured in red is from the junction of Boilers Road and South Church Street along Harbour Drive to the junction of Mary Street and North Church Street.

It has been two months since this system has been operational, and as a result of a review of the system, and representations received from some of the taxi and bus operators, it is felt that the area shown coloured in red on the plan in the Schedule to the Public Passenger Vehicles Regulations, 1995, extends too far north, and that it would be more equitable to terminate this area at the northern part of the junction of Fort Street and North Church Street. This will allow taxis and buses to pick up passengers at any point north of the junction of Fort Street and North Church Street.

The Public Passenger Vehicles (Amendment) Regulations, 1998, which I will lay on the Table of this Honourable House on Friday morning reflects this change.

Finally, may I thank all Honourable Members of this Legislative Assembly for their continued support with this national issue.

The Speaker: Item number 4, Government Business, Bills. Third Readings.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1998

The Clerk: The Patents and Trade Marks (Amendment) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move that a Bill entitled The Patents and Trade Marks (Amendment) Bill, 1998, be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Patents and Trade Marks (Amendment) Bill, 1998, be given a third reading and passed. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has been given a Third Reading and passed.

AGREED: THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1998, GIVEN A THIRD READING AND PASSED.

THE PUBLIC LOANS (REPEAL) BILL, 1998

The Clerk: The Public Loans (Repeal) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move that a Bill entitled The Public Loans (Repeal) Bill, 1998 be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Public Loans (Repeal) Bill, 1998 be given a third reading and passed. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has been given a Third Reading and passed.

AGREED: THE PUBLIC LOANS (REPEAL) BILL, 1998, GIVEN A THIRD READING AND PASSED.

THE MISCELLANEOUS PROVISIONS (FEES AND DUTIES) (TEMPORARY) (AMENDMENT) (ENVIRONMENTAL PROTECTION FEES) BILL, 1998

The Clerk: The Miscellaneous Provisions (Fees and Duties) (Temporary) (Amendment) (Environmental Protection Fees) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move that a Bill entitled The Miscellaneous Provisions (Fees and Duties)

(Temporary) (Amendment) (Environmental Protection Fees) Bill, 1998 be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Miscellaneous Provisions (Fees and Duties) (Temporary) (Amendment) (Environmental Protection Fees) Bill, 1998 be given a third reading and passed. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has been given a Third Reading and passed.

AGREED: THE MISCELLANEOUS PROVISIONS (FEES AND DUTIES) (TEMPORARY) (AMENDMENT) (ENVIRONMENTAL PROTECTION FEES) BILL, 1998, GIVEN A THIRD READING AND PASSED.

**THE COMPANIES (AMENDMENT)
(EXEMPTED COMPANY) BILL, 1998**

The Clerk: The Companies (Amendment) (Exempted Company) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move that a Bill entitled The Companies (Amendment) (Exempted Company) Bill, 1998 be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Companies (Amendment) (Exempted Company) Bill, 1998 be given a third reading and passed. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has been given a Third Reading and passed.

AGREED: THE COMPANIES (AMENDMENT) (EXEMPTED COMPANY) BILL, 1998, GIVEN A THIRD READING AND PASSED.

The Speaker: Other Business, Private Members' Motions. Private Member's Motion No. 1/98, Long Service or Meritorious Awards - Customs and Immigration Officers. The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/98

**LONG SERVICE OR MERITORIOUS AWARDS—
CUSTOMS AND IMMIGRATION OFFICERS**

Mr. W. McKeeva Bush: I beg to move Private Member's Motion No. 1/98 standing in my name, which reads as follows:

"WHEREAS the Cayman Islands Customs and Immigration Departments are uniformed branches, as the Fire, Police and Prisons Departments;

"AND WHEREAS the Customs and Immigration Departments oftentimes carry out duties, to some degree along the lines of a Police Officer;

"BE IT NOW THEREFORE RESOLVED THAT His Excellency the Governor be asked to put in place long service or meritorious awards similar to that of the other uniformed departments mentioned;

"AND BE IT NOW FURTHER RESOLVED THAT the awards, if created, be given by His Excellency the Governor at Her Majesty the Queen's birthday celebrations."

Mr. D. Dalmain Ebanks: I beg to second the Motion.

The Speaker: Private Member's Motion No. 1/98 has been duly moved and seconded and is now open for debate. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Over the years I have been a Member of the Legislative Assembly, I have endeavoured to make provision for people to be duly recognised and honoured by this country, where appropriate, for their hard work and commitment. I am proud to have been the one to successfully pilot a Law for National Heroes and to see two worthy Caymanians installed as National Heroes. I am also proud to have asked for a Motion for the establishment of a Sports Man and Woman of the year.

I have always held the belief that when people work hard, when people are loyal and honest, they must be properly acknowledged. So this Motion seeks to have His Excellency the Governor create awards for the staff of two departments of Government, who over the years have given their talent, intelligence, and energy to their country; two departments that heretofore have not sufficiently been recognised by this country; two departments that have played a tremendous role in the development of these Islands.

First, I would like to deal with Immigration. The first law for the regulation of immigration was passed on 30 November 1934. The Department of Immigration originally came into existence as a section of the Police Department. For many years, the Commission of Police held a statutory position as Chief Immigration Officer, and Police Officers exercised functions of Immigration Officers in addition to their normal duties. This arrangement was not uncommon under the Colonial system of administration. In the late 1960s, certain officers were appointed as full-time Immigration Officers, although the Commissioner of Police still remained the titular head of Immigration.

In 1971, a Deputy Immigration Officer, responsible to the Commissioner of Police, was appointed. At the same time, a Deputy Commissioner of Police was also appointed. The Department of Immigration at that time comprised a total of only five persons. That was in 1971. This arrangement continued until 1975, when the final separation of Immigration from Police took place and the Deputy Immigration Officer became the Chief Immigration Officer, reporting directly to the Chief Secretary.

Because our Islands are small, the Department of Immigration of the Cayman Islands has somewhat wider responsibilities than its counterparts in most other countries. Besides the conventional responsibility of regulating the entry of all persons coming into the Islands, the Immigration Department is responsible for administering several laws: the Caymanian Protection Law (which is now the Immigration Law), the Local Companies (Control) Law, the Trade and Business Licensing Law; the issue of visas; its own enforcement work, including powers of arrest without warrant, prosecutions and so on; its own radio communication network.

It is significant that there is only one department of Government concerned with the issue of work permits and the control of foreign off-shore business activity on the Island and local business, to which the public has to go to get all the necessary approvals for their normal and regular operations.

The research on these two departments has been an education to me. It really shows the dramatic growth of these Islands, and how the responsibilities and work have increased from the 'Islands that Time Forgot' to the buzzing metropolis we are today.

The Immigration Department (from a staff of five) currently has 52 serving Immigration Officers ranging in years of service from six months to 30 years. There are various job descriptions which I think are worthy of mention at this time. Their job purpose is to process the movement of visitors and residents to and from the Cayman Islands and to assist with collection of Immigration fees.

It is noteworthy to mention that in 1963 we had 2,453 returning residents, 25 immigrants, 3,440 visitors and tourists, and 170 in-transit passengers, making a total of 6,088 persons—thirty-five years ago, as against today, when the Immigration Department processed some 750,000 passengers per annum at the airport, and processed approximately 700 customers per day at the counter in the Immigration office.

They answer some 30,000 calls per annum, and they have to deal with certain revenue, which in 1986, for instance, was \$2.5 million per year, for work permits and so on. Today, they have to assist with the collection of some \$19 million of revenue. Just so that we can understand, when we complain, what their accountabilities and responsibilities are, let me give a few of these:

- They process passengers and crew, ensuring that all travel documents are legitimate and accurate in order to maintain control of movement of all arrivals to and departures from the Cayman Islands.

- Input embarkation and disembarkation cards into the Immigration computer system in order to maintain accurate records for statistical and legal purposes.
- Ensure that all passengers travelling to the Islands appear on the manifests received from the various airlines in order to determine the legality of entry into the Islands.
- Process passengers and crew arriving on private aircraft at the Civil Aviation's general office in order to maintain control of movements of arrivals and departures.
- Collect monies, issue receipts ensuring that the correct fee is collected, and maintain proper records of transactions in accordance with the Financial and Stores Regulations.
- Ensure that monies received balance, prepare reports and forward to the Financial Comptroller or Assistant Accounts Officer for verification.
- Deal with the public concerning all immigration matters, that is requests for visitor extensions, re-entry stamps, work permit stamps to ensure visitors, residents and overseas employees possess the required documents and so on.
- Assist with telephone queries regarding general information on Immigration Laws and procedures. That alone amounts to some 30,000 calls per annum.
- Perform other duties.

And then, Immigration has to work in tandem with other departments daily, such as Police Officers, for assistance and requests for extensions to verify and determine date of court cases, stop notice warnings; with Customs Officers to clarify matters regarding salesmen, for instance, who might not have stated their intentions to conduct business in the Islands; the general public; private sector employers to obtain additional information regarding employees.

The Speaker: Could I interrupt the Member one moment? Would this be a convenient time to take the luncheon break?

Mr. W. McKeeva Bush: Yes.

The Speaker: Proceedings are suspended until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 2.48 PM

The Speaker: Please be seated. Debate continues. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: When we took the break, I was dealing with the accountabilities of the Immigration Department. They have certain decision-making authority, which is required that postholders, that is, Immigration Officers, work within the guidelines of the Immigration

Department, the Immigration Law, and Financial and Stores Regulations. Under the Immigration Law, 1992, officers shall have all the rights, powers, privileges and immunities of a constable when discharging their duties under this Law and may, for that purpose, board and search any vessel. The officers also make decisions regarding permission to enter and remain in the Cayman Islands and administer the provisions of the Immigration Law. We can see that they have wide powers and tremendous responsibilities. I certainly feel that they do a good job.

Let me deal with the Customs Department. According to Pedley's thesis, the outline of the history of the Customs Department is somewhat similar to the Treasury, with Customs duty such a vital source of revenue for the dependency. However, this was normally a busier department with more personnel. Pedley's thesis goes on to say that **"the difference can be seen as early as 1888, in response to Fife's report, which had detailed the failings of the existing revenue system. The Legislative Assembly passed an Act for the improvement in the administration on 30 May 1888. That Act appointed a Collector General with power to appoint such district collectors as he deemed necessary. These were the proper Customs officers mentioned by Hearst, for whom, presumably, the warehouse he mentions, was built, as well as one or more of the government offices. During Parsons tenure, two ports of entry were designated for Grand Cayman and one for Cayman Brac. In 1897, the Customs Consolidation Law was passed."**

It is interesting to look at the law passed by the justices and vestry to regulate Customs in these Islands in the year 1897. I will take the time to read, because it is so interesting, the first section of that Law of 1897. It says, **"It shall be lawful for the justices and vestry to appoint proper persons for the management and collection of the Customs, and the performance of all duties connected therewith, to grant to such persons such salaries and allowances and permit them to receive such emoluments for executing the duties of their respective offices as they may deem fit, and to require of such persons such securities for their good conduct as they shall deem necessary, and such persons shall hold their offices during the pleasure of the said justices and vestry, subject, however, to the right of appeal to the Governor of Jamaica."**

There has been tremendous change in the administration over the years, as we look at this Law. I did not know that the justices and vestry could actually appoint people, but at least this Law tells us that was the case. To go back to Pedley's thesis, it says that **"from the start, the Collector General's work must have been almost full time, although he was paid no salary. His commission for 1889 amounted to £49 18s, rising the following year to £63 18s—not much over the Custos salary at the time. The district collectors may have also collected internal revenue, unless this work was**

left entirely to a clerk of the peace. In 1898, with the appointment of the Commissioner as Collector General, Customs was absorbed in the Commissioner's department, and by the year 1907, the Customs section of this department had a complement of five. Apart from the Collector General, there were three collectors and an assistant collector. By the 1930s this number had grown to nine, including two collectors, two assistant collectors, three Customs officers, and a tidewater. In 1942, responsibility for Customs was handed over to the combined department of Customs, Post Office and Treasury, in which personnel continued to share different functions as they had done in the Commissioner's department."

In the department known as Treasury, Customs and Post Office, was a total staff of eight persons. Then, in 1955, these three sections were divided into their own separate entities, and the Customs Department, headed by a Collector of Customs and comprising three persons in total, was born. As we know, the Collector today is appointed by the Governor and is responsible to the Financial Secretary for the efficient management, supervision and control of the Department. As we look too at the difference and change in responsibilities over the years, we can see here again the tremendous change and development in these Islands, and the responsibilities of the Customs Department.

The main responsibilities of the Customs Department seem to be the collection of Customs revenue and package tax under the provisions of the Customs Law, which specifies tariff rates and its Regulations; the prevention of smuggling to protect revenue; the provision of goods imported and exported for trade statistics; the implementation and enforcement of prohibitions and restrictions under various laws to protect health, safety, morals, security, agricultural and animal life, including the Misuse of Drugs Law, the Firearms Law and Regulations, the Penal Code, the Plants (Regulation of Importation and Exportation) Law, the Endangered Species (Protection and Propagation) Law, the Animals Law, the Traffic Law; also, its own enforcement work, including wide powers of search, arrest, seizure or detention of goods; prosecution; imposition of penalties and determination of conditions for restoration of seized goods to owners; and its own radio communication network.

In citing the evolution of the Customs Department regarding its financial contribution for the past twenty-five years, I think it is significant to note that in 1972, the yearly collection of revenue was less than one million dollars. In comparison, in 1997, last year, it was well over \$80 million. It is also interesting to note that in 1972 the staff complement was nine officers. Today, the staff complement is well over 90 employees between Grand Cayman and Cayman Brac.

With the advent of the unfortunate increase of importation and usage of drugs, as we are aware, the Customs Department has played and continues to play a most important role in the detection, interception and prosecution of individuals who continue to flagrantly ignore the warning and penalties of this jurisdiction. It must be added that

these officers perform their functions with a sense of dedication and expertise. In looking at some of the cases that have been detected, when we read the newspaper and listen to the radio and television, one has to marvel at the ingenuity of some of these culprits, and we can then be appreciative of the observation and skill of our Customs officers working their process of detection.

We, as a country, must be ever grateful for the work of these officers in performing such a commendable task. It should be added that this work also entails, not only the detection of these drugs, but the long and sometimes tedious work of the destruction of these drugs. To note, statistics now indicate that in the last ten years, several tons of confiscated hard drugs have been destroyed under the direct supervision of at least two justices at all times. Equally important has been the success of the Customs Department in detection of illegal firearms and ammunition.

When we consider that we have Customs and Immigration officers with such a sense of duty that they fearlessly ignore their own personal safety to assist a citizen under attack by a robber, as in the case where the Customs officer, being off-duty, was driving along in the heart of Town by one of the local banks, and displaying that vigilance, as they always display, spotted a security guard making a deposit at the bank who was being attacked, stopped his car, ran to the guard's rescue, and in the tussle, was able to save some, if not all of the money, and perhaps, the man's life. Can we not say that this type of action and this sense of duty are not deserving of national recognition? The answer is clearly yes.

A similar case exists with an Immigration officer some years ago, when that young officer, in the performance of his duty, was struck in the head with a stone and could have been killed. Can we not say that this type of performance deserves national recognition? I again loudly say, yes.

In every organisation, the example of its leaders bears the focus and quality of that organisation. It can indeed be said that the leader of the Customs Department and the leader of the Immigration Department are sterling examples of leadership and competence. The Collector of Customs, Mr. Powery, is widely known, not only for his administrative abilities, but also for his outstanding qualities of life. That fact is not only recognised in our local context, but also very widely regionally. I will personally, through this medium, say thank you, Mr. Powery.

Equally, the same kind of sentiments can be expressed about the Chief Immigration Officer, Mr. Connor, whom I have known for many years and who too is displaying that strong sense of competence and administrative ability. Heading a department that, in the context of national security, is becoming increasingly difficult, we can be grateful that this young Caymanian is doing a good job. We can say about Mr. Connor that he is a good Caymanian, and through this medium I wish to thank him, too.

In closing, it can be said that this Assembly and the Government can be well proud of the quality and influ-

ence of these two departments. We should not forget that the officers of the Customs and Immigration Departments are called upon to leave their homes, sometimes late into the night and into the early hours of the morning, to serve this country, sometimes in the midst of extreme danger. The staff complement of these two departments provides a tremendous service to our country, and it is my sincere wish that these two departments will always continue to perform their duties with the same sense of patriotism and diligence. And although many times in their hours of frustration, they may feel that their work is not appreciated, let me take this opportunity, on behalf of the people of this country and this Honourable House to say that indeed their work and service are appreciated. May the Lord strengthen their determination to serve their country well. This motion asks His Excellency the Governor to create and put in place appropriate long service and meritorious awards for the Customs and Immigration officers. I certainly, in moving this resolution, hope that His Excellency the Governor will make awards retroactive. There are several officers who have served well for many years who are not employed today, who served their country. I can think of Mr. Eston Scott who just retired, Mr. Earl Wood, Mr. Arthur Ebanks, and many others who performed a great task and a good job in the foundations of those two departments, and indeed made their mark in the development of this country. So, Mr. Speaker, I would hope that His Excellency the Governor will make awards retroactive. I thank you, Mr. Speaker, and I do hope that all Members will support the resolution before the House.

The Speaker: Does any other Member wish to speak? The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. As is stated in Private Member's Motion 1/98, regarding the long service or meritorious awards, it presently includes the Fire Service, Prison Service and the Police Service as being eligible for these awards. I fully agree that these hardworking, dedicated persons in the Fire, Police and Prison Departments are most deserving of these awards and I, too, would like to go on record as thanking our forefathers for having the foresight of establishing a tangible, appreciative award for such persons.

Since I am absolutely satisfied that the Mover is not bringing the Motion for political reasons, and since I am also satisfied that he was too busy when he was in Executive Council to have brought a Government Motion to this effect, I am most delighted to give my full support to these two additional categories of persons, being the Customs and Immigration Departments.

In my respectful view, it goes without saying that it would have been more expeditious had the Mover brought the Motion when he was a Minister in Executive Council because, among other reasons, he would not have required a seconder. Not to say that there is anything wrong with requiring a seconder, especially since the seconder is my good and genuine friend, the Fourth Elected Member for West Bay who himself should have

been given a very special award a long time ago for his valuable contribution to sports. Nevertheless, it is better late than never, and I therefore congratulate the Mover for so graciously considering the additional categories of the Customs and Immigration Departments for the Long Service or Meritorious Awards.

Both the Customs and Immigration Departments work long, arduous hours, oftentimes in less than desirable circumstances. These two departments also fall within the rank of many other hardworking civil servants who make many sacrifices to serve our beloved Cayman Islands. I am extremely appreciative to each of them individually, as well as collectively, for all they do to improve the well-being of the people of the Cayman Islands.

Not only do they play a role of intervention, protection and policing, but it is also because of their vigilance and due diligence that their departments make a significant financial contribution to Government's general revenue year after year. However, I would like to see this Motion go one step further, in that it is my humble and respectful view that the medical staff, court bailiffs and other court staff, the Public Works staff, special constables, marine officers, the E-911 staff and teachers should also be included in the list of persons being eligible for the Long Service or Meritorious Award.

Further, subject to the separation of powers under our present Constitution, I would also recommend that judges be considered for special reward because day after day they have to make decisions to preserve the law and order which maintain the international image of the Cayman Islands' judicial system and the social harmony of these Islands.

The word "meritorious," literally speaking, means deserving reward or notice, or worthy of praise. When one closely looks at these categories of persons, I have no doubt in my mind that they too are most deserving of Long Service or Meritorious Awards. I, for one, and I am sure other Honourable Members, will have no problem supporting these additional categories, especially since I would like to believe that a Motion of this sort rises above petty politics and personalities.

I am eternally grateful for all of those persons who fall in these categories who are already eligible, those who the Mover now seeks to include, as well as those categories I am recommending be incorporated into the ambit of this Motion, and all persons who have made a valuable contribution to our beloved Cayman Islands.

With these few words, I thank you and may God continue to richly bless the persons in these Islands as we work in one accord toward the continued stability of good governance here in Cayman.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. All I have to say, since I was the seconder of this Motion, is that I give this Motion my full support. In speaking of merit, there are so many, because any person who serves their country in uniform deserves a medal.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I rise to support the Motion that is before this Honourable House. In so doing, I think we might need to—not necessarily have a re-think, because the Motion itself limits the question as to where these additional long service or meritorious awards should be placed. I think one of the "Resolved" sections deals with uniformed departments of Government. As the Mover mentioned, that was the area he was concentrating on. The Minister has added some other areas within the public service which she thinks are deserving of such awards.

The question that comes to mind, in looking at other departments, is as you keep thinking of persons who have on many occasions spent the greater part of their lives in service to the country in one form or the other, where do you draw the line? I think there are some 39 departments, and if there is any thought beyond what the Motion calls for, it is very difficult to add more and leave some of the rest out.

The point I wish to make is that I give the Motion as it is worded my full support, but I also believe that if there are any thoughts of extending such awards to any other areas, perhaps thought should be given to separating the uniformed departments from the other departments. Perhaps the other departments can fall into another category altogether. It is my view that while each of us may have our own personal experiences with individuals who have given their service to the country, if each of us took issue about it, we could each find an individual in each department who has given long service to the Government and who we might feel deserves some recognition.

With regard to the Motion, based on where it has limited itself, where the Mover has explained his reasoning behind it, I certainly give it my full support. But I would suggest to the Government that if there is any extension to what the Motion calls for, it not add a few tentacles and leave the rest off. In my view, that could be considered by the community to be a situation where some deserving people will be left out.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I rise in support of the Motion as it was presented to this Honourable House by the Mover and the Secunder. When it comes to rewarding people, all people should be rewarded because we all make our contributions. But I think that what is being said here, and if we understand the history of the award the First Elected Member for West Bay is talking about, it is an award that comes by way of the State because of the position an individual might be in because of his duties to the State. An Immigration Officer involved in protecting the Immigration Laws of the Cayman Islands, or a Customs Officer involved in protecting the Customs Laws of the Cayman Islands could find themselves in danger as a result of having to deal with persons attempting to break the laws. I think that the Mover of this Motion made that quite clear

in describing the tactics used by smugglers. I think that must be understood.

It is very important to see their enforcement responsibilities, enforcing the laws of this country. Of course, we would not want to give these awards to everybody because that would just make it meaningless. But I think that these two extensions that he is asking for are quite reasonable because it is dealing with the uniformed branch, meaning that they are putting themselves at risk in upholding the laws of the Cayman Islands.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This Motion is one that I am happy to support. It is one that deals with the Long Service Awards to civil servants and one that I am sure will be welcomed by the civil servants affected. It is always good when people who have spent very long periods of time giving their all to the Service are rewarded. I know this happens normally twice in each year in relation to civil servants as well as the uniformed branch.

I think it would be good as well to widen this Motion. For example, we have teachers who are very dedicated, who have spent all their lives teaching our children, who really deal with the future generation of this country to mould those who will be the leaders of tomorrow. Also, we have others such as the nurses and doctors who perform a very important role in this society. There would not be the stability, the health that is necessary for Cayman to progress to where it is. I believe that while we are at this, we should widen the Motion to include others, for example, the Special Constables, also uniformed and, say, Marine Officers.

I believe that looking at this, and I would assume that these awards will be coming from the Governor himself, the same as the awards that presently come from the Governor, the Cayman Islands Certificate and Badge of Honour, and that widening it would, in my view, be good—especially in relation to teachers, as I have responsibility for education. I think that they should be included among others in this.

To that effect, what I will be seeking to do (and, unfortunately, I was not able to get this circulated) is to amend the Motion to widen it to include persons beyond what the Motion now seeks to do. I appreciate that the two-day notice has not been given, but I would ask that I be allowed to put the Motion and then circulate a copy of it, subject to leave, which would basically add teachers, nurses, and special constables and those to it.

The Speaker: I will waive the two days' notice.

Hon. Truman M. Bodden: Thank you.

I would like to then, Mr. Speaker, to Move (and then get this typed and circulated):

“BE IT RESOLVED THAT the first operating part of the motion beginning with ‘BE IT NOW...’ be amended by deleting the semicolon (;) and adding

the following words thereto; ‘and to the Medical Staff, Court Bailiffs, and other Court Staff, Public Works Staff, Special Constables, Marine Officers, 911 Staff and Teachers.’”

[Inaudible interjections by some Members]

Hon. Truman M. Bodden: Surely teachers...and there is some noise on the other side. I do not understand why teachers, for example, should not be granted Long Term or Meritorious Awards. I would like to see them included in this Motion.

I move the amendment, but I will get it typed and circulated.

The Speaker: Maybe this would be a convenient time to take the afternoon break. Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.33 PM

PROCEEDINGS RESUMED AT 4.29 PM

The Speaker: Please be seated. Proceedings are resumed. We have reached the hour of 4.30. I would entertain a motion for the adjournment. The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Thank you, Mr. Speaker. I move the adjournment of this Honourable House until 11.00 tomorrow to give sufficient time to get back from the Prayer Breakfast, of which I would like remind Honourable Members, at 7.45 AM tomorrow.

The Speaker: The question is that this Honourable House do now adjourn until 11.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES AND NOES.

The Speaker: The Ayes have it.

Mr. Roy Bodden: May we have a division, Mr. Speaker?

The Speaker: It is mandatory that the House adjourn at 4.30. That is what my Standing Orders say. The House do stand adjourned until 11.00 AM tomorrow.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is there not a vote taken on this matter?

The Speaker: You can move to suspend Standing Orders if you so desire.

Mr. W. McKeeva Bush: I am not moving, Sir, but really, if this is an Assembly, and that is what we are, if there is a motion here and a vote taken and someone is asking for a division, we must be able to take that, Mr. Speaker.

The Speaker: I am not opposed to the division at all, but I am trying to say that this is mandatory. We will take a division, that is not a problem. Clerk, please call a division.

The Clerk:

DIVISION NO. 1/98

AYES: 8

Hon. Donovan Ebanks
Hon. Richard Coles
Hon. George McCarthy
Hon. Truman Bodden
Hon. Thomas Jefferson
Hon. Julianna O'Connor-Connolly
Mr. Dalmain Ebanks
Miss Heather Bodden

NOES: 6

Mr. McKeeva Bush
Mr. John Jefferson
Mr. Kurt Tibbetts
Dr. Frank McField
Mr. Roy Bodden
Mrs. Edna Moyle

ABSENTEES: 2

Hon. John McLean
Hon. Anthony Eden

ABSTENTION: 1

Mr. Linford Pierson

The Speaker: The results of the division: eight Ayes, six Noes, one abstention, two absentees. The House do stand adjourned until 11.00 AM tomorrow morning.

**AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL
11.00 AM THURSDAY, 5 MARCH 1998.**

**EDITED
THURSDAY
5 MARCH 1998
11.24 AM**

[Prayers by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.]

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have received apologies for late attendance from the Honourable First Official Member and apologies for absence from the Honourable Minister responsible for Agriculture, Environment, Communications and Works.

**MISS CASSANDRA POWELL
MISS CAYMAN ISLANDS 1997/98**

The Speaker: I am honoured this morning to recognise Miss Cassandra Powell, Miss Cayman Islands 1997/98, seated in the VIP gallery. We wish to welcome you here and wish you a very successful reign.

Item number 3, Questions to Honourable Members/Ministers. Question No. 20, standing in the name of the First Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 20

No. 20: Mr. W. McKeeva Bush asked the Honourable Third Official Member responsible for Finance and Economic Development to say whether there has been any request or enquiries concerning the formation of a company or companies in these Islands involved in the business of human or animal cloning. If the answer is in the affirmative, can the Honourable Member say what response was given to those enquiries? If the answer is in the negative, would the Government make a statement that will discourage any such enquiry?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The Registrar of Companies is not aware of any enquiries or requests being made to form a company in the Cayman Islands which may be involved with the business of human and/or animal cloning. However, even if a company is seeking reg-

istration to conduct such a business, it would be very difficult, if not impossible, for the Registrar's Office to detect this, unless the word "cloning," or such similar words, were used in the name of the company. This is because most companies have their objects unrestricted and are therefore authorised to conduct any type of business, provided it is not prohibited.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Member make a statement, or has the Government discussed making a statement that will discourage that type of activity?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I am not in a position to make a statement at this time, but I could bring the matter to the attention of Executive Council, setting out the Member's request.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Third Official Member would take that one step further, in that since we understand countries like the United States are bringing legislation into play to prohibit such things, if the Cayman Islands, as a financial industry, could not consider moving legislation in this Parliament prohibiting such things?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I am sure the request by the lady Member would pose no difficulty for the Government on this matter.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Notwithstanding the previous supplementary question, I wonder if the Honourable Third Official Member could state categorically whether this type of business is presently prohibited or not in the Cayman Islands?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: This is an area which, although I have heard about it and have my own views on it, is not something I have had reason to make enquiries of as to the legality or illegality of it. While this matter is being brought to Executive Council with a view to considering legislation, this is an area which will also be looked at, that if it is permitted, I am sure it will be addressed in the legislation, making it prohibited.

The Speaker: Are there any further supplementaries? No further supplementaries? Question number 21 standing in the name of the Third Elected Member for George Town.

QUESTION 21

No. 21: Mr. Linford A. Pierson asked the Honourable Third Official Member responsible for Finance and Economic Development to state the total number of contingency warrants issued since the last Finance Committee meeting, and the total amount pending approval by Finance Committee.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The answer: The number of contingency warrants issued since the last Finance Committee meeting is three. These total \$138,894, of which \$118,344 will be blocked from other votes. The net additional expenditure is therefore \$20,550.

The agenda for the next Finance Committee meeting will include these three contingency warrants.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I wonder if the Honourable Member is in a position to give an indication to this Honourable House as to when the next Finance Committee meeting will be called.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I will be making a recommendation to Executive Council, which will have to consider the Finance Committee agenda, that the meeting be held on 27 March 1998.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: In this connection, I wonder if the Honourable Member is able to indicate to this House the policy of the Government regarding the issue of contingency warrants.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Section 21(1) of the Public Finance and Audit Law allows for the Financial Secretary to issue contingency warrants, which are written authorisations to meet urgent needs for expenditure, where no provision or insufficient provision is shown in the approved Budget, and which expenditure cannot be deferred without detriment to the public interest. A contingency warrant, however, is an interim measure and ultimately the approval of Finance Committee must be obtained to clear any such warrant. Currently, the procedure is that the Financial Secretary obtains Executive Council's authorisation for all contingency warrants in excess of \$10,000, except in critical situations where it is not possible to do so. In these extraordinary cases, the Financial Secretary will subsequently seek Executive Council's approval to include warrants issued on the next available Finance Committee agenda.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Honourable Third Official Member state, notwithstanding the fact that only three contingency warrants have been issued since the last Finance Committee, how many requests have been received for contingency warrants during this period?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I will not be in a position to give details of that, because evidently when requests are put forward by various departments, these are discussed with the Director of Budget and Management Services Unit, and if it can be shown that they will have savings occurring in other areas, and such savings can be used at this time, the recommendation will be made that such funds be used. But up to this point, the only contingency warrants I can account for are the three which have been mentioned in the response to the Parliamentary question.

The Speaker: Are there any further supplementaries? No further supplementaries? We will go to question number 22, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 22 (*Withdrawn*)

No. 22: Mr. Roy Bodden: I would crave the indulgence of the Chair and the Honourable House to have this question withdrawn, seeing that it is almost identical to the previously answered questions.

The Speaker: I shall put the question. The question is that Question No. 22 be withdrawn. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The question is withdrawn.

AGREED: QUESTION 22 WITHDRAWN.

The Speaker: Moving to Question 23, standing in the name of the Fourth Elected Member for George Town.

QUESTION 23

No. 23: Dr. Frank McField asked the Honourable Second Official Member responsible for Legal Administration to state the cost to Government in the case of Brian Gibbs v Rea for the following:

- (a) payment to Mr. John M. Rea;
- (b) loss of interest earnings to date on this payment;
- (c) payment to outside counsel;
- (d) cost to the Legal Department, including segregated cost of your personal trip to Privy Council; and
- (e) the estimation of Mr. Rea's legal costs yet to be paid.

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

Hon. Richard H. Coles: Thank you, Mr. Speaker. The Answer: (a) The sum awarded to Mr. John Rea by the Cayman Islands Court of Appeal—CI\$616,281; (b) Interest that could have been earned from date payment drawn, 23 August 1996, until 28 February 1998, at a rate of 5.75% per annum, credited at six-monthly intervals, amounts to CI\$54,954. (c) Payment of counsel's fees in Cayman—\$10,623.46; counsel's fees in London in pounds sterling, £26,700; solicitor's fees in London, again in pounds sterling, £9,363; (d) There was no pecuniary cost to the Cayman Islands Government Legal Department. The expenses of the Attorney General to the Privy Council were \$5,386. (e) Mr. Rea's costs are subject to taxation by the Court, and it is not possible to give an estimate.

SUPPLEMENTARIES

The Speaker: Supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Section (d) of the answer states, "There was no pecuniary cost to the Cayman Islands Government Legal Department. The expenses of the Attorney General to the Privy Council were \$5,386." Is the Honourable Second Official Member saying that, in matters such as this, the Legal Department of the Cayman Islands Government works for free, and their time is not valued by way of dollars and cents?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: I am certainly not saying that their time is not valuable and is not valued, and of course, they are employed by Government and so their time is paid for by Government. But in a case such as this, the costs are not segregated. There is no quantifiable amount that it has cost the Legal Department. Of course there has been a time element, but there has not been any cost attached to that time.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. While I appreciate the Honourable Second Official Member's answer, can he state if people within the Legal Department spent any man-hours working on this case, and if so, I am asking if the word "pecuniary" is the correct word, because, while I am not a lawyer, some costs have to be attached if time was spent by that Department. How many hours might that have been?

The Speaker: Honourable Second Official Member.

Hon. Richard H. Coles: I am not insinuating at all that there was not valuable work done by members of the Legal Department; it is just that the Legal Department do not bill Government in any way for the time spent. Yes, Crown Counsel did spend time on this case, not perhaps as much as on other cases, because, as the Member can see from the other answers I have given, outside counsel were employed at all stages of this case, so Crown Counsels' involvement was perhaps less than might have been otherwise.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Bearing in mind that the cost to Government seems substantial here, when we take into account the interest of \$54,954 plus the cost of counsel fees in Cayman of over \$10,000, and then the substantial cost in London in pounds sterling of over £26,000 and over £9,000, again, was there any attempt to try to solve this situation outside the courts at this point to perhaps save the Government these expenditures?

The Speaker: Honourable Second Official Member.

Hon. Richard H. Coles: Yes, Mr. Speaker, this was a civil action brought against Government, not by Government. In fact, the way the question is framed, it was not the Government or Gibbs who brought the action, it was Mr. Rea who brought the action. Of course, there are always hopes that you might be able to resolve it, but that was not the case, and for various reasons, it was not possible to do so, and so the matter had to go through. The matter was originally heard by the Grand Court in Cayman, where the plaintiff was unsuccessful. Then it was appealed by the plaintiff to the Cayman Islands Court of Appeal, where he was successful, and

then the Government, on advice, appealed it to the Privy Council, where the plaintiff succeeded.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member say if there is any system in place whereby some log or record is kept of the time spent by members of the Legal Department in researching, preparation and presentation of these cases, so that one is able to ascertain man-hours and is able to comparably record the monies spent and put a dollar value on the time involved in all the processes?

The Speaker: Honourable Second Official Member.

Hon. Richard H. Coles: We do not have any computerised time record, such as would exist in private sector firms of attorneys, because the Legal Department does not render bills to its clients in that way. A private sector firm of attorneys, which I am very familiar with, of course, would have—or most of them—a computerised time-costing system. But yes, records are kept, and they are of a somewhat more rudimentary nature, as I have outlined. But we do try to keep records. Individual Crown Counsel are encouraged to keep records of the time that they spend, and that is a habit I do encourage.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Second Official Member say if, as a result of this judgement, there has been any review of the performance of anyone involved on the Government side, and if there has been any assessment as to any changes necessary in tactics and procedures, seeing that this judgement seems so significant against the Government?

The Speaker: Honourable Second Official Member.

Hon. Richard H. Coles: Yes, thank you, Mr. Speaker. Indeed, I would acknowledge, it certainly is a significant judgement, not just for Cayman, but for many other Commonwealth jurisdictions, which are subject to the decisions of the Judicial Committee of the Privy Council. This case arose out of an incident which occurred in 1991, and it arose under a search warrant that was applied for under the Misuse of Drugs Law. That Law sets out a particular procedure for applications for search warrants, a different procedure than is normally used for search warrants in Cayman. Yes, indeed, the procedures have changed since this incident in 1991. They have changed following decisions of the Chief Justice and made in consultation with myself, and the particular circumstances in which this search warrant was applied for would not appertain now. It might be helpful if I explain what those were for the Member, and how they have been altered.

At that time, for whatever reason, it was not the habit, or it certainly was not consistent for all judges who

heard these applications to make notes of the applications. Bear in mind that under the Misuse of Drugs Law, an application for a search warrant has to be made to a Grand Court judge, not to a JP or to a Magistrate. In this particular case, there were no notes made. That procedure has been stopped, and now the Chief Justice has decreed that in applications under the Misuse of Drugs Law, and indeed under the Proceeds of Criminal Conduct Law—because the procedure is the same—that the judges will keep notes of the application, and a considerable portion of this case turned on the lack of notes.

The other area that has changed is that on all applications now, Crown Counsel from the Legal Department are consulted before the application is made to the Court for the search warrant, and on some occasions, Crown Counsel is also in Court, or not necessarily in Court, but in front of the judge when the application is made, not necessarily so, but Crown Counsel has certainly given advice beforehand. I should stress that these facts occurred in 1991, some seven years ago, and yes, the procedure has changed since then, and this particular set of circumstances could not arise in the future.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, it is very reassuring to note that this particular set of circumstances could not occur today, but it is also important because someone should have been able to figure out, even in 1992 or 1993, when the case was brought to Court, that the position of the Government was a weak position, and therefore my question is, was there any offer by Mr. John Rea to settle this matter outside Court? Was there any statement by him to the fact that an apology really was what he was looking for? Is the Honourable Member aware of there being any communication regarding his desire to settle outside Court before it went to the stage it did?

The Speaker: Honourable Second Official Member.

Hon. Richard H. Coles: Not to the best of my recollection. This started before I came to Cayman, or before I was appointed Attorney General, but as I say, of course there was regular contact with the attorneys, but certainly, as far as I am aware, there was never any suggestion that this case could be settled by an apology.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Could the Honourable Second Official Member say whether there was any intention on the part of the Government to offer an official apology to the aggrieved party?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: The case has been dealt with. As far as the Government is concerned, that is now the end of the matter.

The Speaker: I will allow two additional supplementaries on this. I think we have pretty well covered the subject.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I wonder if the Second Official Member can say whether the amount of the award included interest that was lost on the funds due to Mr. John Rea. In other words, did the award of \$616,281, in addition to that, was interest considered also on this amount?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: There was a figure of interest, which, I have to say I am not sure why I do not have that with me, because I spoke with the Accountant General about that. I will just have a look in my briefcase to see if I have it in here. (Pause) I haven't, I do not know why, but to the best of my recollection, and I think my recollection is right, because I only spoke with the Accountant General very recently, the interest figure that was paid, this was for the period from the date of the award by the Cayman Islands Court of Appeal until the date it was paid, which was 23 August 1996, I believe was \$77,000. I am pretty sure my memory is correct, but if the Member would like, I would undertake to provide him with that exact figure, and I apologise that, for whatever reason, I do not have it with me.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: There are two areas with a lot of grey still in my mind, and while I have to accept the Second Official Member's explanation regarding the question, section (d), about the cost to the Legal Department, in his answer to (e), where the question was the estimation of Mr. Rea's legal costs yet to be paid—again, I am no lawyer—but the answer says, “**Mr. Rea's costs are subject to taxation by the Court and it is not possible to give an estimate.**” Surely, I would assume, and I stand to be corrected, that if the costs are subject to taxation by the Court, the Courts must have some type of formula that they use, and if they do, how is it that it is not possible to give an estimate?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: I suppose one could say that it is likely that the costs of the plaintiff are not going to be materially different from the costs of the defendant, because we are both approaching the same action, and have to do similar work. But bearing in mind that costs do have to be taxed, the other point I would make is that,

upon taxation, the costs are a matter of argument between the plaintiff's advisors and the defendant's advisors. In other words, it is something the Government may have to end up having to argue in front of a taxing officer, either in London or here. It would probably be unwise of me to give an opinion as to what I think the costs may be, but it would certainly not be unreasonable for me to say that I would anticipate the costs will not be significantly different than the type of costs that have been incurred by Government.

The Speaker: Question No. 24, standing in the name of the Third Elected Member for George Town.

QUESTION 24

No. 24: Mr. Linford A. Pierson asked the Honourable Second Official Member responsible for Legal Affairs to advise in the matter of the Privy Council case of Gibbs and others v Rea:

- (a) whether Government received legal advice as to the merits of the appeal to the Privy Council and, if not, why not;
- (b) if the answer to (a) above is in the affirmative, to state from whom was the advice received and what was the advice; and
- (c) what is the total cost to Government in this case?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: The answer: (a) Government received advice as to the merits of an appeal to the Privy Council from three counsel;

(b) advice was sought from Mr. Pierre Lamontagne, Q.C., in Cayman, and Mr. James Turner and Mr. Edwin Glasgow, Q.C., in London. Each counsel gave a favourable opinion.

(c) The cost to Government arising from this civil claim is CI\$790,238.36. That of course is the total of the figures I gave in answer to the previous question.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. In the answer to this question, I note in part (c) that the Second Official Member has stated that the cost to Government arising from this civil claim is approximately CI\$790,000. In his answer to the previous question, he stated that there was no pecuniary cost to the Cayman Islands Government, meaning there was no way of indicating the total cost to Government in this matter. I wonder if he can state whether the answer to (c), that is the \$790,238.36 would include the cost of using the Government employees, including his costs of travelling back and forth in this matter.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Mr. Speaker. The costs I have given, the figure in (c), is the pecuniary cost to Government, the money Government has expended in connection with this claim, that is to say, the satisfaction of the award, the interest, counsels' fees, my expenses, but it does not include the time element I have referred to earlier, of Crown Counsels' time, because that is not quantifiable as a pecuniary amount. This figure is the pecuniary cost to Government.

The Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I wonder if the Honourable Member could clarify this point. In part (d) of question 23, it asks the cost to the Legal Department, including segregated cost of your personal trip to the Privy Council, and the Honourable Member's answer to that was that there was no pecuniary cost; yet, in the answer to my question, he states that there was a total of \$790,000. I cannot see clearly the distinction between these two answers. Perhaps the Honourable Member could clarify the difference here. Question 23 was asking about the cost to the Legal Department. My question is also asking, what is the total cost to Government, which would mainly be the cost to the Legal Department, so they are very much the same, Mr. Speaker. I wonder if he could clarify that point.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Mr. Speaker. The answer I gave to paragraph (d) of the previous question was the cost to specifically the Legal Department within Government, and as I have tried to explain, the Legal Department itself did not render any bill. There was no pecuniary cost incurred by the Legal Department. The cost which I have given within this total is the total pecuniary cost to Government, as opposed to the Legal Department, of this action, and if there have been any pecuniary payments made out by the Legal Department, although in fact they were all made out through my Chambers as opposed to the Legal Department. They are included. The figure I have given in (c) is the total financial cost to the Cayman Islands Government.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. As a matter of trying to elicit the total cost to Government, I notice that the answer given by the Honourable Member is approximately \$790,000 cost to Government, and there was another \$616,000 paid to Mr. Rea in addition to interest. Is it correct to say that the overall total is approximately \$1.5 million that Government has had to pay for this case?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: No, that would not be correct to say. The total cost to Government, including the award to Mr. Rea, is \$790,000.

The Speaker: Is this a follow-up, because the Elected Member from North Side wanted to ask a question. The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I wonder if the Honourable Second Official Member could tell the House, as he is the legal advisor to the Cayman Islands Government, why advice was not sought from him, other than outside Q.C.s on this matter going to the Privy Council?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Yes, Mr. Speaker, of course, I gave my advice to the Government. The question asked if advice had been sought from outside counsel, and that is the answer that was given, but of course, the overriding advice is always from the Attorney General and my advice was given to Government.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: In view of the admission of the Second Official Member that he did, in fact, give his advice, I wonder if he is able to say that this advice was given against the background that the Court of Appeal did, in fact, find against Government, and that he then advised the Government to take this matter to the Privy Council, thus costing the Government this extra amount of money?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: I have already said in my answer that advice was taken from three eminent outside counsel, one in Cayman, who was involved with the case from its—not quite from its inception, but certainly from the time before the Grand Court; and then two counsel in London, and I concurred with their advice. That is all I can say.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker, and I want to thank the Honourable Member for his answer. The finding of the Privy Council, which is the highest Court that the Cayman Islands and other overseas territories can use in a case like this, found malice was the overriding factor in this case. I wonder if the Honourable

Member can state whether this might also have been the finding of the Court of Appeal when it decided against Government.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Yes, Mr. Speaker, it is an integral part of this particular tortious action, that there has to be a finding of malice, and the Judicial Committee of the Privy Council went into some detail on this, and I think they described it as, the malice they found in this particular case was what is commonly called a "fishing expedition." That is how they described it.

The Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: I take it that the Honourable Member did in fact state that the Court of Appeal found that there was malice. I wonder if he could confirm that was his answer to me, that the Court of Appeal's finding was the same as the Privy Council's, that there was malice in this case.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Yes, Mr. Speaker, I thought I had made that clear. One of the essential elements of proving this tort is that there is malice, so the action could not have been successful without the Court finding that. So yes, both the Court of Appeal and, of course, the Judicial Committee, came to that conclusion. Should I say, that was the majority of the Judicial Committee came to that conclusion.

The Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: I wanted to get that confirmed because if in fact the Court of Appeal found that there was malice, bearing in mind that the Honourable Second Official Member is in fact a trained lawyer, there would have been very little chance of Government winning this case if malice was the overriding factor, and it would seem that perhaps the advice was ill-advisedly given to Government to pursue this matter to the Privy Council. Would the Honourable Member comment on this statement, please?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Yes, thank you, Mr. Speaker. No, I would not agree with that point of view at all. The Government had been successful before the Chief Justice in the Grand Court, and that decision had been overturned on appeal by the Cayman Islands Court of Appeal. The advice of three outside counsel and myself was that it was the right matter to take to the Judicial Committee of the Privy Council. It was a very important issue at stake here, and indeed in the highest court, the

decision went against Government by a majority of three to two. In fact, the two members of the Judicial Committee who delivered a dissenting judgement came to a totally opposite conclusion to the majority members, the other three, and delivered a very lengthy dissenting judgement, which was in favour of Government. So of course, I accept, naturally, the decision of the Judicial Committee, and I accept that it went against Government, but it was a close decision.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. In light of the answer in (c), the cost to Government arising from the civil claim is \$790,238.36. My question is, is this award subject to being increased by the award of legal costs to Mr. John Rea? And as a second part of that question, have any disciplinary measures have been taken regarding those involved in this case?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Mr. Speaker. Any costs that will be taxed by the Court would be in addition to the figure I have given here. I am not able to give that figure because those costs have not been taxed yet. And no, as far as I am aware, no disciplinary measures have been taken. I do not know, if he is referring to police officers, of course that is not within my ambit, it is within others' ambit, and as far as I am aware, none has been taken.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Could the—while I appreciate the fact that the Honourable Second Official Member is not in charge of the police—could the Honourable Member state if, arising from the result of this case, any investigation has been carried out regarding fully understanding why what happened, happened, first of all, to ensure it does not happen again? And secondly, not necessarily—because I hold no brief for anyone, and I am not questioning what should be done—but surely, without trying to talk about discipline, if the costs incurred to Government are of the nature where it could well be, wagering, I guess, here, \$850,000, somewhere in that region, surely it cannot just pass like that. Some action has to be taken. I would suspect that while the Second Official Member is not responsible for the police, the whole chain of command within Government must take some action. Surely, your good office has to play a part in it.

The Speaker: Are you asking for an opinion of the Honourable Second Official Member?

Honourable Second Official Member.

Hon. Richard H. Coles: No, Mr. Speaker, I am happy to answer it as far as I can. I have already explained that certain changes have been made through the Honourable Chief Justice, in consultation with myself and my office, so that the procedures regarding the application for search warrants, are now substantially different from what they were in 1991. I can certainly tell the Member that I have spoken with both the outgoing Commissioner of Police and the new Commissioner of Police since his arrival, albeit fairly briefly, because he has not long been in Cayman, about the repercussions of this case, and suggestions of a way forward. I am sure those discussions will continue. Had I had more opportunity, I would have discussed it at greater length with him. I intend to do so.

The Speaker: No further supplementaries? That concludes Question Time. Before I do, I would like to call to the attention of the Honourable House that prior to commencing Question Time, I neglected to suspend Standing Orders to take questions after 11.00. So under an abundance of caution, I would ask for a motion to suspend Standing Orders 23(7) and (8).

The Honourable Minister for Education, Aviation and Planning.

Mr. W. McKeever Bush: Mr. Speaker, I realise your intention, and it is all good, but as a Parliamentary body, can we do that now? I do not know if we can do it retroactively.

The Speaker: My interpretation is, it will at least show it was with the consent of the House.

Mr. W. McKeever Bush: Maybe we will have to change the wording then, but I am in agreement with your attempt. I understand.

Mr. D. Kurt Tibbetts: Perhaps, Mr. Speaker, you will allow one more...

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps you will allow one more supplementary to the substantive question, and if you will allow that, I will move that Standing Order 23 be suspended to continue question time.

Mr. W. McKeever Bush: That seems to be a good way to get around it!

The Speaker: I have no objection to an additional supplementary if this is the wish of the House. Go ahead. The First Elected Member for George Town.

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

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I move for the suspension of that Standing Order, if someone will second it, please.

Mr. W. McKeever Bush: I will second it, Mr. Speaker.

The Speaker: The question is that Standing Order 23(7) and (8) be suspended to allow Question Time to be taken after the hour of 11.00 this morning. Is it the wish of the House that we adjourn at this time for the morning break?

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may just ask a supplementary, and then we could take the break.

The Speaker: The First Elected Member for George Town. I have to keep my part of the bargain!

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. The last supplementary, and I do thank you for allowing that. Is there any anticipated time-frame whereby the legal costs which Government might have to pay concerning Mr. Rea's costs, whereby the whole matter can be cleared up and put to bed?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Yes, I would think probably within the next month to two months. It is difficult for me to be specific, because it is possible to agree the costs with the other side, and that may happen. But if they cannot be agreed, and they have to be taxed, then of course it is a question of getting a hearing date from the Court for the taxation, so that is rather out of my hands. But I would anticipate it would be within that sort of time.

Mr. D. Kurt Tibbetts: Thank you.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Two final supplementaries. Can the Honourable Member state what is the effect of this ruling concerning the laws under which the action was taken? And could he undertake, whenever that figure that we just mentioned prior to this is agreed upon, whichever way it goes, to give an answer to that figure to this Honourable House in writing?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Yes, whenever that figure has been arrived at, I am very happy to make that known to Honourable Members. As far as any changes to laws in Cayman are concerned, I do not anticipate there will be any change to any law, but is the Member really saying what are the repercussions for this type of case in the future, law enforcement?

There will be repercussions, substantial repercussions, I think, not just within Cayman, but outside. This was a case that involved informant evidence, and there is no doubt that the way informant evidence is used or

available to the law enforcement authorities will be substantially affected by this ruling. That is something that those investigating drugs offences will have to think very seriously about, not just in Cayman, but in other jurisdictions, too, and that will certainly be one of the issues I shall be discussing in some depth with the new Commissioner of Police.

The Speaker: I shall now put the question. I did not put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Standing Order 23(7) and (8) is suspended.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTIONS TO BE TAKEN AFTER 11.00 AM.

The Speaker: Would it be convenient to take the morning break, or should we go until the lunch break? Morning break? We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 12.20 PM

PROCEEDINGS RESUMED AT 12.48 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 1/98. The Fourth Elected Member for George Town.

**STANDING ORDER 28
MATTERS OF PRIVILEGE**

Dr. Frank McField: Mr. Speaker, I rise under Standing Order 28. I wish to raise a matter which I believe affects the privilege of this Honourable House.

The Speaker: I wrote to you on that, Honourable Member, and told you that I would write you back later today. Please defer that action.

Dr. Frank McField: According to Standing Order 28(2), I am allowed to state briefly the grounds on which I believe the matter affects the privilege of the House.

The Speaker: I have made my ruling on that, please let us continue with the debate.

Does any other Member wish to speak to Private Member's Motion No. 1/98? (Pause) If not, does the Mover wish to exercise his right of reply? The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/98

**LONG SERVICE OR MERITORIOUS AWARDS
CUSTOMS AND IMMIGRATION OFFICERS**

(Continuation of debate thereon)

Mr. W. McKeeva Bush: I have listened to the Members who spoke on the Motion, and it seems that the Government wants to add in other persons. The House should bear in mind that I was seeking to deal with two departments which are uniformed branches of the Government. If we go the route being taken by the Government, and add those different sections of the Government—which I really have no problem with, especially teachers and nurses—what about everybody else also in Government? There are deserving people in other branches of Government. I do not think it is right to take up what they are trying to do in this Motion. I certainly support that. Everybody knows my stand on these kinds of issues.

I think what Government should do is more research because they are going to leave out other deserving individuals. As I said, I have no problem with that, but I do not think it is correct to deal with it in this matter. I really feel that the Government's amendment will not add to the substantive Motion, the spirit and intent of the Motion. I really feel...in fact it is plain to see by the way the lady Minister began her speech that the Government's move is not in keeping with the spirit and intent of my Motion.

We never stop learning. I was truly amazed at the manner in which the lady Minister made her contribution. I had to get the *Hansard* because I was so taken aback that I could not make any notes. I had to read what she said. Let me say something to the Government. On Monday or Tuesday I attended a meeting with the Government. They asked me to attend the National Team Meeting to discuss Motions. Nobody raised this matter. No one said '*We are not supporting your Motion in that context. We are going to add an amendment.*' If you are going to be a team, and you want to hold the National Team together, then, for God's sake, be genuine. Let us communicate. I have no problem working with the Government in trying to do things in this country that might come up or to continue the agenda that we started in 1992. But, I am really tired of being slapped at every chance they get. And for what reason? I cannot understand it.

Since she was convinced that I was not doing it for political reasons, why did she take that political stand? Because that is what it was. Was there any reason for her to say what she did about my moving the Motion in Executive Council? She had no reason to. She should have discussed that with me that afternoon. In fact, I was

flabbergasted, to say the least, when she got up to answer on behalf of Government because I took all along that this was a matter which affected the Official arm of Government—the Governor, himself. In fact, when she talks about why...

The Speaker: May I just interrupt you? I think you should refer to her as the Honourable Minister for Community Affairs.

Mr. W. McKeeva Bush: I am referring to the lady Minister. We only have one lady Minister, but if you want me to say the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture...

The Speaker: I would prefer that rather than just, 'she.'

Mr. W. McKeeva Bush: All right. I am sorry about that, Mr. Speaker. I do not see how she...unless she certainly had the agenda, to slap me as hard as she wanted and the Government set her up to do it. The truth is, the Executive Council must remember that I did raise this matter in Executive Council at one time. I certainly left it open because it was not my subject to deal with. It was dealing with the civil arm of Government. In fact, I did tell His Excellency the Governor when I moved the Motion and it was seconded, that I would be appealing to him, via the Motion, to create these Long Service Meritorious Awards.

I cannot understand it. But you live and learn.

As regards the matter of my colleague, the Fourth Elected Member for West Bay, the seconder of this Motion, let me say that I did try to get him some other award than what he did get, the badge and certificate of honour. At least I wrote recommending him. And I trust that now that the Minister is in Executive Council she will press for it. All I can do is recommend, and I did that with many persons.

Anybody who has watched my tenure in this House understands my position in recognising people. It was McKeeva Bush who brought the Motion to recognise sports persons. That could have been the Fourth Elected Member for West Bay. It was me who brought the Bill for the National Heroes. I believe that people should be properly acknowledged when they work hard and are committed to a certain cause. So, I am entirely disappointed with how that Minister approached this thing.

I do not need to do this to get political mileage. Just look at my tenure; look at the things I have accomplished—and would still have accomplished if she had done what she was supposed to have done, instead of helping to cut my throat!

Anyway, I am going to say this to the Government: I am here to work in the best interests of the people of these Islands. If the National Team wants me to support them, I will support what I know is good for this country. But do not let any of them think that I am a dead Member in this House. Let no one think that I am dead in this country.

The Speaker: May I just interrupt the Member for one minute?

We are past the hour that we would normally take the luncheon suspension. I know that we had a very late start this morning, so I would crave Members' opinion as to when we should take lunch.

Mr. W. McKeeva Bush: Mr. Speaker, I can break, but I was just going to be a few more minutes.

The Speaker: Continue, then.

Mr. W. McKeeva Bush: Mr. Speaker, finalising my remarks on what the Honourable Minister had to say, I consider it very tongue-in-cheek and a round-about way of insulting me with those sarcastic remarks. But I say, you live and learn. If they are talking about a genuine, Christian spirit, then let us work together in a genuine way. Do not destroy the things I have tried to accomplish for the people of this country. Do not do that. The people do not deserve it.

I moved the Motion with the Seconder because we felt that the two Departments had long been overlooked as uniformed branches, ones very much involved in policing, involved in national security. I believe that the two Departments deserved to have this Motion go through without any hindrance. I apologise to the House that what started on a high note had to be taken up in this way.

Again I say, let the Government do some more research and see who else needs to be, rather than piggybacking on to this Motion, then they can bring it. As I said, I agree with those sentiments, and those persons, especially teachers and nurses. But let us do some research and see who else in the Government we can add.

I trust that Members will support the Motion as it is, and hope that the Government will take it in the spirit in which it was moved.

Thank you, Mr. Speaker.

The Speaker: Have you concluded your winding up on it, or will you be speaking after the break?

Mr. W. McKeeva Bush: I consider that I have said all I have to say at this point.

The Speaker: We shall now proceed for the luncheon break. Is 2.30 convenient for Members to return? We shall suspend until 2.30.

PROCEEDINGS SUSPENDED AT 1.05 PM

PROCEEDINGS RESUMED AT 2.51 PM

The Speaker: Please be seated. Proceedings are resumed. An amendment to Private Member's Motion No. 1/98 has been circulated. I shall now put the question on the amendment. Does any Member wish to speak to the

amendment? (Pause) All Members have copies of the amendment. (Pause)

If there is no debate...the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I presume this is the amendment to Private Member's Motion No. 1/98?

The Speaker: That is what I said. I am moving this under Standing Order 25(4).

Mr. Roy Bodden: I wish to make a brief contribution. In beginning, I want to say that I have some difficulties with what is proposed in this amendment. We are talking about Long Service and Meritorious Awards. Certainly, some of these categories in here have people who have served long, but I think, if we are to take this list here as exemplary, we are straying from what could be efficient and meaningful. On that basis, I say that we might as well include the whole 38 departments of the Service because to stop here would be discriminating against the other departments.

I understood what was stated in the original Motion, but I am saying that this falls short of the expectations I would have and leaves the situation open to being too restrictive or too selective. I really cannot support this amendment as it stands.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: The fact that the amendment seeks to include in this scheme the medical staff, the definition there I guess would be persons involved with the medical profession. It would certainly not include the people who work in the kitchen, or who keep the floors clean, or the people who make the beds. So, right there we are selecting a particular group of people on a hierarchical basis according to how we understand their value and contribution to be.

If we continue to broaden the concept of who should qualify for such awards, and if it is true that every spoke in the wheel is equal, we will find that every person who works in the hospital should be included in this amendment, if the Members amending the Motion are to be truthful to the concept that they believe more groups or individuals should be included in this scheme.

We are talking about the court staff, the court bailiff. We are talking about the staff of Public Works. Does that also include the mason who is doing the work on the streets? Does that also include the manual labourers? How would we run this award scheme in terms of deciding whether or not the Chief Engineer would get this award, or whether or not the chief person in charge of mixing the cement would get the award? How would all that be worked out? Have those persons who suggested this amendment thought about the kind of complicated decision-making process this will involve?

We are not just speaking about doing something, we must speak about doing something that is possible,

that is manageable, one where we can say at the end of the day it was fairly managed. When it becomes so broad, so open to interpretation, it loses its original meaning. Therefore, this is one reason I see the amendment as mischievous, rather than constructive.

I know what is meant by Long Service Award. If we look at it historically, it comes out of a military context. Merit in that sense was within a military context in terms of the way civil society provided its duty and the way in which the society which was regimented for the upholding or defence of the State, it was conceived that there should exist some differences in terms of their awards.

If we look at the tradition of what we are talking about, basically, the Mover and Seconder of the original Motion meant—because the Seconder, for instance, has a distinguished career in military service. He is a World War II Veteran of the Naval Services of the United Kingdom. My father was also in the Naval Services during the Second World War. That took a particular commitment to be involved in what was called the uniformed branches of the service.

Even if we go to Africa and look at tribes, we see that they use different feathers to show the difference in rank of warriors. We understand that from the very beginning, a uniform is the development of mankind's attempt to distinguish between those who are in the forefront of defending society, and that those who can afford a little bit more leisure in society by working for society in less risky ways.

It is important, since this is before the House, that we understand what we are dealing with. If we do not show our understanding of what we are dealing with, if we go to the Governor, who has an understanding of this Meritorious Award Scheme, and we look at the way our Governor dresses in his uniform, we see that distinguishes him and his role. We are talking about the fact that the uniformed branches are distinguished from us who do not wear uniforms. I guess if we want to say that our dress code is a uniform, then I guess we might be able to say that. But the Fire Department wears a uniform to distinguish them, the Customs Department wears a uniform to distinguish their obligations to the public. I do not wear a uniform because I do not have the same obligation to the public. That is the distinction.

It is important that people not use uniforms just for recognition, because these uniforms were so that persons could be recognised, but also these persons were conscious that demands would be made upon them in the performance of their duties in a specific manner. They could not say, *'Well, I'm just a citizen, I do not have those obligations.'* If tomorrow an Immigration Officer is wounded while trying to apprehend an overstayer, or an Immigration Officer puts his life at risk in a stakeout, he has to leave his family at late hours in the night to go on patrol; the Customs Department is the same. We can see that the way in which society uses these two institutions is different than they would use the hospital.

I am not saying that the function of a doctor is less. But they have doctors in England and all these other countries and they are not bestowing these same

awards. Why are we trying to get the bailiffs and the Public Works department in the same award scheme here? Let us compare what we are doing to that of others so that it might make some sense.

Are we just trying to do this to be mischievous? Or does this make sense? It makes absolutely no sense for us to confuse the issue. What the First Elected Member for West Bay was trying to say in his entire deliberation on the history, sacrifice and role in which the Customs Department and the Immigration Department had played, and the fact that those uniformed branches were all the same branch at one particular time. In separating, those who continued to serve in the Customs Department and the Immigration Department no longer have a claim to these Long Service Meritorious Awards. Therefore, he is bringing legislation to take this into account, to put it back to where it once belongs, meaning that all persons who serve in this capacity of society had the chance to be awarded in this way.

To tell you the truth, I am not a Justice of the Peace. I applied to be a Notary Public and they have not given that to me yet. But I have a Ph.D., so they do not have to put awards on me. I worked for the one that is really meaningful to me. Nevertheless, I may not be seeking an award. I have been doing theatre in this country, writing plays for a long time too and nobody has come and said, *'You've contributed something, here is an award.'* I am not crazy about awards, especially when it is bestowed by people who I think do not even understand my full value.

[Laughter]

Dr. Frank McField: But I still have nothing against other persons being given the opportunity to be honoured in a ceremonial situation. Again, we have to look at the ceremony in terms of the award, the importance of ceremonies in terms of boosting people's egos.

So, I cannot accept that this amendment is being done to improve the concept of what was originally suggested. I think I have demonstrated this by showing the lack of foresight and thought in suggesting, for instance, wholeheartedly, that the medical staff should be included, or that the Public Works staff should be included because of the wide arena they cover from the point of view of qualifications and contributions. As I said, it would be a nightmare to have to select individuals within these departments and would make it too tedious. It would destroy the intention and the value of such an award.

Therefore, I recommend it be put back in the genuine wording in which it was brought to this House. I do not support this amendment.

The Speaker: Does any other Member wish to speak?

Does the Mover of the amendment wish to reply? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This Motion and the amendment to it is one which was brought in good faith out of the respect, which at least some of us in this Honourable House have, for people like medical staff and teachers, nurses and special constables and others. I really find it very unusual, to use the word that has been used before, mischievous, to take the words that are put in here...

Mr. Roy Bodden: Mr. Speaker, on a point of order.

The Speaker: May I hear your point of order?

Mr. Roy Bodden: The Honourable Minister is imputing falsehoods and improper motives to those of us who spoke on his amendment, and using unparliamentary language such as 'mischievous.'

The Speaker: I thought he said that he was repeating what had been said.

Hon. Truman M. Bodden: That is right, Mr. Speaker.

Mr. Roy Bodden: Well, Sir, what about imputing of false and improper motives?

Hon. Truman M. Bodden: Mr. Speaker, it is funny when the shoe is on the other foot. Now, that word 'mischievous' was used twice and I was merely repeating what the Fourth Elected Member for George Town levelled against me, while the Third Elected Member for Bodden Town sat in the background and beat the desk.

POINT OF ORDER

Dr. Frank McField: Mr. Speaker, on a point of order.

The Speaker: Please tell me your point of order.

Dr. Frank McField: I did not say anything about the Minister for Education.

The Speaker: Let me deal with the first point of order. What I understood the Honourable Minister for Education to say was that he was repeating what had been said. Let us assume that maybe that word should not be used in Parliament. But I clearly understood, and I will look at the *Hansard* when it is typed....I ask the Honourable Minister to continue and I will look at the *Hansard*.

Hon. Truman M. Bodden: Thank you, Mr. Speaker.
[The Fourth Elected Member for George Town rose.]

The Speaker: Do you have another point of order? We can only have one point of order at a time, so I could not take your point of order until I had dealt with the other, so please, if you have a point of order, state your point of order.

Dr. Frank McField: Mr. Speaker, the Member is suggesting that I made mention of him when I said 'mischievous.' That is not so. I did not say that the Minister was mischievous. I used the word mischievous in connection with those persons who had done the amendment. I did not know that he, himself, had written the amendment.

The Speaker: That seems six of one, half a dozen of the other to me.

Hon. Truman M. Bodden: Mr. Speaker, my name is on it. Surely, the Honourable Member can read. Who else could he refer to when he referred to the Mover? I do not really want to extend this, but only to say that in this House, Honourable Members have to be big enough men that when they hit, they can also deal with the retaliation. If words are used in here, and Honourable Members sit and do not take the point and then when there is an attempt to repeat it, there is an attempt to take the point, that is not right.

I am going to go on to deal with the amendment.

What is very clear is that in objecting to this, the Fourth Elected Member for George Town has taken the approach that medical staff, special constables (who are also in uniform), marine officers, teachers and people of this sort should not come within the category to be given awards. I find that...

[The Fourth Elected Member for George Town rose.]

The Speaker: If you have a point of order, please state what Standing Order you are bringing it under.

POINT OF ORDER

Dr. Frank McField: The Honourable Minister is misleading the House.

Hon. Truman M. Bodden: Mr. Speaker, I am just saying that he spoke against the Motion, therefore it means that by speaking against it, obviously he does not want these people to have the Long Term Meritorious Award, otherwise the amendment would have been accepted. That is what I am saying.

Dr. Frank McField: Mr. Speaker, the Minister just changed his mind. First he said 'awards,' now he is saying Long Service Meritorious Awards. That is where the point of order was. I did not say that they should not have awards.

The Speaker: Let us please stop the dialogue across the floor and get on with the debate.

Hon. Truman M. Bodden: Yes, Sir.

So, the hundreds of staff that were not included in this, many of them deal with saving lives. The medical staff, there are those who teach our children who are the leaders of the future of this country. In my view, they

deserve as much as the people who presently get these awards.

If you are looking at this from a real strict point of view, it basically relates (at least in the United Kingdom) to staff who fall within the brackets of the fire, the police and the prison services. Those are the traditional areas. However, this is a local award and I see no reason why it cannot be extended to them, many who put in many long hours for many long years and they do jobs that are difficult and which are so important to our society. I am very surprised that Members of this Honourable House would not regard those staff as being staff who should be considered for this award.

To take the point that one does not know what staff means, whether it includes people, for example doctors or people who deal with cleaning the hospital staff is staff—of course it includes all. A doctor who spends 30 years, or a nurse, or a technician, the awards that are given out by the Governor now deal with all levels and all people under the Certificate and Badge of Honour. This, in my respect, is an extension of that which should deal with people in these important and critical areas. Especially in relation to teachers, in my view, many of them have put us where we are today. They very much deserve to be considered under this.

I do not believe that it detracts from what the First Elected Member for West Bay has done. I think it adds to it—extends it and brings within the fold of the Motion itself, people who are very deserving of these awards. In my view, I would like to see some consideration given for them, especially the teachers and other staff who are here.

The points taken by the Fourth Elected Member for George Town in relation to this, and the wording of it...in my view it is sufficiently clear. It relates to a wide cross-section of people who are very deserving and who I feel are deserving. It is from that point of view that I put this forward. Members can have their own views as to whether or not they are deserving, that is up to them. But I am prepared to say publicly that the medical staff, the court bailiffs, court staff, PWD, special constables, marine officers, E-911 staff and especially the teachers are deserving to be considered in this. It is a local award, Sir. It is not a traditional award from the United Kingdom, where this would not happen, neither on the substantive Motion, I do not believe, nor on the amendment to it because it is an extension of the awards which I am sure the Honourable First Elected Member for West Bay will find on second thoughts that adding in people like our teachers and medical staff will be good and they will be considered. All brackets of them, whether specialists or non-specialists will be considered.

I regard these people as very important to the Cayman Islands, and I regard them as persons who, having put in long years of service, should be considered for these awards and we should give them the recognition that is so necessary to them because they mould the future of this country.

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Unless I am greatly mistaken, and I stand to be corrected, what I am hearing from you regarding this amendment to the original Motion is that the Leader of Government Business, who has moved this amendment, has finished speaking and now the vote is to be taken. If memory serves me right, what I saw in the Chamber was that Minister get up to speak before you said, "If no one wishes to speak, would the Mover like to reply." I was prepared to speak, Sir, but I recall the Minister getting up before you said that. If that is not so, then I stand to be corrected. But that is what I saw.

The Speaker: Well, if that is the case, go ahead and speak. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, very much.

Mr. W. McKeever Bush: Mr. Speaker, I would not object for one minute to my friend, the First Elected Member for George Town, speaking, but I crave your indulgence. I do not understand the process in the manner in which you have gone with the amendment in any event, but to call the question and draw the last speaker, and then open it up again...I am sure it is bringing the House into question. I appreciate what my colleague, the First Elected Member for George Town, would like to say, and you have already called on him, so he has that right.

The Speaker: For the benefit of the First Elected Member for West Bay, Standing Order 25(4) reads: "**(4) An amendment to a motion may be moved and seconded at any time**"—I repeat, "at any time"—"after the question upon the motion has been proposed by the Presiding Officer and before it has been put by him"—"put by him"—"at the conclusion of the debate thereon." I have not put the question on the Motion, therefore what I am doing is within the Standing Order.

Mr. W. McKeever Bush: I understood that, and I am not questioning your ruling. I did not know where...because, formerly in this Parliament, if a Member wanted an amendment, he would move it and it would be debated. Then the Mover, the substantive Mover of the Motion, is the last person speaking. Nevertheless, you have chosen this route. This is the first time I have seen it in my four terms here.

The Speaker: I agree with what you are saying, and it is not my fault if Members do not want to speak. I have given ample opportunity for everybody to speak.

Mr. W. McKeever Bush: It is not the matter of wanting to speak, Sir, it is the matter of the way the question was debated.

Hon. Truman M. Boddan: Mr. Speaker, if I may just say this...

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddan: It is somewhat unusual after a Mover replies to have someone else presumably reply.

The Speaker: I fully realise this.

Hon. Truman M. Boddan: I accept that you have a discretion, it just does not give me a right to reply after...

Mr. W. McKeever Bush: I did not speak because I thought I had a chance to speak on the amendment.

The Speaker: I would just like to say this to Honourable Members. Everything has been a little unusual because I expected that the Mover would move this Motion when we came in immediately after we resumed after lunch. He did not move it. Therefore, I called and asked if any Member wished to speak. In that essence, I did not consider that the Honourable Minister for Education, Aviation and Planning was actually replying as a Mover because of the fact that he did not move it.

Yesterday, he indicated that it would be moved, but it was circulated after that time. That is the justification for the procedure I am taking. Would the First Elected Member for George Town speak if he so desires?

Hon. Truman M. Boddan: Mr. Speaker, may I just have one thing clarified? Yesterday when I was on my feet, I did move the amendment to the Motion. Are you saying that the amendment is not before the House, Sir? I am just seeking clarification.

The Speaker: I am saying it was, but it had not been circulated at that time.

Hon. Truman M. Boddan: That is correct. But, I did move it orally.

The Speaker: That is correct. You indicated that it would be moved and circulated. But when I came in today, it was not actually moved at that time.

Hon. Truman M. Boddan: So, would you be taking a vote on the amending motion?

The Speaker: Yes, immediately after this is concluded we will take it.

Does the First Elected Member for George Town wish to speak?

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

Before I actually make my contribution, and I grant what you said about the situation with this amendment being a bit cockeyed, but what I want to clear up, if you do not mind, Sir, and I think it is simply for the records of

this Honourable House, from the *Hansard*, when the Mover spoke on the original Motion, when he came on to deal with the amendment, I am quoting from the *Hansards*, what he said was: **“To that effect, what I will be seeking to do (and, unfortunately, I was not able to get this circulated) is to amend the Motion to widen it to include persons beyond what the Motion now seeks to do. I appreciate that the two-day notice has not been given, but I would ask that I be allowed to put the Motion and then circulate a copy of it, subject to leave, which would basically add teachers, nurses, and special constables.”**

Mr. Speaker, you then said, **“I waive the two-day notice.”** Then he went on to say: **“Thank you. What I would like to do then, Mr. Speaker, is to Move (and then get this typed and circulated)...”** I do not know if the Honourable Minister then read the Motion as was circulated afterwards. If he did not, then I do not know if we have an amendment here to deal with. I am not trying to be picky, but as far as I am concerned, we have to be very careful. I am not questioning any rulings that you have made, I am simply trying to clear the air before we go on.

If all the Honourable Minister said was “teachers, nurses and special constables” (which is all that I contend he said at this point in time), that was not what the written amendment that was circulated says. I do not know how to correct it. Trust me, I am not trying to be picky.

[The Honourable Minister for Education, Aviation and Planning rose]

Mr. D. Kurt Tibbetts: Would you like me to give way?

Hon. Truman M. Bodden: If you would.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: As I remember it, I read the Motion. I am wondering if you have the full transcript. Did I not read the full Motion?

Mr. D. Kurt Tibbetts: Mr. Speaker, just to reiterate. I am not trying to confuse the issue. I am not looking for a fight, I would just like to get it right. When I am, you will know!

The Speaker: This may be a convenient time for us to adjourn.

Mr. W. McKeever Bush: Mr. Speaker, I believe the *Hansard* will clear up the misunderstanding. Maybe the tapes would better clear up the misunderstanding.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.30 PM

PROCEEDINGS RESUMED AT 4.23 PM

The Speaker: Please be seated. Proceedings are resumed.

SPEAKER'S RULING ON PROCEDURE OF AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 1/98

The Speaker: For the benefit of the House, I have scrutinised the *Hansard* from 4 March 1998, and it does state clearly that the Honourable Minister for Education, Aviation and Planning did move the amendment in its entirety. On the *Hansard* for today, it says that the speaker called for any other Member who wished to speak. No one indicated that they wished to speak. The Speaker then said, **“Does the mover of the amendment wish to reply?”** The Honourable Minister for Education, Aviation and Planning was recognised. He rose. In view of that, there can be no further debate.

I shall now put the question on the amendment to Private Member's Motion No. 1/98. I shall put the question. Those in favour please say Aye...Those against No.

AYES and NOES.

Hon. Julianna O'Connor-Connolly: May I have a division, please?

The Speaker: Certainly. Clerk, would you call a division please?

Clerk:

DIVISION NO. 2/98

AYES: 8

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. Truman M. Bodden
Hon. Thomas C. Jefferson
Hon. Anthony S. Eden
Hon. Julianna O'Connor-Connolly
Miss Heather D. Bodden

NOES: 7

Mr. W. McKeever Bush
Mr. J. D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mr. D. Kurt Tibbetts
Dr. Frank McField
Mr. Roy Bodden
Mrs. Edna M. Moyle

Absent: 1

Hon. John B. McLean

Abstain: 1

Mr. Linford A. Pierson

The Speaker: The result of the Division: eight Ayes, seven Noes, one Absent, one Abstention. The amendment carries.

AGREED BY MAJORITY: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 1/98 PASSED.

The Speaker: I shall now put the question on Private Member's Motion No. 1/98, as amended. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Mr. D. Kurt Tibbetts: Can we have a Division?

The Speaker: Certainly. Madam Clerk.

Clerk:

DIVISION NO. 3/98

AYES: 13

Hon. James M. Ryan
 Hon. Richard H. Coles
 Hon. George A. McCarthy
 Hon. Truman M. Bodden
 Hon. Thomas C. Jefferson
 Hon. Anthony S. Eden
 Hon. Julianna O'Connor-Connolly
 Mr. W. McKeeva Bush
 Mr. John D. Jefferson, Jr
 Mr. D. Dalmain Ebanks
 Mr. D. Kurt Tibbetts
 Mr. Linford A. Pierson
 Miss Heather D. Bodden

NOES: 2

Mr. Roy Bodden*
 Mrs. Edna M. Moyle

Absent: 1

Hon. John B. McLean

Abstain: 1

Dr. Frank McField

**Mr. Roy Bodden: Mr. Speaker, I wish it to be made clear what I am voting on, Sir.*

The Speaker: *The substantive Motion as amended. Private Member's Motion No. 1/98.*

Mr. Roy Bodden: *As amended?*

The Speaker: *As amended.*

The Speaker: The results of the Division: Thirteen Ayes, two Noes, one abstention, one absent. The Ayes have it. Private Member's Motion No. 1/98 as amended has been passed.

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 1/98, AS AMENDED, PASSED.

The Speaker: I shall now entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

STANDING ORDER 11 (6) AND (7)

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Friday morning at 10 o'clock.

The Speaker: Before I put the question, I have granted permission under Standing Order 11(6) and (7) to the Third Elected Member for George Town to raise two public matters for which Government has responsibility. The Third Elected Member for George Town.

NON-COMPLIANCE WITH SECTION 12(1) OF THE CAYMAN ISLANDS ROYAL INSTRUCTIONS 1972

Mr. Linford A. Pierson: In accordance with Standing Order 11(6) and (7), I wish to raise the following two matters, which I consider to be of public importance. The first one is the non-compliance with section 12(1) of the Cayman Islands Royal Instructions 1972, later referred to as the Royal Instructions.

In raising this matter, I wish to make it abundantly clear that it is not my intention to question in any way the integrity, or impute any unworthy motive to any Member of this Honourable House who may be directly or indirectly involved with the following matter.

Section 12(1) of the Royal Instructions is quite specific on the question of the disposition of Crown Lands. It states: **"Before disposing of any land or buildings belonging to us [meaning the Crown] in the Islands, the Governor shall cause it to be surveyed and such reservations to be made thereof as he may think necessary for any public purpose."**

Upon an inspection of the Land Registry carried out by myself on Tuesday, 3 March 1998, it is noted that there is no record of a survey being carried out prior to the disposing of Crown Land described as registration section Colliers, Block 74A, Parcel 89, which is not in compliance with section 12(1) of the Royal Instructions.

The Land Registry revealed, as for entry number one, dated 24 July 1995, instrument number 4,217 of 1995, that there were certain un-demarcated boundaries on this property indicating the need for a proper survey when the Crown Land in question was transferred to Mr. John Bonwell McLean as the Executor of the Estate of Mr. Milton Whitmore Syms, deceased; as further evidenced by the Lands and Survey Department mutation number M2,800.

It is further noted that a precise survey may be required in order for Government to determine the exact area of land transferred to Mr. McLean as Executor of Mr. Whitmore Syms' estate.

An inspection of the parcel file revealed that the aforesaid Mr. John McLean had given an undertaking upon the transfer of the said Crown Land that he would **"Pay all fees and bear full responsibility for the sur-**

vey of said land as may be required whether by general boundaries or precise standards, and the demarcation of the boundaries thereof."

In view of the requirements of section 12(1) of the Royal Instructions, and the above undertaking given by Mr. John McLean when the said land was transferred to his name as Executor of the said estate, I hereby call upon him to cause the necessary survey to be carried out as soon as possible to ensure that the said property is properly demarcated, and not later than 14 days before the commencement of the next Meeting of the Legislative Assembly. Further, in view of the amendments to the Governor Vesting of Lands Law (1997 Revision), it is quite evident that it is the intention of the Government to ensure that all procedures relevant to the disposition of Crown Lands are strictly complied with.

Accordingly, I trust that all necessary steps will be taken to rectify this matter.

UNANSWERED PARLIAMENTARY QUESTIONS

Mr. Linford A. Pierson: The other item has to do with unanswered Parliamentary Questions.

Mr. Speaker, it is the Constitutional right and responsibility of the Elected Members of this Honourable House to seek to obtain information from Honourable Ministers and Members relating to any subject or department for which the respective Minister or Member is responsible, or with which he is officially connected. The procedures relative to Parliamentary Questions are quite clearly stated in the Legislative Assembly Standing Orders.

Further, because of the important role that Parliamentary Questions play within the parliaments operating within the Westminster System of Government, and in view of the important information they provide to the public, it is vital that every effort is made by Ministers and Members to give top priority to the answering of Parliamentary Questions. Written answers to Parliamentary Questions, in a sense, defeat the purpose of the information being disseminated directed through the news media and by radio to the listening public.

Further, written answers are not recorded in the *Hansards* of the House and there are no other permanent means of reference, notwithstanding the provision of Standing Order 23(8), whereby Ministers and Members are obliged to provide written answers to questions which have not received an oral answer.

On 20 May 1997, I wrote to the Clerk of the Legislative Assembly concerning the problem of unanswered Parliamentary Questions. I again wrote to her on 8 September 1997 about the same problem. On 21 May 1997, the Clerk wrote to me advising that she had, on 8 May 1997, reminded Honourable Ministers and Members of the provisions of Standing Order 23(8), which basically states that Ministers and Members shall answer in writing questions for which an oral answer was not provided. An examination of the Business Papers for this Meeting will show that this trend continues in regard to unanswered Parliamentary Questions.

As it seems that certain Ministers and Members are down-playing the importance of providing oral answers to Parliamentary Questions, it is hereby submitted that you seek to have this matter rectified, failing which, the assistance of His Excellency the Governor shall be sought.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the Honourable Minister responsible for Agriculture, Environment, Communications and Works is ill, and has been ill and not in this Honourable House for several days now. Therefore, obviously he cannot reply under Standing Order 11(6). What I can say is, if anything further is necessary under the Minister's undertaking in relation to the survey, I feel sure that he will deal with that.

I realise that under Standing Order 11(6), I really have no *locus standi* to reply. But I am just stating what I feel, if he were here, he would state.

In relation to the matter of the questions being answered orally, I believe that all Ministers and Honourable Members endeavour to answer as many questions as they possibly can, orally. However, it is a fact that there are times in each Session when questions are answered in writing. Sometimes (not this time, but just a few Sessions ago) there are well over 100 questions asked of Members and Ministers. A lot of these do take a lot of time to prepare. I think it must also be borne in mind, as the Member making the statement knows (he is a former Minister) that Sittings, such as the last one, where we are in here for seven weeks, while Ministry work has to be carried on, it is somewhat difficult.

However, if I may so, historically in the House of Commons, the Prime Minister's time used to be only a half hour twice a week. So, having questions here every day for one full hour is quite a generous amount of time for it. I would just like to say that the Members and Ministers appreciate the importance of giving oral answers. We will do our best to answer as many as we possibly can within the Session of the House from time to time.

The Speaker: The question is that this House do now adjourn until 10 o'clock Friday morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.40 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 6 MARCH, 1998.

**EDITED
FRIDAY
6 MARCH 1998
10.32 AM**

[Prayers by the Fourth Elected Member for West Bay]

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on the Order Paper, Presentation of Papers and Reports, the Honourable Minister responsible for Tourism, Commerce and Transport, the Public Passenger Vehicles (Amendment) Regulations 1998.

**PRESENTATION OF
PAPERS AND REPORTS**

**THE PUBLIC PASSENGERS VEHICLES
(AMENDMENT) REGULATIONS 1998**

Hon. Thomas C. Jefferson: Mr. Speaker, in accordance with section 113 of the Traffic Law, I beg to lay on the Table of this Honourable House the Public Passenger Vehicles (Amendment) Regulations 1998.

The Speaker: So ordered. Do you wish to speak to it further?

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. A few days ago, I made a statement in this House that related to the Regulation I am laying on the Table of the House this morning. The Regulation basically is to change the restricted area of passenger pickup along North Church Street, which is North Church Street and Mary Street, Harbour Drive, South Church Street to Boilers Road; changing that northern portion to be restricted to Fort Street and North Church Street, rather than Mary Street and North Church Street. The restricted area, after this regulation comes into force, will be North Church Street to Fort Street, all the way going south to Boilers Road and South Church Street. I hope I have made that clear, Mr. Speaker.

The Speaker: The Status of Families in the Cayman Islands to be laid on the Table by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

THE STATUS OF FAMILIES IN THE CAYMAN ISLANDS

Hon. Anthony S. Eden: Mr. Speaker, I beg to lay on the Table of this Honourable House the Study of the Family in the Caymanian Society.

The Speaker: So ordered. Do you wish to speak to it further?

Hon. Anthony S. Eden: Thank you, Mr. Speaker. I am pleased today to be able to table this very important document entitled, "The Study of the Family in the Caymanian Society." The report consists of six volumes. Volume one is the executive summary of the report. Volume two presents the findings of the consultancy. Volume three discusses the findings of the consultancy, while volume four contains the organisational review of the Social Services Department. Volume five contains the recommendations of the consultancy; and volume six consists of appendices to the report, including a life history of Mrs. Joyce Hylton, the pioneer social worker and founder of the Social Services Department.

This study produced twenty-one major findings, which can be grouped into the following subject categories: the family, housing, youth, parenting, the elderly, feelings about being Caymanian, the Social Services Department. At the conclusion of the study are listed twenty-five recommendations, four of which pertain specifically to Cayman Brac and Little Cayman.

I humbly beg the indulgence of this Honourable House to allow me to touch on some of the details of this study, in light of the importance which these findings will have on the future planning of social policies for the Cayman Islands.

BACKGROUND

The consultancy was commissioned in 1995 by the Cayman Islands Social Services Department, in consultation with the then Ministry for Community Development, Sports, Women's and Youth Affairs and Culture. The family study was undertaken because of various aspects of dysfunction in Caymanian families which had been observed by the Social Services Department over a period of years. The majority of persons in the country recognised that the family had undergone many changes, but thus far there were no hard facts to support these assumptions.

The Social Services Department, as a result, developed terms of reference for what it termed "The Study of the Family in the Caymanian Society." These were forwarded to the United Nations Development Programme (UNDP) senior personnel in Kingston, who had agreed to fund the programme jointly with the Cayman Islands Government, and to assist with the recruitment of a consultant to conduct the study.

After careful research, the decision was made to engage the services of Dr. Eleanor Wint, since she had, in several of the smaller territories in the Caribbean, conducted similar studies to the one proposed by this Government. The Department developed, in-house, a project outline for the UNDP, which was passed to the consult-

ant. This outline was used as a basis for a detailed project proposal.

The purpose of this project was as follows: to satisfy the demand for answers which presently emanate from a wide cross-section of the society. These questions relate to specific concerns, such as: the changing cultural patterns, which are expressed in apparent family dysfunction; changing roles and responsibilities within the family; increases in child-associated deviant and criminal behaviour; the ability of the Department of Social Services to satisfactorily address these problems.

During the consultancy, Dr. Wint recognised that in order for the Social Services Department to implement some of the recommendations which she foresaw emanating from the study, it would be necessary for that Department to undergo some restructuring. To this end, a management consultant, Mr. Eric Douglas, recruited from the Office of the Prime Minister of Jamaica, along with Dr. Wint, examined all aspects of the Department's work, current job descriptions, and recommended substantial changes to the structure of the Department.

METHODOLOGY

The study was carried out in a variety of ways. A national survey was administered, with the assistance of the Economics and Statistics Office. This was done by obtaining a random sample of 845 households. Questionnaires were successfully administered by local residents under the supervision of the Economics and Statistics Office. 638 questionnaires were fully completed and returned. To complement the survey, eleven focus groups met to discuss in depth the questions posed by the study.

A second component involved the examination of documents supplied by the Social Services Department and other Government departments, as well as discussions with relevant persons. The report took into consideration the history of the Caymanian people.

FINDINGS

I turn now to an overview of some of the findings arising from this study. Issues taken into consideration during this study were: the impact of commercialism and modernisation; the impact of the inflow of foreign workers; institutionalising of the elderly; the changing role responsibilities between mothers and fathers; increase in adult and juvenile crime; generational differences in lifestyle and life preferences.

Some of the main findings are:

(1) The family is in transition in Cayman. There is a definite move away from the extended family to smaller family sizes. Most households are now two-parent households, with between one and two children living at home.
 (2) The male focus groups revealed that men feel they have not taken up their responsibilities. The survey revealed that the role of the father has changed to where he is now expected to assume more of a role in family life, especially since most mothers now work more in public, in addition to their home responsibilities.

(3) Cayman is still a matrifocal society, that is, the woman being the central figure in family life.

(4) Two-thirds of household members still attend church regularly.

(5) There is a high level of domestic conflict, reported by both children and adults, across all sectors of society.

HOUSING

In the area of housing, Mr. Speaker, the study found that:

(1) Housing is of a fairly high standard in Cayman. The survey showed that most of the members of our society are comfortably housed.

(2) Mean length of time reported living in the same house was 8.6 years.

(3) Most of the housing is of fairly recent construction, 24% having been built between 1980 and 1989.

(4) The oldest housing is located in West Bay, having been built prior to 1970.

The most popular form of tenure arrangement of the population is ownership. In George Town, however, a combination of leased and private rentals is the choice of 53% of the population, while 39% own their dwellings.

In West Bay, however, ownership is the type of tenure for 62.5% of the population, while 32% have a combination of leasehold and private rentals.

YOUTH

The study confirms that:

(1) There is a lot of pressure being experienced by our children, much of which is coming from their unsupervised access to television. The message they get, predominantly from North American programming, many times conflicts with the customs and values of Caymanian society.

(2) 21% of our population are children fourteen years of age or younger.

Unfortunately, the study also confirms that children in our society are showing a trend towards deviant behaviours. Parents in the survey report 253 youths charged with theft, 106 with drugs, 348 with fighting, and 92 with indecent language. The study suggests that youth feel they are left in great measure to identify their own activities, to lean on their peers for support, rather than parents, and in general, are left to fend for themselves.

PARENTING

The subject of parenting provided the study with three findings:

(1) On average, parents are spending thirteen hours per week leisure time with their children, and forty-four hours per week working.

(2) Parents and children are both more materialistic in their outlook.

(3) Most families expressed a wish for their children to show love, but there was no emphasis on respect.

The study has shown clearly that families in Cayman, particularly those in which parents are Caymanian, prefer a more hands-off style of parenting, allowing chil-

dren, in large measure, to attempt to chart their own independent paths. The study suggests that many parents seem unwilling to touch and express their feelings in any way other than buying goods and services. Children, although expressing the view that the elderly should be respected, give little evidence of respect for the elderly. The study demonstrates that communication lines are generally weak between parents and children, with a marked generation gap being experienced.

Cayman Brac experiences many of the same problems related to parenting as are experienced in Grand Cayman. However, due to the current economic situation, factors such as the lack of jobs for young graduates and the rise in the number of young people who participate in heavy alcohol consumption come into play in the Cayman Brac scenario.

THE ELDERLY

The survey showed a particular lack of respect for the elderly by children and adults. Many are content to leave elderly parents in houses by themselves, in other words, provide them with what they need, but have them live outside their immediate family of husband or wife and children. The study identified a total of 1,787 persons in the population aged 65 and older. Across districts, North Side and East End show a high proportion of the elderly, with North Side having a fair percentage of the males who are separated or widowed. 78% of the elderly persons demonstrated a good mental state, accompanied by full independence in terms of their physical status. Only a small percentage, that is, under 10%, reported having to depend on someone for assistance with their basic personal functions. Some 27% of these persons cited themselves as their main source of financial assistance. This was closely followed by the family as a source of assistance. At the time of the report, those elderly people having to rely on Social Services Department were only 11%. As the focus groups showed, the elderly could be described as a discarded group, being given little or no respect by the young, and in the main being disregarded by their immediate offspring. The comment was often heard that it was all right for them to be in an institution as they, the children, were unable to spend the necessary time with them, caring or protecting them. The predominant diseases in the elderly are arthritis, heart disease, high blood pressure and diabetes.

FEELINGS ABOUT BEING CAYMANIAN

The study found that there is a new resentment toward the expatriates in our community, primarily due to the fact of the significant numbers and because many, as the survey revealed, are at the very top of the income level. It was found that a positive feeling about being Caymanian is expressed by Caymanians, those holding Caymanian status, and even those with other status. It was also interesting to note that whether persons were born in Cayman or not, the general consensus was one of wanting to be thought of as Caymanian. This finding is perhaps not surprising, when one considers that, in most instances, persons would be experiencing an improved

lifestyle or living in a comfortable situation. Younger people, that is, those before 45 years of age, expressed more negative feelings about life in Cayman. It is also those who earn below \$1,667 Cayman Islands dollars per month who speak negatively of Cayman.

Respondents across the Islands feel that life has changed. For them, rapid inflow of wealth or access to wealth has changed the quality of life. A certain sense of insecurity is creeping into the society, as evidenced by increased incidences of hostile behaviour experienced at the Department of Social Services, as well as in daily encounters on the street or in the stores.

The findings show clearly that there is a strong awareness of Cayman's unique culture. The language of the people, the types of food eaten, and the characteristics of the native Caymanian are issues which were discussed during the research. The study also reflects the general movement of the population away from tradition, in areas such as preparing and eating traditional food, to buying food from the fast food centres.

THE DEPARTMENT OF SOCIAL SERVICES

I am pleased to report that the study found that there was very little negative response from the public regarding the Department of Social Services. The public perceived the Department as helping the needy and elderly. Members of the public are now asking for other services, like help with parenting and marital conflicts.

RECOMMENDATIONS

- (1) The need to restructure the Department of Social Services to better meet the needs of the community.
- (2) There should be a greater focus on community-based initiatives.
- (3) The Department should regard, as a priority, enhancing its public image through the use of as many media methods as possible.
- (4) The implementation of a foster care adoption unit is needed.
- (5) The Social Services Department should work toward formalisation of its supervisory posts.
- (6) Training should be ongoing at all levels.
- (7) A training and personnel officer should be appointed to follow through on training and career pathing.
- (8) The Department should initiate formal and informal contacts with other agencies and organisations to assure good understanding of programme goals and the referral process.
- (9) Small parks and public areas with comfortable seats should be established.
- (10) Greater effort should be made to transfer wards from residential care into foster care or their natural homes.
- (11) Strategies should be developed to reintegrate the elderly with their families, and furthermore, a public education programme should be undertaken to espouse the virtues of family care for the elderly.
- (12) The Community Development unit should use varying strategies to strengthen linkages between commu-

nity groups, clubs and other social agencies, such as the church.

(13) Human and financial resources should be mobilised in the community to assist groups and clubs to develop and implement skills, training and entrepreneurial initiatives.

(14) Youth centres should be established which will combine both indoor and outdoor sporting, educational and recreational activity under proper supervision.

(15) Family life education, including knowledge of contraception, should be pursued within schools, with sessions timetabled by persons qualified and able to discuss this issue with children.

(16) An Island-wide parenting programme should be put in place, using trainers trained by and materials provided by parenting partners.

(17) Social Services should support a policy decision to institute minimum wages for select jobs, as this should have immediate impact on the number of persons requiring temporary financial assistance.

(18) Caring homes should include special programmes designed to encourage growth and development of the child while in care.

(19) The commitment to housing repairs should be continued under close supervision.

(20) The present spate of buildings on the waterfront should not be maintained, as residents feel the loss of contact with the waterfront, their beaches and the past.

(21) Temporary housing provided by the Department should not extend beyond six months.

Mr. Speaker, the following recommendations pertain to Cayman Brac and Little Cayman:

(22) District Administration should consider the development of a youth centre on a location already identified near the swimming pool. The centre would be designed for, decorated by, and devoted to the well-being of the youth, under close supervision of the Community Development officer.

(23) The Government should investigate ways to expand income-earning opportunities on the Brac.

(24) Government should examine the possibility of further reductions in postal rates, special shipping charges, as well as telephone charges between Grand Cayman, Cayman Brac and Little Cayman.

(25) It should also maintain a careful watch on the image portrayed of more than one Cayman, e.g., the advertisement, "Serving Grand Cayman and the Cayman Islands."

I am happy to report that although this study is only being tabled today, the Social Services Department has already implemented some of the recommendations which were geared specifically toward the Department. Additionally, there are other recommendations which are in the process of being implemented.

To digress a moment, when I think back, since the previous Minister, the First Elected Member for West Bay, was there, when you see the recommendations that have been put forward, he has touched on most of these in his approach to developing and helping the youth and the elderly in this country.

Those recommendations which have been completed are:

(1) Regarding staffing, supervisory positions have been formalised in the Department.

(2) A probation and aftercare supervisor has been appointed, and a probation and aftercare unit has been set up to facilitate rehabilitative programmes at Northward Prison, promote alternative sentencing options, and work with probation, parole and community service order cases. The two probation officers seconded to the Courts office some twelve years ago have been brought back under the Social Services Department, and now form a part of this team.

(3) The Community Development unit has been enhanced through the appointment of a fully-qualified co-ordinator, and the appointment of another Community Development officer. During the course of the past twelve months, the Community Development team has pursued a variety of projects in their respective communities, and have built up a close working relationship with various churches, police, environmental health, education and individual schools, community groups, and many other non-governmental organisations. This has strengthened the work they have been able to do throughout the Islands.

(4) A clearly defined career path has been created for social workers, spanning the levels of Social Work Assistant through to Social Work Manager level. Of significant note is the creation of a Senior Practitioner level, which allows for upward movement of all social workers.

Recommendations which are in the process of being implemented at the Department are as follows:

(1) The Department has made a concerted effort to educate and inform the public about the work of the Department generally and its many programmes and activities. This will be ongoing.

(2) Young Parents Programme: The transfer of the Young Parents Programme to the Community Development arm of the Department is in process.

(3) Parenting education is being addressed at the district level through collaborative work with churches and schools via the Community Development Co-ordinator, Community Development officers and other resource persons.

(4) Training continues to be a priority for all levels of staff in the Department.

(5) The merger of adoptions and foster care is in process, with the foster care co-ordinator currently understudying the Adoption Board secretary. A committee has been put in place to review the Adoption Law.

Mr. Speaker, let me say that it is the intention of the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, along with the Social Services Department, to continue the implementation of the recommendations which were made in the study of the Family in the Caymanian Society. I would like to thank Dr. Eleanor Wint and Mr. Eric Douglas for all the time and effort expended in producing this report. In addition, I must express appreciation to all those people who assisted in such areas as participation in the eleven focus

groups and in carrying out interviews. I would also like to thank the Director and staff of the Social Services Department, as well as the former Minister and the staff of the Ministry of Community Development, Sports, Women's Affairs, Youth and Culture, who recognised the need for this report. As I have said before, his vision regarding the plight of our youth, elderly, and the less fortunate have been well-documented.

Mr. Speaker, in conclusion, I would like to thank you and this Honourable House for allowing me the opportunity to table this report, which I know will be beneficial in the development of future social policy for the Cayman Islands. Thank you.

Mr. W. McKeeva Bush: Mr. Speaker. I am wondering, under Standing Order (2) whether I could make a query on the statement.

The Speaker: Yes, I will allow a short question.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. I would like to thank the Minister for laying these documents, as they were ready in November, and when the National Team relieved me of collective responsibility, I was not able to do it. I am glad he has brought it now. The question is, many of the recommendations, as he said, are already being implemented. What of the others? In particular, the ones that do not fall directly under him, such as the minimum wage, which was being worked on also?

Hon. Anthony S. Eden: Mr. Speaker, I will discuss with the Minister responsible for that and get back to him regarding the approach on this.

The Speaker: Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. At this time, I would entertain a motion for the suspension of Standing Order 23(7) and (8) so we may take question time beyond the hour of 11.00.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

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

Mr. D. Kurt Tibbetts: Mr. Speaker, I so move the suspension of that Standing Order so we can have questions.

The Speaker: The question is moved. Do I hear a seconder?

Mr. W. McKeeva Bush: I second, Mr. Speaker.

The Speaker: It is seconded by the First Elected Member for West Bay. I put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTION TIME TO BEGIN AFTER 11.00 AM.

The Speaker: Questions to Honourable Members/Ministers. Question number 25, standing in the name of the First Elected Member for West Bay.

QUESTION 25

No. 25: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Education, Aviation and Planning, Can the Minister say what progress has been made with the hall for the John Cumber Primary School, and in particular, (a) when it will be started; and (b) what is the completion date?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the answer: Work is anticipated to begin on the hall for John A. Cumber in the third quarter of 1998. The building should be completed by July 1999.

SUPPLEMENTARIES

The Speaker: Supplementaries? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I crave your indulgence to make a point for clarity and then ask the question regarding the point.

I know the Minister has been working on the hall, and I have been in meetings with him. There was an understanding that when the community centre was going to be started, the two would be built simultaneously. I know he has been working, and his work has been hindered by a recommendation to upgrade the hall to a hurricane shelter, that is the school hall. That has hindered the work. However, I am wondering whether the Minister would be prepared somehow to put this on a much faster track, and move the hall forward so that, in the balance of the nine months, this could somehow be completed by the year end. It is asking a lot, I know, but, Mr. Speaker—and I crave your indulgence again—the need is terrible. The children each year have to hold their annual closing exercises out in the open field, sometimes with rain hindering them. The school now has 476 students, and we need to act this year, while—as I say, that has not been his fault, to that extent—we need to somehow put this on a fast track, so it can be completed by year end. That is asking a lot. I am wondering whether it could be done.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I agree with the Honourable Member that it is urgent we get this hall. I know the problems with—well, at present, there is no hall—and the difficulty with a school, especially that size. I will give an undertaking to fast-track it, which means I will request Public Works to fast-track it, and I will stay religiously on them. If it cannot all be completed within that time, or near that time, then obviously it is in the interests of everyone, and I would do that, and to the extent that if we needed to outsource, for example, which now have to be built to hurricane strength, so they have to be redone, then I would ask them to do that as well if they do not have the resources within to get it moving fast.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will go to Question number 26, standing in the name of the First Elected Member for George Town.

QUESTION 26

No. 26: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning whether the new purpose-built vehicle for the students of the Lighthouse School is in use as yet.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the answer: The new purpose-built vehicle for the students at the Lighthouse School has been in use since 2 February 1998, when a driver and bus warden were employed. The bus accommodates four wheelchair students, one bus driver and the bus warden, for a total of six. The van picks up one student in West Bay and two at the Children's Home on Maple Road on a regular basis.

SUPPLEMENTARIES

The Speaker: Supplementaries? If there are no supplementaries, we will move to Question number 27, standing in the name of the First Elected Member for George Town.

QUESTION 27

No. 27: Mr. D. Kurt Tibbetts asked the Honourable Minister for Education, Aviation and Planning for the total amount of landing fees written off by the Civil Aviation Authority since January 1993.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the answer: The Civil Aviation Authority (CAA) has not written off any landing fees since January 1993. In 1993, Government paid CI\$1,420,870.51 to the CAA in respect of Cayman Airways' \$2.6 million indebtedness to the CAA for services, including landing fees. In 1995, Government reduced the CAA's property loan indebtedness to Government by CI\$1,236,792 in respect of Cayman Airways' indebtedness to the CAA for services, including landing fees. As at 31 December 1997, Cayman Airways' indebtedness to the CAA stands at \$2,655,602.21. As of 31 December 1997, Island Air's indebtedness to the CAA stands at \$457,803.73.

SUPPLEMENTARIES

The Speaker: Supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In section two of the answer, in which it says that in 1995, Government reduced the CAA's property loan indebtedness to Government by \$1.236 million, in respect of Cayman Airways' indebtedness to the CAA for services, including landing fees, can the Minister state if, during this time, the CAA has continued to pay or to repay Government for this so-called indebtedness, and this amount that was reduced by Government was over and above their usual payment?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That is correct, Sir.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. By no means am I an accountant, but can the Minister state, if the amount of money was owing by Cayman Airways, under what authority was the debit and credit transaction done by way of the Government?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Finance Committee, Mr. Speaker.

The Speaker: First Elected Member for George Town. [Pause]

Mr. D. Kurt Tibbetts: Mr. Speaker, I have supplementaries. I am giving the Minister a chance to clarify a matter.

The Honourable Minister just stated that this was done through an act in Finance Committee. I wonder if the Minister could explain when this took place, and as usual, I stand to be corrected, but I do not remember that in Finance Committee, and I wonder if the Minister could clarify that before I go any further.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, obviously I do not have the 1995 Finance Committee minutes here, but from what I understand, it did come. The only thing I can do, Sir, is to look back on the minutes because it has been some time ago and I do not remember when.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I have several supplementary questions which will hinge on the veracity of the answer just given. I would like for you to find some method by which we can prove that before we go any further.

The Speaker: If it is convenient, we could take the morning break at this time. I shall suspend proceedings for fifteen minutes.

AT 11.18 AM PROCEEDINGS WERE SUSPENDED.

AT 12.06 PM PROCEEDINGS WERE RESUMED.

The Speaker: Please be seated. Proceedings are resumed. Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. When we adjourned, it was to check on the Finance Committee in 1995. At present, we do not have an answer on that yet, but I would propose that, subject to the Honourable Member asking the question, the question be put over for continuation of answering on Monday.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Seeing that I would very much like to know the answer, I have no problem with that course of action.

The Speaker: The question is that this Question will be put on the Order Paper Monday. Do you think Monday would be advisable, or later in the week?

Hon. Truman M. Bodden: The Honourable Financial Secretary says we should have it by Monday, Sir.

The Speaker: I shall put the question. Those in favour, please say Aye.

AYES.

Mr. Roy Bodden: Mr. Speaker, on a point of clarification, are we putting a supplementary question on the Order Paper?

The Speaker: No, we are suspending the completion of the answer of this question, as the information is not available at this time.

Those against, No.

AYES.

The Speaker: The Ayes have it. The question will be on the Order Paper on Monday.

AGREED: QUESTION 27 DEFERRED FOR FURTHER SUPPLEMENTARY QUESTIONS TO BE ASKED ON MONDAY, 9 MARCH. [*Question actually recommitted later in the day on 6 March 1998, see page 113*]

The Speaker: Question number 28, standing in the name of the Third Elected Member for George Town.

QUESTION 28

No. 28: Mr. Linford A. Pierson asked the Honourable Minister responsible for Education, Aviation and Planning to (a) provide a list, together with estimated cost of capital and renovation works required at the George Hicks and John Gray High Schools as at 31 December 1997; (b) to state whether there are sufficient funds provided in the 1998 Estimates to complete these works; and (c) the estimated dates of completion of these works?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the answer: The following is a list, with estimated costs, of capital and renovation works required at the George Hicks and John Gray High Schools as at 31 December 1997:

PROJECT	ESTIMATED COST
<u>George Hicks High School</u>	
• Re-roofing and upgrading walkways	\$100,000.
• Replace windows on North and South sides of Buildings (phase 4)	\$87,000.
• Conversion of hall to include purpose-built kitchen and construct library for hall	\$300,000. to \$350,000.
• No definite estimate for library	
• Extension of Administration Bldg.	\$450,000. to \$500,000
• Various or refurbishing works	\$30,000.
<u>John Gray High School</u>	
• Complete installation of fire alarm system	\$5,000.
• Re-roof and upgrade covered walkways	\$130,000.
• Various refurbishing works	\$30,000.

(b) The fund allocated for the various renovation works scheduled this year for both the George Hicks and John Gray High Schools are adequate to complete these works. The \$753,000 located for the conversion of the hall to include a purpose-built kitchen and cafeteria and construct the library at the George Hicks High School is more than sufficient to complete the conversion of the hall and to undertake preliminary works, drawings, etc.,

for the construction of the library. The sum of \$380,000, which was budgeted this year for the extension of the Administration Building at George Hicks High School, is sufficient to undertake the work envisioned by the Public Works Department for this project for this year.

(c) The various minor refurbishing works (maintenance) at both schools are being undertaken on an ongoing basis throughout the year. The renovation projects, because of the nature and scope of the works, have been scheduled to commence during the first week of July for completion by the end of August 1998, in time for the reopening of school in September 1998. The conversion of the hall at George Hicks High School, to include a cafeteria with a purpose-built kitchen, is tentatively slated to be completed by the end of August 1998. Work on the extension of the Administration Building also at George Hicks High School is tentatively scheduled to begin late in 1998, with completion likely in April or May, 1999.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, I wish to thank the Member for this comprehensive answer. I wonder if he could—whilst this is a little off the substantive question, he may have the answer—give an indication of the sort of student- or pupil-to-teacher ratio at the John Gray High School and the George Hicks High School.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, it averages about 20 or 21 per class, with some classes more, some less. Actually, I think there is a question that maybe another Member has asked that may be close to that.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. In his answer, the Minister has said there is no definite estimate for the library at the George Hicks High School. Could the Minister tell the House the reason for this, and also, could the Minister say when he will be in a position to arrive at some definite estimate as to the cost of this facility?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the design on that has not yet been completed, and once that is completed, we would then be able to get a bill of quantities and price on it. It will be later on this year. The money is there to deal with the plans, and get detailed plans out on it, Sir.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House whether any of these works—because I notice he has estimated costs—are ongoing at this time? How much of these works have been completed? How close has the completion cost been to what was estimated?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I will try to answer as many of those supplementaries as I can. The first lot of projects, the George Hicks High School, re-roofing and upgrading of walkways, replacing windows on the north and south sides of the buildings, conversion of the hall to include a purpose-built kitchen, extension of administration building, and refurbishing works, are being scheduled to begin during the summer when the disruption will be much less. I have been told that, to the best of the Chief Education Officer's knowledge, they are within the cost budget. These other items under the John Gray High School, the completion of installation of the fire alarm system, the re-roofing and upgrading of walkways, and various refurbishing works will also be done during the summer when the students are not there.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you. I noticed last year, and I think this was brought to the Minister's attention, at least in the case of one school, re-roofing was extended into the period when school was in session, and the First and Third Elected Members for George Town and I visited the school as a result of complaints we had received. My question to the Minister is, can there be some system set up, or a requirement of the construction companies, that any work undertaken in this regard is completed prior to the commencement of school, where the risk of students and teachers being damaged by falling materials or stepping on nails or other such impediments will be greatly reduced, if not completely eliminated?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, we do our best. It is only seven weeks for a lot of work to be done. Sometimes, despite the fact we have a contract that says—and a lot of this is contracted out, I need to point that out—it will be done within that seven-week period, sometimes they do overrun. All I can say, Sir, is we do our best on it. Not to the best of my knowledge, I mean, have we had anyone hurt from falling wood or whatever the Honourable Member mentioned. I give an undertaking that I will endeavour to get this all completed within that seven-week period, but I must say, Mr. Speaker, even though I personally get involved in details in this

area, which is probably one of the few areas that is important enough to me that I will actually go out and look at things, I will check things, I require a report, on average, every week, and we have a full-time person who goes to the schools; on top of that, we have a person whose responsibility as an Education Officer in the Department is specific for that purpose.

As the Honourable Member knows, I visit the schools. I ask the Members for each district when we go there to come across, or if it is the high schools, then all Honourable Members are invited. I really do my best. But sometimes the contractors just do not finish on time, no matter how much we push them. All I can say, Sir, is that I will stay on top of it, I will continue to take a personal interest in it, and I will monitor it on a weekly basis, and try to get everything done within the time. But there are a lot of schools, and a lot of things. When you see the list of that, Mr. Speaker, you are looking at a list that is about half an inch thick. There are probably hundreds, into the thousands of items—little things, but still that have to be done during summertime.

The Speaker: Are there any further supplementaries? No further supplementaries? We will move to Question number 29, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 29

No. 29: Mr. Roy Bodden asked the Honourable First Official Member with responsibility for Internal and External Affairs for the total number of work permits granted since January 1997 under the following categories: Temporary (that is, six months and less); and full-term (e.g., one year and longer).

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The total number of work permits granted since January 1997 is 12,343. The breakdown by category is as follows: temporary—6,374; six months and less—1,651; one year and longer—4,318.

SUPPLEMENTARIES

The Speaker: Supplementaries? Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if there has been any recent change in policy regarding the granting of work permits in any of these categories?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: No, Mr. Speaker, there has not been any change in policy.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if there is any system in place which allows the spread of

the permits in the various categories, so that no one nationality significantly dominates the grant?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. No, there is no such policy in effect.

The Speaker: Are there any further supplementaries? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I wonder if the First Official Member can update us on the suggestion with respect to the bonding requirements—I remember it was discussed—in order to attract a greater number of applicants from other jurisdictions?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. That matter is currently being worked on and we should be hearing something about it very shortly.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, the total number granted since January 1997 is 12,343. Can the Honourable Minister tell the House what the current total cumulative number is of all work permits up to this point?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Mr. Speaker, I do not have that information, but I would be prepared to provide that in writing, if the Honourable Member so wishes.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, I have been informed that the Honourable Minister for Education, Aviation and Planning now has the answer to the supplementary in question number 27, and with the permission of the House, we will return to question number 27. I will call upon the Honourable Minister for Education, Aviation and Planning.

QUESTION 27 (RECOMMITTED)

Hon. Truman M. Bodden: Thank you, Mr. Speaker, and thank you for the indulgence to give me the time on this. The sum of \$1,236,792 between the CAA, referred to in paragraph 2 was approved by the Finance Committee, and it stands at page 128, item 08 071, under Cayman Airways, Recapitalisation of the 1995 Budget.

SUPPLEMENTARIES

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Going back a ways, in the first part of the answer, in 1993,

Government paid \$1.42 million to the Civil Aviation Authority in respect of Cayman Airways; \$2.6 million indebtedness to the CAA for services, including landing fees; therefore, if I am reading the play correctly, those two amounts—the 1993 amount and the 1995 amount—would have come up to the \$2.6 million owed. Can the Minister state how the 1993 amount, \$1.42 million, was handled?

For the Minister's information, before the break, I let the Honourable Third Official Member know he would be asked that question also.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, it has taken this length of time to try to dig back to 1995 to try to find that. I would have hoped that since we did find 1995—because we are looking here at estimates having, I do not know how many items, but 380 pages. Obviously, if I have to request the Financial Secretary to go back to 1993, it is going to take some time. The point I would like to make here is that answering questions takes a lot of time and effort by people at very senior levels. The only thing I can do is to give the undertaking—well, that Third Elected Member for Bodden Town, who was so sure I was not going to find the 1995, then...

[Inaudible comments]

Hon. Truman M. Bodden: It means the Honourable Member looked in the wrong place, Mr. Speaker. Obviously, the Financial Secretary is more capable at finding what passes through Finance Committee than the Third Elected Member for Bodden Town. I am saying that there is no way I could produce 1993's. I have given an undertaking to the Honourable Member that I would re-search it and either the Financial Secretary or I would reply on it.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Could the Minister clarify, when he gave the answer for, as he termed it, paragraph two, how it read in the Budget? He mentioned something about "recapitalisation." I too can get a copy of those Estimates and do it, but if the Minister would be prepared to explain how it appeared in that document, which would make it transparent that what we see in front of us now is what we saw in that document.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, as we know, this document is a public document, and no question of transparency here. This is a public document. It is laid on the Table, and anyone can get a copy and look it up. It is under Head 13, item 08 071. It says, "Cayman Airways Recapitalisation, \$1,978,156." In that sum is included the amount written off for Customs of \$741,634,

so I would like to reiterate that it was properly authorised, and it passed through this Honourable Finance Committee, and otherwise it would not have been written off.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: I will defer to my colleague.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Having heard that explanation, could the Minister state, under paragraph 3, what is the plan for recapitalisation for that amount owed?

The Speaker: I think you are asking for an opinion now.

Mr. D. Kurt Tibbetts: Mr. Speaker, certainly with the greatest of respect, the money is owed. We have a track record of two other amounts which were dealt with. I am simply asking how this third amount is going to be dealt with.

The Speaker: If you wish to answer, you may, Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I am going to just deal with the Standing Orders, because this consistently comes up about opinions. Standing Order 22(1), paragraph (g) says, "a question shall not solicit expression of opinion or the solution of an abstract legal question or be hypothetical." So when it comes to question of an opinion, I submit that a question shall not solicit an expression of opinion. If Members wish to answer it from time to time, obviously in breach of the Standing Order, they may. But I am saying, because aspersions have been cast in the past that I do not answer opinions, and I am just pointing out that I am legally within the Standing Orders, because a question should be put to solicit an expression of opinion.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I will change my tactics, so the Minister does not have to give any opinions.

Could the Minister state what is the policy of the Civil Aviation Authority regarding providing ongoing services for any of the carriers, and not being paid?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Like every other debt, the debt is then carried on the books of the CAA.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Has the Board ever raised any questions regarding this continually rising indebtedness? Is there any plan in motion to address the problem? Or is it a situation that is accepted, and the amount will just continue to increase with no thought regarding the nature of it?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Civil Aviation Authority obviously would like to have all their debts paid, but up to this stage, the debt remains on the books, and in the accounts.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Does this debt impinge on the Civil Aviation Authority's ability to carry out its many and varied functions? That is, to provide training, upgrading of equipment, and generally its ability to carry out its day-to-day obligations.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Civil Aviation Authority always has a profit. It does not affect it.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Is the Minister then saying that because the Civil Aviation always has a profit, there is no urgency or no importance placed on the necessity to run it as a good business venture, and recoup this indebtedness?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That is not what I am saying.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, can the Minister tell the House what he means when he answered the question by saying, the Civil Aviation always has a profit? Because I interpret that to mean that there is no urgency or no importance placed in retrieving such debts.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Honourable Member can place any opinion he wishes on what I have said. I merely stated facts. I can really add no more than that to it. It is on the books, and as it has been, I guess, for the last fifteen years, different amounts, different times.

The Speaker: We have had an exceptional number of supplementaries on this particular question. We have

had two bites at it. I will allow three additional supplementaries, and then we will complete question time.

Mr. Roy Bodden: Mr. Speaker, can the Minister say if there is any plan currently being proposed or discussed by his Board as to how these funds may be recouped by the Civil Aviation Authority, if there is any proposed settlement or payment terms being discussed or negotiated?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I glean from the Honourable Member's question that he wishes now to have the Civil Aviation Authority press for the debts of Island Air Limited and Cayman Airways Limited.

Mr. Roy Bodden: Mr. Speaker, on a point of order, Sir.

Hon. Truman M. Bodden: Let me just finish. Then, if that is the case...

The Speaker: Just one moment. Let me hear your point of order, please.

POINT OF ORDER

Imputing false and improper motives

Mr. Roy Bodden: Yes, Mr. Speaker, the Honourable Minister is imputing false and improper motives, because I did not ask him anything about Island Air or any other entity specifically.

Hon. Truman M. Bodden: Mr. Speaker, it seems then that...

The Speaker: Refer to the debts in general, then, please.

Hon. Truman M. Bodden: Yes, Sir. There are two debts owed in this question. One of them is Island Air's of \$457,803.73; the other is Cayman Airways. I am dealing with both of those debts. That is why I was referring to Island Air, Sir, as part of the question. The question is asking, as I understand it, to press for these debts to be repaid in the ordinary course of business. That is all I am replying to, Mr. Speaker. I take note of what the Honourable Member has said, and I will bear it in mind on both of the debts.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. In an answer to a substantive question in 1996, the Minister said, and I quote, "**But to answer the question as it is asked, Cayman Airways has an operating profit of US\$1,061,762 after subsidy for the three months ending March 31, 1996.**" My question to that Honourable Minister is, having quoted this figure of \$1.061 mil-

lion, was the outstanding indebtedness to the Civil Aviation Authority—and I understand the words, “operating profit.” I understand that. Was the continued outstanding indebtedness to the Civil Aviation Authority for landing fees taken into consideration when the Minister quoted that figure in 1996?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, the unpaid debts do not affect the profit and loss. They would have been part of that. Unpaid debts merely affect the balance sheet, and they are shown as a liability in there. These are audited accounts, so any expenditure such as this has come out of the profit and loss account and is a part of the loss or the profit. I think the Honourable Member is asking was whether, because these amounts were not paid by Cayman Airways—perhaps you may wish to rephrase it—all I can say is the profit and loss would remain the same. The balance sheet would just differ as far as liabilities go, Sir.

The Speaker: This is the final supplementary. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I recognise this is the final one. I will give the Minister the opportunity to clarify the point for me by trying to explain it properly. As I said before, I understand that the answer was an operating profit, but surely, landing fees are charged every time the plane lands, so those fees are ongoing. For the period that was stated in that answer, were the continuing costs of landing fees taken into consideration when this figure was quoted as an operating profit?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The landing fees and whatever is owed to the CAA would have come out of the profit and loss (P&L). It would affect, in effect, the cash flow, but not the profit and loss, if you follow what I mean there. The profit and loss of Cayman Airways has what should be paid to the CAA. I would hope Island Air's would be on the same basis. It is fully accounted for in there, so it is the cash flow that may be affected on the balance sheet, but the P&L would take this into account. It would reflect in the profit or the loss, Sir.

The Speaker: That concludes Question Time for this morning. Item number 4 on today's Order Paper, Statements by Members/Ministers of Government. The Honourable First Official Member.

STATEMENTS BY MEMBERS/MINISTERS OF GOVERNMENT

Hon. James M. Ryan: Thank you, Mr. Speaker. During Question Time on Wednesday, 4 March 1998, the temporary First Official Member informed the House that the Immigration Board was in receipt of an application from Texaco Caribbean Incorporated for the renewal of its Trade and Business Licence, which had expired on 31 December 1997. Unfortunately, it has been determined that this information was incorrect. The Immigration Board is in receipt of an application from Esso Standard Oil S.A. Limited for the renewal of its Trade and Business Licence, which expired on 31 December 1997. The Board has not received an application from Texaco Caribbean Inc. for the renewal of its Trade and Business Licence, which also expired on 31 December 1997. The Deputy Chief Secretary, who served as temporary First Official Member, has asked that I convey his apologies to this Honourable House, and through this medium, to Esso Standard Oil S.A. Ltd. Thank you, Mr. Speaker.

The Speaker: At this time we shall suspend for lunch until 2.30 PM.

AT 12.46 PM PROCEEDINGS WERE SUSPENDED.

AT 2.47 PM PROCEEDINGS WERE RESUMED.

The Speaker: Please be seated. Proceedings are resumed. Government Business, Bills, First Readings.

GOVERNMENT BUSINESS

SUSPENSION OF STANDING ORDERS 45 AND 46

The Speaker: I would entertain a motion for the suspension of Standing Orders 45 and 46 to enable these to be taken without proper notice. The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Mr. Speaker. I beg to move the suspension of Standing Orders 45 and 46 to enable The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998, and The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998, to be taken without the required notice.

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDERS 45 AND 46 SUSPENDED.

The Speaker: Bills, First Readings.

BILLS

FIRST READINGS

THE TRUST (AMENDMENT) (IMMEDIATE EFFECT AND RESERVED POWERS) BILL, 1998

The Clerk: The Trust (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998.

The Speaker: The Bill has accordingly been given a First Reading and is set down for Second Reading.

THE COMPANIES (AMENDMENT) (SEGREGATED PORTFOLIO COMPANIES) BILL, 1998

The Clerk: The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998.

The Speaker: The Bill has accordingly been read a first time and is set down for Second Reading.

SECOND READINGS

The Speaker: Bills, Second Readings.

THE TRUSTS (AMENDMENT) (IMMEDIATE EFFECT AND RESERVED POWERS) BILL, 1998

The Clerk: The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998.

The Speaker: The Hon Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move the Second Reading of a Bill entitled The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998. As set out in the Memorandum of Objects and Reasons, this Bill amends the Trusts Law (1996 Revision), which is the principal legislation. Clause 1 of the Bill provides the Short Title and Clause 2 is a short definition section. Clause 3 amends section 6 subsection (c) of the principal Law, which at present prevents a trustee who retires or who is replaced, from receiving a proper discharge, unless the new trustee is a trust corporation or two new individual trustees are being appointed. This section of the principal Law, as amended, would enable a discharge to be given where only one trustee was originally appointed, or where the trust deed had provided otherwise.

Clause 4 introduces a new part to the principal Law to clarify and extend the Law relating to trusts, the amount of control a settler may exercise over the trustees, or the trust assets, without making the trust void, as a trust from the onset has traditionally been very limited. The new section 12(a) makes it clear that, except first in the case of trusts set up by will, secondly in the case of trusts expressed to take effect only on the settler's death, and thirdly in the case where the contrary is provided in the trust instrument. It is to be presumed that the settler intended that the trust should take effect as soon as the trust property had been identified and vested in the trustee.

The new section 12(b) provides that if the settler makes one or more of a number of specific reservations, the trust will not be automatically invalidated as a trust. Those reservations are first of a limited beneficial interest in the trust property to the settler, and secondly of a power for the settler (a) to amend or revoke any of the trusts arising under the trust instrument; (b) to appoint income or capital of the trust property; (c) to act as a director or officer of a company wholly or partly owned by the trust; (d) to instruct the trustee as to the purchase, holding or sales of trust property; (e) to vary the trustees, protectors or beneficiaries; (f) to change the governing law of the trust and the country in which it is to be administered; and (g) to require the trustee to obtain the settler's consent or that of another stated person before exercising any or all of his powers as a trustee.

The new section 12(c) protects a trustee who acts in compliance with the valid exercise of any of the powers set out in section 12(b). Clause 5 introduces a new section into the principal Law to provide that a trust may be charitable, even though it may be in part for the benefit of the public in another jurisdiction.

Clause 6 makes it clear that the principal Law, as amended, applies to trusts existing as at the date of the Law and can be expressly extended to trusts existing before that date by the trustees.

Mr. Speaker, I commend this Bill to Honourable Members.

The Speaker: The question is that the Bill entitled The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998 be given a Second Reading. It is now open to debate.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I rise in support of this Bill. I feel it is a move in the right direction in the financial development of the Cayman Islands, that we have the instruments and mechanisms that will keep pace with such development. The mover of the amendment Bill has done a good job in the presentation. He has gone through the amending clauses, so I will not go over that same ground, except to emphasise an amendment to section 6, which is clause 3, where it states that, "**Clause 3 amends section 6(c) of the principal Law, which at present prevents a trustee who retires or who is replaced from receiving a proper discharge, unless the new trustee is a trust corporation.**" That was the situation, "**or two new individual trustees.**"

"**This section of the principal Law, as amended, would enable a discharge to be given where only one trustee was originally appointed, or where the trust deed had provided otherwise.**" That is a major improvement in the Trust Law (1996 Revision).

The other important point I wish to comment on is the insertion of part 2(a) of the Law, which refers to the presumption of lifetime effect and reserve powers. Just to say that this important insertion makes provision for "**in construing the terms of any instrument stipulat-**

ing the trust and powers in and over the property, if the instrument is not expressly to be a will, testament, or codicil, and is not expressed to take effect only upon the death of the settler, it shall be presumed that all such trusts, and in particular the duties of the trustees to the beneficiaries to administer the trust in accordance with its terms and powers were intended by the settler to take immediate effect upon the property being identified and vested in the trustee, save as otherwise expressly or by necessary implication provided in the instrument."

Also, another insertion that is of paramount importance is section 12(c), where it indemnifies the trustees. This section states, "A trustee who has acted in compliance with or as a result of an otherwise valid exercise of any of the powers referred to in section 12(b)(i) shall not be acting in breach of trust." These are very important sections, Mr. Speaker, and I believe it is nicely rounded off in section 5, which deals with the charitable purposes. It states here that "the principal Law [which, as I stated earlier, is the Trusts Law (1996 Revision)] is amended by inserting after section 67 the following section, which deals with charitable purposes." 67(a) states, "A trust shall not fail to qualify as a trust for charitable purposes only because those purposes may, in part, benefit the public or a section of the public outside the Islands."

These important amendments can only enhance this particular Law and our financial industry in general, and I give it my full support.

The Speaker: Does any other Member wish to speak? If no other Members wishes to speak, does the Honourable mover wish to exercise his right of reply?

Hon. George A. McCarthy: Mr. Speaker, I thank Honourable Members for their support, and in particular, the Honourable Third Elected Member for George Town, for his comments on this Bill.

The Speaker: I shall put the question that The Trusts (Amendment) (Immediate Effect and Reserve Powers) Bill, 1998 be given a Second Reading. Those in favour, please say Aye. Those against, No.

AYES.

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

AGREED: THE TRUSTS (AMENDMENT) (IMMEDIATE EFFECT AND RESERVED POWERS) BILL, 1998 GIVEN A SECOND READING.

THE COMPANIES (AMENDMENT) (SEGREGATED PORTFOLIO COMPANIES) BILL, 1998

The Clerk: The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move the Second Reading of a Bill entitled The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998.

As set out in the Memorandum of Objects and Reasons, this Bill amends the Companies Law (1995 Revision) to allow the formation of companies divided into portfolios that are kept separate, or segregated one from the other, where the company in question holds a license under the Insurance Law (1995 Revision), enabling it to act as a captive insurance company. Clause 1 provides the Short Title to the Bill. Clause 2 incorporates the Schedule into the Companies Law (1995 Revision) as Part 14; and looking now to the Schedule, section 229 is a definition section. Section 230 provides that an application may be made by an exempted company which only undertakes captive insurance business to register as an exempted, segregated portfolio company at any time. Application may be made at the same time that application is made for registration for other purposes. Applications have to be accompanied by the prescribed licensing fee.

Section 231 enables that the segregated portfolio company is identifiable in its name by inclusion of the initials "SPC," which is the acronym for "Segregated Portfolio Companies," or the words, "Segregated Portfolio Company." Section 232 enables a company to form segregated portfolios within itself to keep the assets and liabilities of itself and its segregated portfolios separate and distinct. The company, but not any individual portfolio, is to be a separate legal entity as usual. Segregated portfolios have to be separately identified and named, and each name must include the word "Segregated Portfolio."

Section 233 provides for the issue of shares in individual and segregated portfolios, the proceeds of which are to be included in the portfolio's assets. Proceeds of the issue of shares in the company are to be held in the company's general assets. Dividends are to be payable on the various classes of shares, and are to be paid in respect of the assets of the portfolio or company that issued the shares on which a dividend is to be paid.

Section 234 provides that the company is to act on behalf of all its registered portfolios when executing documents or transactions, and that when so acting, the fact must be made explicit. Failure to do so will result in a personal liability on the part of the directors of the company in the issue, but they have a right of indemnity, except in the case of fraud, negligence or bad faith against the assets of the portfolio or company. That liability may be relieved by the court by court order. This section overrides provisions in the company's Articles of Association to the contrary.

Section 235 deals with assets. It defines the assets which belong to the company and to its segregated portfolios. Procedures have to be in place to keep the assets of the company and its portfolio segregated. Section 236 defines segregation of assets as meaning that they are

only available to the creditors of the segregated portfolio that owns the assets. Section 237 defines segregation of liabilities as meaning that such liabilities extend only to the assets of the segregated portfolio that has incurred the liability.

Section 238 makes similar provision as the last two sections for the company's general assets and liabilities. Section 239 ensures that, on the winding up of a segregated portfolio company, the liquidator deals only with the general assets and liabilities of the company and makes necessary modifications to sections 111 and 135. Section 240 provides for receivership of a segregated portfolio that becomes insolvent. A receivership order may be made by the court to close down the portfolio and to ensure the distribution of its assets, provided that the company itself is not being wound up.

Section 241 sets out the procedure for applying for receivership orders. Section 242 makes provision for the administration of receivership orders. Section 243 covers the procedure for discharging receivership orders, and enables the court to make orders in such circumstances. Section 244 provides for the remuneration of a receiver of a segregated portfolio.

Mr. Speaker, I commend this Bill to this Honourable House.

The Speaker: The question is that a Bill entitled The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998 be given a Second Reading. The motion is now open to debate. If no Member wishes to speak, does the Honourable mover wish to reply?

Hon. George A. McCarthy: Mr. Speaker, not to add anything further, but to thank Honourable Members for their support.

The Speaker: The question is that a Bill entitled The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998 be given a Second Reading. Those in favour, please say Aye. Those against, No.

AYES.

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

AGREED: THE COMPANIES (AMENDMENT) (SEGREGATED PORTFOLIO COMPANIES) BILL, 1998 GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider a Bill entitled The Trusts (Amendment) (Immediate Effect and Reserve Powers) Bill, 1998, and The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998.

HOUSE IN COMMITTEE

COMMITTEE ON BILLS

The Chairman: Please be seated. The House is now in Committee. With the leave of the House, may I assume that, as usual, we should authorise the Second Official Member to correct minor printing errors and such like in these Bills? Would the Clerk state each Bill and read the clauses?

THE TRUSTS (AMENDMENT) (IMMEDIATE EFFECT AND RESERVED POWERS) BILL, 1998

The Clerk: The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998.

Clause 1. Short title.

Clause 2. Definition.

Clause 3. Amendment of section 6, Supplemental Provisions as to Appointment of Trustees.

Clause 4. Insertion of part 2(a), Presumption of Immediate Effect and Reserved Powers.

The Chairman: The question is that Clauses 1 through 4 do stand part of the Bill. Is there any debate? If there is no debate, I shall put the question that clauses 1 through 4 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 4 do stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 4 PASSED.

The Clerk: Clause 5. Application.
Clause 6. Amendment of principal Law.

The Chairman: The question is that clauses 5 and 6 do stand part of the Bill. Is there any debate? If there is no debate, I shall put the question that clauses 5 and 6 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 5 and 6 do stand part of the Bill.

AGREED: CLAUSES 5 AND 6 PASSED.

The Clerk: A Bill for a Law to amend the Trusts Law (1996 Revision).

The Chairman: The question is that the title do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The title do stand part of the Bill.

AGREED: TITLE PASSED.

THE COMPANIES (AMENDMENT) (SEGREGATED PORTFOLIO COMPANIES) BILL, 1998

The Clerk: The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998.
Clause 1. Short title.

The Chairman: The question is that Clause 1 do stand part of the Bill. If there is no debate, I shall put the question that clause 1 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: Clause 1 do stand part of the Bill.

AGREED: CLAUSE 1 PASSED.

The Clerk: Clause 2. Insertion of part 14, Segregated Portfolio Companies.

The Chairman: We have an amendment circulated to Clause 2, and I have agreed to waive the two days' notice. The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Chairman, in accordance with the provisions of Standing Orders 52(1) and (2), I give notice to move the following amendment to The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998, that in the Schedule, section 230(1) be amended by inserting, after "to hold" the words "either a Restricted or". The reason for this amendment is to allow both categories of class B insurance captives to have access to the segregated portfolio company structure. I would like to point out that Cayman is the leading domicile for captives which are established to float bonds drawn on or in the event of a catastrophe loss, e.g., hurricanes, etc., and which would wish to use the segregated portfolio company structure to attract third party business. These captives hold restrictive class B licences, hence the need to broaden the definition in clause 230(1) to include them.

The Chairman: The amendment has been duly moved. Does any Member wish to speak to it? If there is no debate, I shall put the question, that the amendment stand part of the Clause. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The amendment do stand part of the Clause.

AGREED: AMENDMENT TO CLAUSE 2 PASSED.

The Chairman: The question is that Clause 2 as amended do stand part of the Bill. Is there any debate? Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clause 2 do stand part of the Bill.

AGREED: CLAUSE 2 AS AMENDED PASSED.

The Clerk: A Bill for a Law to amend The Companies Law (1995 Revision) to provide for the formation, regulation and winding up of exempted companies holding unrestricted B insurers' licenses with portfolios with liabilities and assets segregated from those of other portfolios of the company, and from the general assets and liabilities of the company, and for incidental and connected purposes.

The Chairman: The question is that the title do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The title do stand part of the Bill.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled The Trusts (Amendment) (Immediate Effect and Reserve Powers) Bill, 1998, and The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998. The question is that the Committee do report to the House. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The House will resume.

AGREED: THAT THE BILLS BE REPORTED TO THE HOUSE.

THE HOUSE RESUMED AT 3:15 PM.

The Speaker: Please be seated. Proceedings are resumed. Reports, the Honourable Third Official Member.

REPORTS ON BILLS

THE TRUSTS (AMENDMENT) (IMMEDIATE EFFECT AND RESERVED POWERS) BILL, 1998

Hon. George A. McCarthy: Mr. Speaker, I am to report that a Bill entitled The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998 was considered

by a Committee of the whole House and passed without amendment.

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

The Honourable Third Official Member.

THE COMPANIES (AMENDMENT) (SEGREGATED PORTFOLIO COMPANIES) BILL, 1998

Hon. George A. McCarthy: Mr. Speaker, I am to report that a Bill entitled The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998 was considered by a Committee of the whole House and passed with one amendment.

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

Item number 6 on today's Order Paper, Private Member's Motion No. 4/98, Establishment of a Road Fund. The Honourable Fourth Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 4/98

ESTABLISHMENT OF A ROAD FUND

Dr. Frank McField: Mr. Speaker, I rise to move Private Member's Motion No. 4/98, Establishment of a Road Fund:

"WHEREAS traffic data shows that current infrastructure with regard to roads is inadequate to support growth in traffic;

"AND WHEREAS the importation of vehicles into the Islands continues to show an upward trend, which can only lead to more congestion on the roads;

"BE IT NOW THEREFORE RESOLVED THAT Government consider establishing, for the sole purpose of developing roads, a special road fund."

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Mr. Speaker, I beg to second the motion.

The Speaker: Private Member's Motion No. 4/98 has been duly moved and seconded. Does the Mover wish to speak to it? The Fourth Elected Member for George Town.

Dr. Frank McField: I will attempt to justify the need for a special fund for roads, which is segregated from gen-

eral revenue, and also from capital. On an annual basis, traffic counts are taken at various locations around Grand Cayman during the last week in March. The purpose of these counts is to monitor fluctuations in traffic growth and to provide an aid in traffic forecasting so that future road improvements may be planned.

In 1997, counts were taken in 43 locations. Each counter records the number of vehicles in each direction over 15 minute intervals for a three day period. There have been very few changes in the ranking since 1996 with West Bay Road and Crewe Road continuing to generate large figures. Red Bay Road has shown a steady increase of around 6 to 7% since 1988. This represents a steady increase in development of the districts east of George Town.

The bottleneck at the south section of West Bay Road remains at the top of the list, with an average daily volume of just over 28,848 vehicles. All count stations along West Bay Road have shown an average growth of 4% over the last nine years. Traffic volumes have been rising steadily in Grand Cayman over the past decade, in line with commercial and residential growth.

Peak traffic volume and time are important factors in determining a road's level of service, particularly along heavily travelled roads such as West Bay Road and Red Bay Road. Over the past ten years, there has been an observable shifting of the morning peak. In 1988, the morning peak on West Bay Road started at 7.45. In 1997, it starts at 7.00 [a]m. This means that people are having to get up 45 minutes earlier than they did in 1988 to beat the traffic.

Similar trends can be seen on Red Bay Road, but the change is more dramatic at sixty minutes, a change from 7.45 in 1988 to 6.45 in 1997. A different trend can be seen in the evenings on these roads because most people leave work at a set time. The start of the peak does not tend to shift from its time; however, the general level of congestion is increasing by 3% per year. In 1988 the peak volume on West Bay Road was 250 cars every 15 minutes. By 1997 this rose to 375 cars every 15 minutes, an increase of 38%.

West Bay Road is well-developed commercially. Nevertheless, there is still room for growth. This appears to be taking place, at least as far as traffic volume is concerned, at an approximate rate of 4% each year. West Bay Road, as it currently operates has reached its capacity during peak periods and operates at a low level of service throughout most of the working day. As the peak periods operate at capacity and growth continues, traffic is forced to spread beyond the rush hours, hence congestion is seen throughout the day.

The Island east of George Town is developing residentially. Red Bay Road itself has seen several major residential subdivisions develop over the last two years. This is reflected in the steady increase in traffic of around 7% each year. In 1997 there was a general drop in traffic count, or rate of growth, at all stations. This cannot be interpreted as a new trend because many factors influence these figures such as tourist traffic. These

trends are formed over many years and the general trend is one of traffic growth throughout the Islands.

The importation of vehicles onto the Islands continues to show an upward trend. In 1996, 2,965 vehicles were imported. In 1997 the figure rose to 3,357, an increase of 13.2%. This trend can only lead to more congestion on the roads. There are two possible scenarios to solving this problem: First, to restrict the number of vehicles being imported; secondly, to increase import duties. Yet, both could be seen as prohibiting freedom of choice and would almost certainly prove to be very unpopular.

Gas, like the vehicles, continues to show an upward trend. In 1996, 7.7 million gallons of gas were imported. In 1997, this figure rose to 8.04 million gallons—an increase of 4.3%.

What I have outlined here is data which suggest that we need to look at the way in which we handle roads and the way in which we fund the building and maintenance of roads differently from how we have in the past. This is why I am recommending this Motion to the House, to create a special Road Fund.

The special Road Fund would allow us to properly allocate funds for those persons that are users of roads. In fact, what would happen is that the fund would allow us to make decisions in regard to borrowing. We would be able to borrow money to build roads, and as a result would be able to properly allocate costs and benefits between the present users and future users. The fact that we would be able to collect a certain amount of money on an annual basis for roads would be a good case for us to be able to borrow money against that income.

Mr. Speaker, when we collect duty on gas and diesel, when we collect money on import duties on cars, when we collect money on the registration of cars and licensing of individuals to drive cars, this money goes directly into general revenue. There is really no consideration for the users of roads who will pay into general revenue this year some \$30 million by way of duties on diesel, petrol, the importation of cars, licensing and the lot that has to do with vehicles. So, the use of vehicles will generate \$30 million this year for general revenue. It is being suggested that we need to be able to reward the users of roads who pay into the general revenue by giving them back something for the money they pay into general revenue, by improving the road situation.

I went to the Strand at lunch time. I forgot that the West Bay Road is congested during the non-peak hours. As I said in my review of the situation, the rush hour spreads over the entire day, the congestion spreads over the entire day. It was not as if it took a whole lot of time for me to get back today. It was not like the first time I got caught on that road when I had to spend an hour and a half travelling from the Turtle Farm to this Legislative Assembly. But it was sufficient congestion at 2.15 today for it to take me quite a few minutes to return back here to the Legislative Assembly.

I also drove on the Harquail Bypass and I found that things go smoothly there. It is only the coming back

into the main West Bay Road that we have the problem again. So it would appear to me that the road needs to be extended and we need to make money available to extend this road. I am not saying that roads are the solution to the problems of traffic congestion. There are many other options that we will have to exercise as we go on trying to deal with the transportation crises in the country. Obviously, this is something that is very practical, and very easy to do. It could be the first step in evolving a roads strategy. I know that Vision 2002 will probably have a plan for every man and everything. I am quite sure that those involved in spearheading these plans will come up with some plans for roads as well.

In the meantime, I think it would be useful for us to consider a special fund for roads. It is not difficult to see where money could come from to place in this fund. Obviously, if we are going to make \$30 million from motor vehicles and the use of motor vehicles this year, then some money from this should go into a segregated fund for the improvement and maintenance of roads.

It is also some \$15 million that will be brought into this country by way of petrol and diesel charges. Again, even if they were to give 20 cents of the 40 or 50 cents they are taking now just from the gas alone, it would help to get the fund started and help to build the fund over the years. What is important is to realise that you do not need to have the money in the fund in order to get the money to build the roads. If the fund is going to be for a period of 20 years or 40 years, you can borrow the money. You can go out there and get \$50 million because you know it will generate enough money over a period of time to pay for the money that was borrowed. It also allows for future users to contribute.

If we do it another way, it might mean that the people who are using the roads today are the people who are paying for the roads through increased taxes on whatever, and once the roads are built, ten or fifteen years down the line the people will not bear any cost for the nice roads they are riding on.

I recommend this Motion to the House.

The Speaker: The Third Elected Member for Bodden Town.

(3:34 PM)

Mr. Roy Bodden: Mr. Speaker, normally the Government would reply after a Member moves a Private Member's Motion, but, as usual, the Government is dodging. So I am not standing up to make any presumptions on their behalf. I am just rising to give my support to the Mover of this Motion, and in so doing I can begin at no better point than to say that the *Hansards* of this House will show that Private Member's Motion No. 2/95, which was moved by me and seconded by the former Second Elected Member for Cayman Brac and Little Cayman, when we reminded them that they should keep a promise that they made during the campaign to remove the 25 cent tax on diesel fuel and we asked them to use this 25 cents...and I will read the "Resolved" sec-

tion: **“BE IT FURTHER RESOLVED THAT the revenue from motor gasoline, diesel oil, kerosene and other fuel oils and basic petroleum products be held in a special account to be used exclusively for road development and maintenance.”** I wholeheartedly support what the Fourth Elected Member for George Town and his seconder are asking the Government to do now.

It is good sense for us to do that. I want to take the line of argument that here we are talking about the reinvention of Government, talking about increased sophistication in fiscal responsibility, and in keeping, as the Honourable Mover mentioned, with vision 2008, spells sense for us to be in a position where we can segregate these funds, which are to be earmarked for road development and road maintenance into an account where we can have access.

I was reminded this morning by the Leader of Government Business that I do not have the expertise of the Honourable Financial Secretary. I have no dispute on that regard at all. I do not pretend to be the Financial Secretary; I could not be that honourable gentleman. But I have a quality which the Leader of Government Business does not have, and that is common sense. I also have the God-given ability where I can listen and am prepared to learn from those who have something to offer. I use that as the jump-off point to say that it would make good accounting sense and it is in keeping with the strides we proclaim we wish to make that we have this business structured in such a way that we can easily have access to the knowledge of what we get off importation of automobiles, and ancillary matters so that we can be in a position with the reinvention of Government, and Vision 2008 to move to increased and improved fiscal responsibility to say, *‘Here is what we derive from automobiles, from gasoline, from petroleum products. We can use this on the development of our roads.’*

That might even be in line with the new Government we envision is coming in the year 2000. I believe that the time has come for us to treat this matter with the seriousness and sincerity it deserves. The Mover mentioned the increasing traffic problems.

During the 1995 debate, the *Hansards* will show that the Leader of Government Business at that time took the former Minister of Roads to task for his vision and foresight into the Master Ground Transportation Plan (MGTP) and the GRIPS Committee. Regrettably, I have to admit that I played a minor role in torpedoing the MGTP, a minor role. But after I launched the torpedo, I never said anything about the gentleman who crafted the plan. So my sin may not be as great as that of some others. I have since repented.

[Some Members' laughter]

Mr. Roy Bodden: I do not set myself up to be infallible. I have made mistakes, and I will continue to make mistakes. I have been big enough to acknowledge each time I have made a mistake, and I believe that may have a little to do with my resilience.

Now, however, we have to bite the bullet because I can say that there was a time when we did not have such an acute traffic problem coming from my end of the Island. Now our problem is as bad—or worse—than that coming from the other end. I want to say that in a free market system, where people have freedom of choice, I would be a very suicidal politician if I said that the solution to the problem lay in imposing restrictions on the importation of automobiles. While I do not plan to spend my life here, I would like to remain here a couple of years longer. So let it be known that I am not advocating that this, or any, Government stop people from importing automobiles. Far be it from my position.

We have to find another way of solving the problem. I believe that automobile owners and users are fair and reasonable. I believe that if we present a reasonable plan to them, they will accept that they have to bear some responsibility for the development and maintenance of roads. Hence, we craft a plan that is reasonable, show it to them and say, *‘Here is what we expect of you, as road users, by way of obligations.’* I believe that can be sold. I see no reason why the problem should not be approached in that way.

I regret the fact all the plans laid for the MGTP and GRIPS did not come to greater maturity, because I believe that in those lay the beginning, at least, of a sensible road system. What I see happening now is that development is fast outpacing our ability to procure corridors and we had better move rapidly if we expect to have the road access that we need without having to pay (as the expression goes) through our teeth for it.

I believe that the time is going to come in our country when we are going to have to change our whole financial system, because the demands on the Government are increasing. I believe the time is going to come when we will have to be able to have at our fingertips the cost of all these things we are expected to put in place, the cost of all roads. We will have to (as the Fourth Elected Member for George Town was saying) use the statistics available to be able to calculate the costs so that we can realistically arrive at our budgets and make projections and plans for the future.

This Motion is certainly a move in the direction where we cannot only have increased financial information which will enable us to be more sophisticated in our plans, but where we can start to craft some kind of system for road development in this country.

I am an advocate of this system. Indeed, in [Private Member's] Motion No. 2/95, I suggested that the Government explore the feasibility of setting up a Roads Authority, which would have encompassed a whole transportation sector. But even if we do not wish to explore the matter as far as that at this point, I say it is high time we set up this roads fund. We see what happens in here at Budget time. Everybody has his or her wish list, and roads...if we were not so civilised, roads would cause wars in here! Everyone wants his area permeated through and through, not only with main roads, but also arterial roads. We have a problem because the monies we are granted invariably are not enough.

If we had a fund, we could arrive at a more reasonable and understandable system of prioritising. We would know that we have "x" amount and we could easily identify the greatest needs. Then we could prioritise from that point.

We pride ourselves in the Cayman Islands as a modern country. All of us, irrespective of our positions in this Honourable House, take pride in touting our position as a modern international financial centre. We know that the prerequisites for our continued development lie in our ability to keep pace with modern communications, meaning not only telephone, fax machines and other kinds of electronic modems, but also road communication—the ability to move from point "A" to point "B" on the land on the three Islands. Right now we have an inadequate, insufficient and ineffective system.

Every time emergency vehicles pass me, I pray for the guidance of the Lord. I do not know what will happen in a two-lane system. Heaven forbid if we have an emergency in East End or North Side or Bodden Town and the road is blocked. It has reached a point where it almost becomes a national security issue, because road access is absolutely essential. We have no heliport, no other way to reach outlying areas. We have seen what happens in a common fenderbender in one lane, how long the traffic is tied up. Heaven forbid if there were a more serious emergency. It is almost true to say that a blind man could see the need to evolve a better road system. There can be no more reasonable or sensible way for us to start than by the establishment of a roads fund.

I could say more, but these days I am not prone to being long-winded. As they say at my church, if you are not converted in the first five minutes of the sermon, you will probably never be converted, no matter how long the sermon is. So, having made my point, I will resume my seat.

The Speaker: Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3:50

PROCEEDINGS RESUMED AT 4:13 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues. Does any other Member wish to speak? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Mr. Speaker, two Members of the Back Bench have spoken. We still do not know whether Government is prepared to accept it. I recommend that whoever is responsible for replying on behalf of the Government do so, and let us know what they are doing.

The Speaker: Do you want to accept that as your turn to speak?

Mr. John D. Jefferson, Jr: No, Sir. I really want to reserve my right to speak.

The Speaker: Does any other Member wish to speak? (Pause) The Honourable Minister for Tourism, Commerce and Transport.

(4.15 PM)

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

On this side of the floor we believe that the establishment of a roads fund has some merit. I think it is fair to say from the beginning, given some of the commentary of previous speakers, and just for the benefit of the listening public, that there is a Highway Authority similar to what one of the previous speakers mentioned.

In listening to the Mover of this Motion, who did a rather able job in his presentation, I was struck by the statistics he was able to bring forward, which are highly relevant to the entire subject we are speaking about. I also realise that in the last decade there has really not been any new major construction of roads that would fall in line with the amount of traffic that has been increasing by 4%, as the Mover put it.

Just recently we established a Capital Development Fund, we established an Infrastructural Fund, and an Environmental Fund. This Motion resolves that Government consider establishing, for the sole purpose of developing roads, a special Roads Fund. The Mover also went on to give some indication of the amount of revenue collected from duty on gas and diesel, the duty on the importation of cars and the fees raised from the registration process of vehicles. I am sure the Member realises that presently these funds are all allocated to various services which the Government provides.

I do not have a problem with that, except that I wish to make the point that the funds, up to now, have always been allocated to a general fund. So it is either allocated to pay the expenses for the Police Force, or, I have heard people in Government want to relate it, to some extent, to Public Works as well.

I believe it is right for the Motion to be worded in the way it is, "**That Government consider establishing for the sole purpose of developing roads, a special Roads Fund.**" I believe it is important as we think about this fund and the amount of money required to correct the roads, or the need by the general public for a better traffic flow by improving the distribution of that traffic by additional roads, or additional lanes, whatever it may be, that what the Government is presently considering (and I feel certain that they are going to take the decision) is to also employ a firm that gives advice on traffic management in the entire Island. It is easy to build roads. But building roads does not always answer the traffic problem in this country. In my humble opinion, I think there is need for a traffic management study in order to monitor (and I am not talking about a study that is going to take twelve months, or six months, or whatever)...but while we know there is a problem, I do not believe any one of us in this room knows the exact answer for it.

When you do not, it is wise to take additional independent advice on the subject before marching forward and spending the public's money. Perhaps during the

course of the winding-up, the Mover could enlighten us a little bit more about where he thinks the additional funds will come from in order to deal effectively with the establishment of a special roads fund.

I sincerely believe that this is a national issue, an issue about which every Member in this House is concerned. I think we should address it. It does not matter where the Motion comes from, we must address the problem and correct it for the benefit of all of us who live and reside—and try to move from one district to another—in this country, particularly Grand Cayman!

I better quit while I am ahead.

[Inaudible interjections]

Hon. Thomas C. Jefferson: I can only speak in accordance with my own humble mind. What I am basically saying is that we are in agreement with the Motion, but we are concerned about where the Back Bench is coming from on this particular Motion, and to also seek their assistance in settling, if we wish, the national issue of roads and traffic flow and traffic management in this country. I believe the public is (to use an expression that everybody understands) fed up with the traffic problem. When a person has to leave his home in Bodden Town at 6.45 in the morning to get to George Town at 8.30, something is definitely wrong.

The only Government in the last ten years who tried to physically do something about it, and did—maybe a little too late and not enough—is this Government. I realise that...*[some Members' laughter]*. No, no. Just allow me to finish, because I believe I know what I intend to say.

I believe that the former Executive Council Member for Roads did make an attempt to do something, but he did not get approval. So he did not physically do anything, really. That is what I am saying.

[Inaudible interjections]

Hon. Thomas C. Jefferson: Sometimes when we are at this, we have to play fair. That is what I am trying to do.

Perhaps I made a statement that is unfair for the Mover to answer when winding up, but I believe that we have to come to grips with the establishment of the fund and perhaps I should say that the Members of this House, especially the Elected Members, work out the details of how it is going to be filled with money in order to do the road projects we all want to do.

I think it is fair, since the Motion came from the other side of the floor, and since the Government is agreeing to it, that we work out the details. I hope to God I am speaking English.

Mr. W. McKeeva Bush: You are going to pass it?

Hon. Thomas C. Jefferson: Of course we are going to pass it. I mean many Members...if you go into shock, I will call an ambulance! But many Members in this House

rise to their feet to speak to a Motion, sometimes for twenty minutes, sometimes for an hour and a half, and say that the spirit of the Motion is all right, but they have a few concerns, and perhaps the mover would answer that. That is all I am doing. It is the same game. If you have a concern, you should say so. Perhaps what I tried to get the Mover to say in winding up is how we are going to find the money. Maybe that was wrong. Maybe I should have said, let the fifteen Elected Members of this Honourable House work out the details as to how it is going to be funded. If it is a national issue, let us all make it our project, let us all make a contribution to it.

[Some Members' laughter]

Hon. Thomas C. Jefferson: Mr. Speaker, I am being encouraged to quit.

I believe the country is ripe for making an attempt...we make a lot of attempts, Mr. Speaker. As you know, we do not always win every game we attempt to play. But it is right for us to designate funds to be used for a particular purpose in this country, whether it is funds to deal with environmental matters, or funds to deal with the infrastructural needs, be it additional public water for the people of this country, sewerage, or an additional Glass House that we need to cause the Government to run smoothly...Why should we continue to lease and pay \$600,000 per month? It makes more sense if we think about a payback period to construct a building and get on with it.

[Inaudible interjections]

Hon. Thomas C. Jefferson: I read my Bible every morning.

I want to say that in all of this we have the same goal for the people of this country. Sometimes we get side-tracked. I think we have to go back to where we began. We have to stand for principle. We have to stand together to win some of the battles we have to take on and ask for the blessing of Almighty God as we make that step by step journey.

Perhaps it would be good to say that some people believe that they have solutions to the traffic problem. I may believe that I have a view about it myself, but I go back to what I said earlier: I believe it is absolutely essential that the Government employ a firm that can advise it, do its monitoring similar to what the mover is talking about, the traffic counts, the rate of growth of traffic in this country, the rate of importation of vehicles that creates the traffic problem, and deal with this problem once and for all.

The Member is reminding me of road corridors. Naturally. Road corridors will have to be a part of the exercise, Mr. Speaker. Without the road corridors we can only do so much with the present roads. When you realise that on both sides of the street you have sidewalks, and when you get past the sidewalk you have a building, so what are you to do?

Mr. Speaker, I was looking at my watch and wondering if you would call for the adjournment. (Pause)

ADJOURNMENT

Hon. Thomas C. Jefferson: Well, Mr. Speaker, I will move the adjournment of this Honourable House until Monday morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock Monday morning 9 March. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 4.33 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM MONDAY, 9 MARCH, 1998.**

**EDITED
MONDAY
9 MARCH 1998
10.34 AM**

[Prayers by the Honourable Third Official Member.]

The Speaker: Please be seated. Proceedings are resumed.

Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements. A Message for Commonwealth Day, 1998 from Her Majesty the Queen, Head of the Commonwealth.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

COMMONWEALTH DAY MESSAGE

"The Commonwealth provides many special links between its members. Apart from more formal contacts between governments, there are any number of professional associations and voluntary organisations with close connections throughout the Commonwealth. Among the most active are those involved in sport and recreation.

"I believe that sport will always play a very important part in the social welfare of all generations. Sport—and team games in particular—teaches young people many valuable social lessons. It demonstrates the value of co-operation, team-work and team spirit; it reaches the need to abide by rules and regulations; it emphasises the importance of self control and how to take victory or defeat with good grace.

"Sport is a great leveller. The same rules apply to all; there are no age, racial or cultural barriers to participation. Indeed, enthusiasm for a sport brings together people from every background. Some sports attract dedicated spectators. Some do not, but that makes no difference to the participants. All are absorbing and enjoyable, offering unique opportunities for self discovery and to develop self confidence. For many young people, participation in sport can offer a lifeline and an essential alternative to delinquency, drug abuse or crime.

"The Commonwealth Games are the organisation's greatest sporting festival and rightly known as the 'Friendly Games'. It is always the athletes from the smallest nations who receive the warmest welcome and it is the sporting gesture that wins universal recognition. The Games take place every four years; this year they will be held in Malaysia, where every effort is being made to ensure that competitors, officials and spectators will thoroughly enjoy the experience of this great gathering. Manchester too has already begun preparations to host the Games in 2002.

"The Commonwealth Games will indeed bring us together. I am much looking forward to joining them. Elizabeth R."

The Speaker: Item number 3, Questions to Honourable Members/Ministers. Question 30, is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 30

No. 30: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development what the actual surplus/deficit position was as at 31 December 1997.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The surplus balance as at 31 December 1997 was \$1.7 million. This figure is unaudited.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if, during the month of December, any funds were collected from any of the statutory authorities to ensure that this balance was a surplus?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: During the month of December, additional contributions were collected from the statutory authorities. This would have contributed to an increase in the surplus position.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Can the Honourable Member advise whether the \$1.7 million surplus as at 31 December 1997 accounts for the write-off of any outstanding advances, such as the overseas medical advances that totalled some \$10 million?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: During the month of December, I indicated to this Honourable House that the Government's position at the end of the year would not have included any write-offs. The reason was that an analysis was being done by the accountant at the Hospital to ascertain what portion of the indebtedness is collectible and what portion should be written off. Also, it was pointed out that some of the amounts of money that would not be paid in the short term were secured by property and other securities. That exercise was underway and should be completed soon.

I should also point out that this matter is before Executive Council at this time. A paper has been put forward on it and the information is being awaited for the necessary adjustment to be reflected in the accounts after the approval for write-off would have been granted by Finance Committee.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Assuming that perhaps 50% of the outstanding overseas medical expenses of some \$10 million may be recoverable, would the Honourable Member agree that at the end of December, technically the balance would have been a deficit position of over \$4 million?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Mr. Speaker, based on what the Member has said, if a write-off had taken place to the extent of 50% of the overseas medical advances, it would have created a deficit of \$3.3 million. But I should point out that would not have had an effect on the cash position of the Treasury Department, but would, in effect, be shown as a prior period adjustment. It would culminate in a deficit.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wonder if the Honourable Member could state what sort of positive returns he expects from the \$10 million, that is, how much of the \$10 million for overseas medical cases does he expect to have to write off?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: That will be a difficult question to answer until the exercise is complete. Even after the exercise is complete, that information will not be able to be given until certain decisions are taken by Finance Committee. The reason for that is because—let us say that a person owes \$200,000, but based on the income stream of that individual, only about \$50,000 can be paid, leaving a

net indebtedness of \$150,000. Let us say that the property which that person has given as security is comprised of a house. The question to be decided upon by this Honourable House is whether there should be a lifetime lien placed on that property and whether this should be exercised upon the death of the person. These are issues which will have to be put to Finance Committee. This will affect the amount of indebtedness.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: There is no intention on my part for any of the people who owe these funds to be squeezed. My main concern in asking this question is that the proper accounting principles are applied and that we are getting the accurate accounting information.

The Member did allude to the fact that the outstanding amount on overseas medical cases would not affect cash, and no one is contending that point. The point I want to raise is whether the Honourable Member can state if the outstanding amounts on advances, if properly accounted for, would negatively affect the surplus and deficit account, and thus affect the general reserves position.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Let me assure this Honourable House that the proper accounting principle will be applied in terms of the write-off. If this determination was made, for example if 50% of the overseas medical advances were uncollectable and should be written off, irrespective of whether these amounts were securitised, and if the Government decided to forgive the indebtedness, this would adversely affect the end-of-year position. It would generate a deficit.

Once the information is in hand that accurately reflects what is collectable in the short term and what is collectable in the long term, and what has to be written off, the position will be put to Finance Committee. Based on the decision of Finance Committee, the necessary adjustments will be made in the accounts to accurately reflect what the financial impact of that decision should be.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the Honourable Member say whether this \$9 million of indebtedness is by the Government or by the persons who received overseas medical attention? In other words, I am asking if the Government has already paid that \$9 million to the hospitals in Miami.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: That money has already been paid by the Government and is to be recovered from

the persons who have received medical treatment overseas.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: We are looking at two questions, Government's cash position and Government's surplus and deficit account. No one is questioning the cash position. My question to the Honourable Member is: With around \$10 million on advance account, when this is adjusted, will it negatively impact (this is the answer I am trying to solicit) upon the surplus and deficit account, and also affect the general reserve position?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: When that issue is addressed, it will be written off during the course of the year and is likely to affect the 1998 end-of-year position. If sufficient revenue is not on hand to cover the budgeted expenditure for the year, plus the adjustments that will have to be made to absorb this write-off, it would adversely affect the end-of-year position. Then a determination will have to be made whether transfers will have to be made out of the general reserves account into revenue to absorb the write-off. That decision will have to be made, and will be made as soon as the information is in hand.

The Speaker: If there are no further supplementaries, the next question is 31, standing in the name of the First Elected Member for George Town.

QUESTION 31

No. 31: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development to give a breakdown of the total public debt as at 31 December 1997.

No. 35: To state the annual amounts by which the contingency liabilities have increased since 1993.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

DEFERMENT OF QUESTIONS NOS. 31 AND 35 STANDING ORDER 23(5)

Hon. George A. McCarthy: Mr. Speaker, unfortunately, I will have to ask for a deferment in answering this question under Standing Order 23(5) and also question 35. I should point out, by way of a brief explanation, the reason for this is the information the Accountant General Designate was working on up until last night to derive the answer for this morning has been lost through a fault in the computer system. In connection with question 35, although we have not gotten to that as yet, the financial position between 1995 and 1996 has shown an inordinate increase in contingent

liabilities. The reason for that was because of certain decisions taken by this Honourable House to extend pension benefits to weekly paid workers and other matters. When all of these are brought together, as well as the retirement age—certain decisions are being examined at this time as to whether the retirement age should be reduced from 60 to 55. Obviously, these would adversely affect the unfunded pensions liability.

So this will have to be examined carefully, with the correct information put to the House.

The Speaker: Standing Order 23 (5) says "**A Member of the Government may, with the leave of the House, defer answering a question.**" I shall put the question that the answers to questions 31 and 35 be deferred. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTIONS 31 AND 35 DEFERRED.

The Speaker: Moving to question 32, standing in the name of the Third Elected Member for George Town.

QUESTION 32

No. 32: Mr. Linford A. Pierson asked the Honourable Third Official Member responsible for Finance and Economic Development to state the total balances of (a) cash at bank; and (b) general reserves of the Cayman Islands Government as at 31 December 1997, or most recent figures.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The total unaudited balances as at 31 December 1997 are as follows: (a) cash at bank as per Treasury records: CI\$1,898,977; (b) general reserves: CI\$8,983,000.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Can the Honourable Member say (and I am noting that this is in draft form and not yet audited), if all outstanding bills he is aware of at the end of the year, that is, 31 December 1997, are included in these figures?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The majority of the invoices correctly presented were settled. There were some, how-

ever, that were not settled because, first of all, the departments did not certify that these goods were received; and there were some instances where there were insufficient funds within the votes to settle the last-minute bills incurred.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wonder if the Honourable Member can give the House an estimate of those outstanding bills.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I would have to provide that answer in writing. But I want to believe that it would be less than \$1 million.

The Speaker: If there are no further supplementaries, the next question is 33, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 33

No. 33: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what opportunities for prisoners' rehabilitation exist at Northward Prison.

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

Hon. James M. Ryan: The opportunities for prisoners' rehabilitation at Northward Prison are as follows:

1. Education programmes;
2. Drug counselling;
3. Woodwork instruction;
4. The rearing of livestock;
5. Automotive and general maintenance training;
6. Vegetable gardening;
7. Craftwork;
8. Spiritual growth and religious instruction;
9. Job placement training.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say whether there are any provisions for such opportunities to be continued once the prisoners have been released from Northward?

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

Hon. James M. Ryan: Apart from assistance in job placement, there is currently no other opportunity or programme operated under the auspices of the Prison.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member then tell the House how the effectiveness of such a programme is arrived at?

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

The Speaker: Before I ask for the answer to that supplementary question, I would ask for a Motion to suspend Standing Order 23(7) and (8) to continue Question Time beyond 11.00.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: I move that the relevant Standing Order be suspended so we can continue with Questions.

The Speaker: Do we have a seconder?

Mr. Roy Bodden: I beg to second that, Sir.

The Speaker: The Motion has been made and seconded that Standing Order 23(7) and (8) be suspended. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW QUESTIONS TO CONTINUE BEYOND 11.00 AM.

SUPPLEMENTARIES (Continuing)

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

Hon. James M. Ryan: Unless an inmate is on parole, the Prison has no further contact with the inmate. Therefore, I am unable to comment on the effectiveness of the programme.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Could the Honourable Member give an undertaking that some avenues be explored with agencies providing similar assistance, so that the possibility of a continuation can be exploited at its fullest? It seems a wasted exercise on the part of the Prison to implement and institute these programmes of rehabilitation while persons

are in prison, but immediately upon their release there is no continuation or follow-up.

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

Hon. James M. Ryan: It is difficult for me to give such an undertaking, since the Prison has no further contact with the inmate. I would expect that it is something which could be done through Social Services which, as everyone knows, is not under my Portfolio.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the House to understand that the drug counselling is a one-off deal and, for example, if an prisoner is sentenced for three months, upon completion of that sentence, counselling is terminated, although it may be decided that the prisoner could benefit from continued counselling?

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

Hon. James M. Ryan: I am not saying that counselling would be terminated for an inmate, I am saying that the drug counselling at Northward Prison for that inmate would be terminated upon his (or her) release from Prison.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I wonder if the Honourable Member could say (regarding to prison rehabilitation programmes) whether they have come to any conclusion as to the relationship between inside counselling and outside counselling opportunities.

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

Hon. James M. Ryan: The drug counselling at Northward Prison is done by Cayman Counselling Centre, and I dare say that that unit would be able to simply change the venue for inmates after they are released and continue the drug counselling outside. But it would not be continued within the Prison, and therefore I am unable to comment any further on that.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House whether these offerings, such as woodwork instruction, the rearing of livestock, and craftwork are purely rehabilitative, in the sense that they are constructive exercises for the prisoners to pass the time while they are in prison, or are they geared toward equipping the prisoner by way of experience or some kind of qualification, that

he/she may acquire a marketable skill with an experience or qualification that is recognised and accepted by prospective employers.

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

Hon. James M. Ryan: The educational programmes that are being done, for instance 'O' levels and similar types of courses, attempt to equip the inmates for the world of work after they leave prison. There may be some areas I named in the original answer that would not gear people for the world of work, in the sense that it would not give them a qualification. But a number of these do offer qualification for the inmates to assist them in job placement later on.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Although I can see the connection between the attempt to rehabilitate and craftwork, can the Honourable Member say how they have come to a decision on the role woodwork instruction would play in the rehabilitation programme? How is this explained?

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

Hon. James M. Ryan: The programmes endeavour to equip inmates to become productive citizens once they leave the Prison. For argument's sake, it is not at all unusual to have inmates come in with little or no skill. If a particular inmate shows an interest and a flair for, say, wood-working, they can gain experience and skills there that would equip them for going into the field of construction or maintenance after leaving the Prison. So in this respect, it is intended to assist them in their rehabilitation and job placement after leaving prison.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the Honourable Member say whether spiritual growth and religious instruction are voluntary or compulsory?

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

Hon. James M. Ryan: I believe I answered that in a question last week, but the answer is, yes, it is voluntary.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if there are any efforts to encourage inmates, upon their release, and to interest members of religious organisations to establish contact with prisoners after they have been re-

leased, in an effort to continue spiritual growth and religious instruction?

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

Hon. James M. Ryan: Yes, the Prison Chaplain is actively involved in this process. For prisoners who are on parole, one of the conditions is the requirement to attending or be actively involved in regular church services and activities.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if the drug counselling is mandatory or voluntary? Also, as a corollary to the drug counselling, is there any exposure to psychologists who offer courses or workshops in development of self-esteem and self-actualisation?

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

Hon. James M. Ryan: In answer to the first part of that question, drug counselling is only mandatory when ordered by the courts. This is something that is currently under consideration and review. I wonder if the Member would repeat the second part of the question?

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Certainly. Can the Honourable Member say if, as a corollary to what drug counselling is being offered, there is any opportunity for prisoners to attend workshops by either a trained counsellor or psychologist in courses of self-esteem and self-actualisation—in other words, courses or programmes that would help the prisoners understand and develop a sense of self-worth and self-importance.

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

Hon. James M. Ryan: Thank you for repeating that. Yes, a section of the drug counselling course deals with self-esteem and self-worth. The only thing we need to do is get that mandatory for all prisoners. But for those who are currently enrolled in it, yes, that is a part of it.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I understand rehabilitation as meaning that a person comes to realise something is wrong and they strive to find ways of changing what went wrong. Therefore, I would like to ask the Honourable Member if, in the course of woodworking or automotive and general maintenance training, and in vegetable gardening, there is

any awareness or consciousness built into these activities of teaching inmates these skills, to make them aware that the reason they are being taught these skills is so that they can better fit into society.

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

Hon. James M. Ryan: The Member will appreciate that the persons doing the automotive maintenance and repair and the woodworking skills, gardening, etc., do not necessarily have the sort of skills he is talking about. But, inbred in those courses is the opportunity to develop self-esteem and self-worth. I think an individual learning to create or produce something—for argument's sake, let us take doing bodywork on a car, and seeing the finished product—I think that in itself engenders self-worth. Even those of us here, when we accomplish something and we are pleased with it, it helps to develop self-esteem and self-worth. I think this comes out as a result of it, but no, there is not specific training within those areas in self-worth and self-esteem.

The Speaker: If there are no further supplementaries, the next question is 34, standing in the name of the Fourth Elected Member for George Town.

QUESTION 34

No. 34: Dr. Frank McField asked the Honourable First Official Member responsible for Internal and External Affairs to say what step, if any, has been taken to provide Northward Prison with a Rehabilitation Co-ordinator.

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

Hon. James M. Ryan: The Social Services Department introduced a Probation/Aftercare Unit in late 1997. The unit is currently running three groups at Northward Prison. These groups are focused mainly on the criminogenic needs of group members, but necessarily involve sessions on basic social interactive skills including communications, identity of self, role models, choice and decision-making, roles in society, etc.

The Unit is working toward being actively involved with inmates from the point of arrival at Prison to reintegration into the community.

The Prison Department is currently working closely with this Unit and will keep under consideration the idea of establishing a post of Rehabilitation Co-ordinator.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: The Honourable Member said that the Prison Department is currently working closely with this Unit and will keep under consideration the idea of estab-

lishing a post of Rehabilitation Co-ordinator. We had spoken at some length about this before. Can the Honourable Member state whether he is satisfied with this arrangement, and if he is of the opinion that consideration of establishing this post is a sufficient reaction to the problem which we are dealing with at the Prison.

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

Hon. James M. Ryan: I believe that question asks specifically for an opinion, which I prefer not to give at this stage. But, as I said in the substantive answer, the matter is under consideration.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member expand on how this unit functions within the Prison at present?

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

Hon. James M. Ryan: The unit is operated by two social workers. The groups average about ten to twelve persons and they meet regularly. I am not sure what else I can say at the moment.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Honourable Member went a certain distance with the answer, and I do appreciate it, but I am also trying to understand how regularly these groups meet. Is there a schedule, or is it when it is possible; or are they seconded to the Prison, or is it once a week or whatever?

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

Hon. James M. Ryan: The groups meet twice a week. The social workers are not seconded to the Prison, they are responsible for it. They work with the Prison authorities. I think it is Tuesdays and Thursdays that they meet.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member state if the established schedule is what the assessment determines suffices, or is this the only amount of time that they can be spared to deal with it?

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

Hon. James M. Ryan: There are a number of constraints. The space constraint is one difficulty, and the number of staff, and the amount of time they can spend...I understand that they even go beyond the call of duty, working extra hours trying to assist where possible. Obviously, it is something that needs to be expanded, and we hope that in time additional space will become available, and it probably will call for additional staff. I believe it is a good start, but it needs to go further.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member state if the prisoners who are presently involved in this programme are chosen by way of their records, or are they chosen at random? How is this done? Secondly, can the Honourable Member say if there is a need for additional inmates to be brought into the programme but, because of what he stated earlier, there is no space or staff to accommodate more?

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

Hon. James M. Ryan: It is my understanding that the inmates selected for this programme are selected by the teachers/counsellors. At the moment, it is confined to the worst behaviour cases. In answer to the second part, yes, there is a need for the programme to be expanded, as I mentioned earlier, the need for classroom space and instructors.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I think there is some other programme (I cannot remember the name of it). I think it is Project Preparedness, through the Ministry of Community Development, and I am trying to determine—because there seems to be some overlapping and I am not suggesting that is a problem—if there is any interaction between this programme and Project Preparedness, or if they are two totally separate entities. How do both of them function, heading in the same direction?

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

Hon. James M. Ryan: On Project Prepare, a member from the Human Resources Department comes along with the social worker and is involved. This is in addition to the rehabilitation programme we were speaking about a while ago. Certainly, it is there to complement it.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: A number of programmes have been mentioned that are ongoing at the Prison. I wonder if the Honourable Member can say if an independ-

ent assessment has been done regarding what the needs are at the Prison?

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

Hon. James M. Ryan: There has not been a study commissioned, but the Overseas Territories Advisor has been advising on programmes for the Prison.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I believe it is very important that we have a professional assessment done. I know that as representatives, we have our own special interest in that type of thing, but I think it would be good for the Prison to commission someone to carry out, in a very objective manner, the needs of the Prison. I am wondering if the Honourable Member could say whether such a review would be considered.

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

Hon. James M. Ryan: Yes, that is very possible. I will certainly take that under consideration.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning, question 35 having been deferred earlier.

Item number 4, Government Business, Bills, Third Readings.

GOVERNMENT BUSINESS

BILLS

THIRD READING S

THE TRUSTS (AMENDMENT) (IMMEDIATE EFFECT AND RESERVED POWERS) BILL, 1998

Clerk: The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move that a Bill entitled The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998, be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Trusts (Amendment) (Immediate Effect and Reserved Powers) Bill, 1998, be given a third reading and passed. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE TRUSTS (AMENDMENT) (IMMEDIATE EFFECT AND RESERVED POWERS) BILL, 1998, GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) (SEGREGATED PORTFOLIO COMPANIES) BILL, 1998

Clerk: The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move that a Bill entitled The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998 be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Companies (Amendment) (Segregated Portfolio Companies) Bill, 1998 be given a third reading and passed. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE COMPANIES (AMENDMENT) (SEGREGATED PORTFOLIO COMPANIES) BILL, 1998, GIVEN A THIRD READING AND PASSED.

The Speaker: Item number 5, Other Business, Private Member's Motion No. 4/98, the Establishment of a Road Fund. Debate continues. The Honourable Minister responsible for Tourism, Commerce and Transport.

Perhaps this would be a convenient time to take the suspension.

AT 11.30 AM PROCEEDINGS WERE SUSPENDED.

PROCEEDINGS RESUMED AT 12.10 PM.

The Speaker: Please be seated. Proceedings are resumed.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

Lord and Lady Lowry in VIP Gallery

The Speaker: We are honoured to have in the VIP Gallery Lord Lowry, a former Chief Justice of Northern Island. We wish to welcome you and to say how proud we are to have

you with us today. We hope that your stay in the Cayman Islands will be most enjoyable.

Debate continues on Private Member's Motion No. 4/98, Establishment of a Road Fund. The Honourable Minister for Tourism, Commerce and Transport.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 4/98

ESTABLISHMENT OF A ROAD FUND

(Continuation of debate thereon)

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

The Speaker: May I interrupt you for just a minute? I must humbly apologise that I did not recognise his wife at that time, such a lovely lady. We certainly want to extend a welcome to you. We are happy to have you both with us.

The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. It certainly is appropriate that we welcome both.

When we took the break on Friday afternoon, I was making my brief contribution to Private Member's Motion No. 4/98, Establishment of a Road Fund. That Motion resolved that Government consider establishing, for the sole purpose of developing roads, a special Roads Fund.

I also pointed out that the Government recently established a Capital Development Fund, an Infrastructural Fund and an Environmental Fund. Given the concern every Member of this Honourable House has, as well as Members of the public (both resident and visitor), it seems sensible that the Government consider establishing a special road fund.

I also mentioned on Friday afternoon that I believed roads were a national issue; an issue that should be resolved from input by both sides of the House, certainly every Elected Member of this House. I believe for the fund to be established and operated properly, it is important that every Member give their input before the Government finalises any thought on this process.

We know that funds collected, be it duty on gasoline, or diesel, or the importation of cars, or registration of vehicles, have already been allocated to various services provided to the public by this Government. We also know that the Harquail Bypass has not solved the traffic problem along Seven Mile Beach, or from West Bay to George Town. We certainly realise that the traffic problem is not only on Seven Mile Beach road, but is also evident on a daily basis from George Town as far back some mornings, as I understand it, as Bodden Town.

If we are to tackle the issue—and I call it a national issue—certainly every Member (and I stress Elected Member) should give their input on how we should resolve the

traffic congestion problem, and what funds we should allocate on an annual basis to slowly cause the flow of traffic and the time required to move from the eastern districts or West Bay to George Town to be substantially reduced. If we take the objective of reducing the time by 50% as a phased mechanism, what, in essence, do we need to do within the next three to twelve months to cause it to happen?

This morning, I departed my home in West Bay at 8 o'clock, deliberately, to get a feel for what the traffic is like at that hour (because I normally leave home at 7.15 or 7.30), it took me 35 minutes to get to my office. When I look back to two years ago, it probably would have taken 15 to 20 minutes, depending upon the day. It so happens that this morning I had to pass by my bank (not one that I own, but one where I keep my account). It also happened that a member of Public Works was at the bank at the same time, a member of Public Works who is knowledgeable of the problem. I took the opportunity to talk to him about it. I do not know if I can recite all the statistics he gave me which flowed from monitoring the traffic, taking traffic counts of the traffic that enters the Galleria and West Shore, or exits therefrom, or slows down to allow cars to exit or enter. After hearing these statistics, my next question is, what should we do about it, given that we have these facts?

Surprisingly, the recommendation happened to be what some of us think, that is, to extend the Harquail Bypass further north and to enter it somewhere in the area of the Galleria Shopping Mall, so that every person who does not have a need to enter the Galleria or West Shore Plaza can go his merry way into Town, and that will relieve some of the traffic congestion between the Hyatt and the stoplight.

Sometimes with the best will in the world, we do things and they do not work. But the important thing is that if we start a project, which this project suggests, you have to do another corridor basically all the way to West Bay. The portion done, which is now called the Harquail Bypass, is only the beginning of it. Given that it is not working to our satisfaction, and that it is taking 15 minutes more than the average to get to Town, and remembering too that no country in the world can build roads to deal with the peak period. If you go to London, you will get stuck in Parliament Square for at least 30 minutes trying to get around to the other side. If you go to New York, you will run into the same problem. If you go to Miami and you want to go up Route 95 or 75 you can certainly run into the same problem we are having here in Grand Cayman, not to say that we have to accept it is something that we are going to have to live with until the Good Lord decides to come.

Speaking for myself, I believe that we should—and let me back up by saying, I asked the gentleman what the cost would be to extend the Harquail Bypass a little bit north of the Galleria. The answer was \$1 million. It is not only residents who are complaining about the traffic congestion. Visitors are also complaining. While we are all in this movement now of trying to arrest the situation, it is important that if we do one bit and it does not work to our satisfaction, we move on and finish the job so we can come

back to what we would normally accept—15 minutes, if that is the magic number of minutes to leave your house in West Bay and get to George Town. I believe that the Government of this country (and let me include the Members of the Legislative Assembly) should take that action. And I am speaking for myself.

I believe too that, regarding traffic generally in the Cayman Islands, more specifically Grand Cayman, the Government should undertake an independent professional traffic management survey and examination. It is always good, when you are going to spend substantial amounts of the public's money, to get an independent assessment before you jump off. Some of us think we have the answer. We may be right. But suppose you are not right.

I am not talking about a firm that is going to write a report, and I am not trying to cast aspersions against anyone, but many firms come and make recommendations, and then one of the recommendations is to employ them a little bit more. I am not talking about that kind of assessment. I believe there is a way to carry out this exercise and not get too deeply into that kind of arrangement.

We all know that the public (and I used this expression on Friday) is fed up with this traffic problem. The public is expecting the Members of the Legislative Assembly and the Government to do something about it. I think the earliest indication we can suggest to the public that we are going to take action to seek to correct it, is the right step to take. I go on to say, the earlier the better. If we can have a budget in excess of \$270 million, I do not accept that we cannot fix that problem.

[Inaudible interjections]

Hon. Thomas C. Jefferson: I am in here. I am for the people of this country, and that is who I am talking about. It does not matter what side I am on.

[Inaudible interjections]

Hon. Thomas C. Jefferson: Well, we did something. We do not want to get negative. We have made a start.

I always believe that if the 18 Members of this House sit down and discuss a problem, there is not one problem in the Cayman Islands that cannot be corrected. Everyone in this House has a role to play, has played it, and has the intelligence to deal with it as well.

My humble opinion is that the Government supports the establishment (more than considering the establishment) of a special roads fund. My annex to it is that at least all the Elected Members of this House should sit down around the table and decide how to get money into it. It is as simple as that. How do we get money into it to do the roads we are talking about? Is it not possible to make corrections on a phased basis, so that we are not looking at an \$80 million or \$100 million job? I believe it is possible. I think we have to deal with national issues of this sort, exercising financial prudence but certainly taking steps, after careful examination, to have it corrected as soon as possible.

Thank you, Mr. Speaker.

The Speaker: The Third Elected Member for West Bay.

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

As the Seconder of this very important Motion, I naturally rise in support of the request in this Motion. In my opinion, the issue of roads and traffic congestion in this country is not only a national issue, but is one of the priorities and concerns experienced by most residents and visitors alike. I say "sensitive" in that we have a dilemma, because statistics have shown that on an annual basis, we continue to import more and more vehicles; and at the same time there is a call for relief from the general public regarding the congestion from the increasing number of vehicles.

To give an idea of what I am talking about, I have some statistics regarding the importation of vehicles from the Royal Cayman Islands Police Annual Report. This reflects back to 1992. With your permission, Mr. Speaker, I would like to read how that increase has taken place over the years. Back in 1992, we had a total of 1,773 vehicles imported. In 1993 we had 1,838 vehicles, which is a 3.6% increase. In 1994, we had 2,283 additional vehicles imported, a 24.1% increase over the figure for 1993. In 1995, we had 2,473 vehicles imported, which represents an 8.3% increase over 1994. In 1996, we had 2,898 vehicles imported, which represents an increase of 17.2% over 1995. We do not yet have the statistics for 1997, at least I have not seen them, with regard to imports of vehicles. But we can see from these statistics what has happened. There is a constant increase from year to year in the number of vehicles imported into this country.

Some people have suggested that we should maybe go to a system similar to what has been introduced in Bermuda that restricts the number of vehicles coming in. If a representative here in the Cayman Islands suggested that, he would immediately lose his seat. But it is an issue that has to be addressed.

What I also found very interesting was the comparison of the number of vehicles licensed in this country from one year to the next. In 1995, we had 16,521 vehicles licensed here in Grand Cayman. We had an additional 906 licensed and registered in Cayman Brac. In 1996 we had 18,166 vehicles registered in Grand Cayman, which represents a 10% increase over those registered in 1995. In 1997, that figure jumped to 20,617 vehicles licensed in Grand Cayman.

I also found interesting the number of private vehicles licensed and registered here. In 1995 we had 11,176. In 1996 we had 12,365; and in 1997 we had 13,982 private vehicles registered and licensed in the Cayman Islands. We can see that the number of registered vehicles in this country continues to increase.

In December 1997, we officially opened the Harquail Bypass. I remember attending that official opening. There was a lot of pride and excitement in regard to this major accomplishment, attempting to ease the congestion along Seven Mile Beach. But you know, I remember the first week or so after that Bypass was opened, it took some residents in West Bay three hours to get to George Town. I

experienced that on a personal basis. What annoyed me was that in that time, I did not see one police officer assisting the traffic flow. I did not see one officer from the Public Works Department monitoring the situation. After the television became involved and got comments from the general public, I saw some reaction.

I believe we have to be very sensitive to an issue such as traffic in this country. It has become a major concern here. I recall hearing comments by visitors on local television, who said they would never come back to the Cayman Islands because of the traffic congestion.

The move to establish a specific fund for additional proper roads to relieve the congestion is a step in the right direction. But members of the general public must understand that the day has long passed when Government can continue to offer these additional services at no additional cost to the general public. On the other hand, I believe that if we establish a fund specifically to deal with the traffic congestion in this country, the general public would support and contribute to any fund for this purpose.

I do not have the statistics of what vehicle-related taxes are collected in this country by way of import duties, licences at the traffic department and other areas, but I would daresay it is in the area of \$25 million or \$30 million. That goes into the Government's coffers. There is nothing wrong with taking a portion of these funds collected from vehicle-related services, and initiating this fund, which will specifically address the traffic situation in this country. But I also believe that rather than, as representatives, running the risk of making any suggestion publicly that would spell political suicide for any of us, we sit down as a committee and look at this problem in an objective fashion. I concur with the Honourable Minister for Tourism, Commerce and Transport who said that if the 18 of us get together to address any issue, we will find the solution.

I cannot say that I do not support the idea of bringing in someone to advise you on traffic management. But I trust that this is not another one of those exercises where the consultant comes in and all he does is make a report, and because the conditions here are so lucrative, he or she all of a sudden becomes a part of the establishment. That has been our experience in the past, and I trust that we will not tolerate that in the future. If we have a need for someone, bring him in on a specific contract for a specific period of time, with specific terms of reference, and assess the situation as soon as possible; then say 'thank you' and let that person move on.

I do not believe this is an issue in which we can hide our heads in the sand for the next two years and hope it will go away. Not only along Seven Mile Beach (we seem to be focusing on that area, and I would not want to be caught in that area right now), but I believe the situation is worse coming from the east into George Town. After 7.15 AM, one can plan to spend at least 45 minutes to one hour coming into Town. I believe, with regard to the situation along Seven Mile Beach, it is very annoying to be sitting in traffic for an hour or an hour and a half, with the middle lane open and no one using it.

I believe, and I have preached this from day one because I have seen it work in other areas, there is no rea-

son why we cannot have two lanes going into George Town in the morning, and reverse those two lanes coming out of George Town in the afternoon. It is worth a try. Here in the Cayman Islands, people are still very courteous, in that if one needs to make a right turn, people will still give way. I do not think it makes any sense whatsoever to leave one lane open, specifically for the purpose of turning, when we have the situation like we have along Seven Mile Beach.

The other thing I do not agree with is what I call 'fowl-coops' in the middle of the road for the specific purpose of pedestrian crossings. When the traffic is backed up along there, normally emergency vehicles use that middle lane. What do they do when moving down the middle lane and they suddenly come to this thing. What do they do then? They better hope that traffic will move so they can get around these things. I do not think they serve any purpose whatsoever.

We have to be practical in this country. That is the problem we have. These little guys responsible for designing these types of projects have a good education, but we must bring in things that are practical. I believe it is worth a try to convert the middle lane into a lane going into Town in the morning, and reverse it coming out in the afternoon. I do not think you will have any problem with the traffic, once people know what the rules are. It is worth a try to see whether it will work.

The Speaker: Are you going on to another point now? Would this be a convenient time to break for lunch?

Mr. John D. Jefferson, Jr.: Yes, Mr. Speaker.

The Speaker: Proceedings are suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 2.36 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on Private Member's Motion 4/98 continues. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. When we took the lunch break, I was dealing with the traffic along Seven Mile Beach. I mentioned that I saw no reason that, in an attempt to eliminate the problem we have along Seven Mile Beach in traffic congestion, we do not use the middle lane, that is now sitting there idle, until a vehicle needs to turn.

I believe if we extended that middle lane all the way into West Bay—and I see no reason why we cannot do that, because the further down you go, the less congested and restrictive the area is as far as space—we could do well regarding minimising the amount of additional money we have to spend to address the traffic problem along West Bay Road.

I believe if we did that, we could probably even eliminate the necessity to spend, as the Honourable Minister for

Tourism mentioned this morning, the additional million dollars to extend the Harquail below the Galleria Plaza.

Quoting a few more statistics I found, to impress upon not only Members of this House, but the listening public, the seriousness of the growing problem of traffic congestion, I am told, from information that has been made available, that in 1988, the peak volume on West Bay Road was 250 cars per fifteen minutes. If you extrapolate that to a per hour traffic movement, that was 1000 cars per hour in 1988 along Seven Mile Beach.

In 1997, this rose to 375 cars per fifteen minutes, or, according to my calculations, 1500 cars per hour. In my calculations, that is a 50% increase experienced along Seven Mile Beach in nine years. It is impossible for us—and I have travelled far and wide—to completely eliminate traffic congestion, especially during the peak hours, that is, when people are going to work in the morning and returning from work in the afternoon. Regardless of where I have been, at those times—and we have countries with a much more massive highway system than the Cayman Islands—everywhere I have been, that has been the experience. At peak hours, there is traffic. There is no question about that. But the problem we have is that you have an increasing number of vehicles using our road corridors. That means the time it takes for the movement of those vehicles from one point to the other increases, and for that reason we find that traffic hours are extended beyond the normal 7.30-8.30 peak period, and we find traffic generally throughout the day.

Let me also say that any measures we arrive at will only be temporary in nature. By that I mean, you can put in another road corridor between maybe George Town and Bodden Town, or George Town and the eastern districts, but as you continue to get more vehicles imported into the country, it is just a matter of time before that capacity is absorbed and you are returned to the position we are in presently.

I think, as motorists, if we want to continue to have the freedom of choice regarding the purchasing of vehicles, and freedom of choice of every member of a family—and that seems to be the trend—having a vehicle, we must be prepared to tolerate some level of traffic congestion. On the other hand, it does not make sense for us to go out and look at any massive or very expensive alternatives. By that I mean, I recall the experience Florida had regarding finding suitable alternatives. They embarked upon establishing a massive and very expensive rail system, and spent billions of dollars on that project, and the only people who still use that project are probably poor people who cannot afford to own their own vehicles. So I do not think that is the solution. The solution is we must continue to give people the freedom they want regarding the purchase of their own private motor vehicles. At the same time, the message I want to leave is that we must all be prepared to contribute something regarding this solution. Every year we as representatives spend hours upon hours upon hours trying to arrive at an annual budget. We have so many requests for services by way of expenditure, but we have limited revenue resources through which to fund those services. I believe the general supports the view that as long as people

are getting the type of service and facilities they want and need, the general public is prepared to contribute something reasonable regarding supporting the availability of these services.

In closing, I want to congratulate the mover of this very important motion, because, like the rest of us here on the Back Bench, I believe he has his finger on the pulse of what the needs are in this country. This is a need that has to be addressed. This is a need that the general public is very concerned about, and the sooner we get on with addressing this very important need, I believe, the better, because this problem is not about to go away. Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. Private Member's Motion 4/98, as stated previously, seeks to establish a road fund here in the Cayman Islands. *Prima facie*, this concept of establishing a special road fund seems very appealing. One could go so far as to say that if such a fund were established, it would go a long way toward solving the complex and increasingly problematic, cancerous issue of traffic and other ancillary issues emanating therefrom.

For the purposes of this debate, I can safely assume that the horrendous traffic problem, which all and sundry seek to address, currently exists on the Island of Grand Cayman, and thankfully we on the Brac and Little Cayman thus far can still drive for miles with very little or no traffic congestion. I have said that, Sir, to say this: I believe that this motion, subject to the substantive query which I will expound upon in due course, is a timely motion. It is timely because the congested traffic situation in Grand Cayman is at a critical stage. Since the construction of the Harquail Bypass, the congested traffic condition, on the West Bay Road in particular, has been brought to the forefront of our minds. Just last week, when I was in the vicinity of the Westin Hotel at about 2.15 in the afternoon, on my way back to George Town, it took me some fifty minutes to drive from that area to the Legislative Assembly. This is just, as we all know, a few short miles, and by way of comparison, when I have to drive from Tampa International Airport to a city which we often visit, some 90 miles away, it normally takes between 50 and 60 minutes to drive that distance. I realise, Sir, that the speed at which one drives, the weather conditions, the condition and width of the road, and the type of vehicle one drives are all factors which can determine how long it will take a particular vehicle to travel a particular distance.

Being fully aware of this, I also believe the time has come to establish a proper and affordable roads plan for all three of these Islands. I believe, as Little Cayman and Cayman Brac develop in a planned fashion, there is much to be learned from the mistakes of Grand Cayman as they relate to roads. The first lesson, Sir, which I believe we can learn on the Sister Islands, is that road corridors must be established, so that as development comes, the developer

is certain where future roads will be constructed and he or she can therefore plan accordingly. These road corridors must also be revisited from time to time in order to ensure that they keep up with the developmental needs of our country.

One of the main infrastructural concerns of a politician is the provision of adequate roads for his or her particular constituency. Roads are extremely costly to construct, especially when there are compensation costs involved. Each year, as my friend the Third Elected Member for West Bay said, at budget time, the funds are indeed extremely limited when it comes to road construction and other matters. It has to be shared as fairly as possible among the six electoral districts, and the amount each district receives is rarely ever sufficient to meet the road demands of the district.

Even with this scenario, Mr. Speaker, not all of the funds can be taken from local revenue. Indeed, Government often finds itself in the position that loans will have to be taken out to finance the construction of roads in the Cayman Islands. Of course, with loans comes interest, and regardless of how little interest is being paid, interest, in my opinion, inevitably eats away at one's future spending power, albeit for a specified period. So I believe the best way to go is by creation of a realistic method of creating and funding a roads fund. If there were an existing road fund in place which was properly funded each year, there would, I believe, be a realistic sum of money available for road construction in all three of these Islands.

One fallacy that appears to exist regarding the construction of roads in these Islands, at least as far as the Brac and Little Cayman, is that Cayman Brac and Little Cayman do not need any more roads. Nothing can be further from the truth, because I believe it is time we should build as many roads as we can each year to ensure that if and when development comes to Cayman Brac and Little Cayman, and the other districts in Grand Cayman as well, our road users will have an option, and the traffic will not be forced into bottleneck positions, or into a position where there is only one road leading to the main commercial centre.

We must therefore plan for our future, and in so doing, I believe we should continue to look at decentralising services to decrease the need to come to central George Town, which is perhaps already overcrowded, and which can also help to improve the traffic problem on both the West Bay and Red Bay roads.

In addition, it is my opinion that money from the road fund can be better utilised by building roads to cater to future development, particularly in the other five districts, because the property at that stage would be much cheaper, there are fewer physical obstacles in the creation of the necessary road corridors, and development can take place around the roads, rather than roads occurring around the development, which can be a very costly exercise.

Having said what I have said thus far, the million dollar question I would like to be answered, if possible, before the winding up of this debate, is whether the movers, or indeed any other Honourable Members of this House can assist the Government in its endeavours to allocate and

identify where the money for such fund is going to come from. In my view, there is a rebuttable presumption that the question of introducing a road pay toll is not a realistic one, because the premise on which the pay toll operates is that of choice, and regrettably, there is very little if any choice of what road we use, especially if we want to come into central George Town, the commercial centre of Grand Cayman.

The Harquail Bypass has provided a choice for those going to and from George Town into West Bay, and one could not really be expected to place a pay toll on the Harquail Bypass, as it most certainly would serve as a disincentive for road users. In fact, it is my humble belief that it would defeat the whole purpose of having the Bypass in the first place. It is also my submission that if pay tolls were to be put in place, there are two probably locations: one in the vicinity of the West Shore Plaza and Wendy's, where the road splits into the one leading to George Town and the newly constructed Harquail Bypass; and the other perhaps on the Red Bay Road, before it splits going into Crewe Road and into South Sound.

Some may even argue that a further pay toll should be placed at the entrance of the Harquail Bypass that is coming in from the town entrance. But let us look carefully at this scenario. The persons travelling daily from West Bay, North Side, East End and Bodden Town have no choice on which road they have to take to come to work. There is basically one road leading from West Bay and one serving all the eastern districts, and for the most part, these persons have very little choice but to come into George Town to work or generally conduct their business. Would it then be fair to those persons to have to bear the financial burden of paying a road toll, if this concept were introduced, especially since they had very little choice in deciding that George Town would be the central commercial centre?

Suppose for argument's sake that someone living in the Prospect area wanted to go across to the West Shore shopping plaza. They would have to pay at least two pay tolls and possibly three if this concept were accepted. This, in my opinion, would be inequitable. And what about the good folks residing in central George Town? If they wanted, they do not really have to leave Town for anything, which means that if the tolls were put in place, as in my hypothetical example, the people of George Town would not have to contribute to the road fund, unless they chose to use the West Bay, Harquail or Red Bay road. And God forbid, if you tried to place pay tolls in central George Town, to further add to the congestion that already exists on our roads.

These are but a few of the reasons why I could not, at this time, support the raising of road funds by the installation of pay tolls, if such were to be the case. Luckily, so far, this has not been proposed by either the mover or the seconder. However, I felt I had a duty, albeit an onerous one, to explore the feasibility of the pay toll concept, and to try to show why I believe it is not appropriate, given our current road network situation.

It has also been noted that funds for the road fund can be realised from revenue raised from motor vehicle registration, the importation of motor vehicles, and licensing, as

well as retrieving \$0.25 from the petrol taxes. Again, at the very first instance, these sources would appear to be the most logical sources to tap into, but permit me, please, to further examine this proposal.

As it stands now, funds currently received from these sources are already stretched to the maximum by existing demands in our 1998 Budget, and one does not have to be a rocket scientist to forecast that this will be the same situation, come the 1999 Budget and so on. Further, the Backbench gave the Government of the day an unambiguous mandate, and rightly so, I might add, back in December 1998, that there was to be a prioritisation of capital projects, and equally important was that such expenditure was not to exceed \$27 million. This then, Sir, leads me to the question of whether it is the mover's intention that this road fund not be established until the next financial year, when we have the new budget to work from, and therefore that the proposal, as contained in this motion, is part of a vision for next year and not, indeed, this year.

Moreover, if the funds raised from these proposed sources are utilised for the purposes of a special road fund, then where would the money come from to pay the administrative cost of the Licensing Department and the Customs Department, who now render these services? From a wider perspective, Mr. Speaker, funds from these services, according to the figure given by the mover of this motion, represent a significant portion of our Budget, and therefore provision must be made to provide for budgetary shortfalls in the other areas which are now being funded by these sources, for example, our schools, hospital and Social Services.

I am sure we all realise our tax base is extremely narrow, and as far as I am concerned, the Caymanian public is not a money cow, and there will come a time when we reach our saturation point if we have not already done so. We must therefore exercise much care and due diligence when we introduce new concepts to ensure that they are fully and accurately costed, as far as practicable, otherwise it could very well lead to unnecessary taxation.

In conclusion, Mr. Speaker, I wonder if the movers would inform this Honourable House whether they are suggesting and/or would support a revenue enhancement measure to fund the proposed road fund, because it is one thing for the Government to accept the motion, but unless there is a clear direction where the money is coming from, I for one would surely be setting myself up for failure, having accepted the motion without knowing where the funds were coming from, and then in a few months' time, have to answer to this Honourable House as to why the road fund was not set up.

I would love to be in a position to support this motion, once the movers can safely satisfy me where the money is coming from, and indeed, that it is not sought to come from enhanced revenue measures. I thank you, Sir.

The Speaker: Does any other Member wish to speak? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. This motion is one which establishes a road fund and the concept of this is good, and I can support the establishment of a road fund, but there are obviously questions as to the funding of it that other Members have discussed. The Honourable Member who moved this, the Fourth Elected Member for George Town, set out quite clearly the reasoning and justification for doing so. The question of traffic and delays is one that has been around for some time. It gets worse. It is one which has to be dealt with as early as possible, and as effectively as possible, but it is complicated by the fact that we have more and more vehicles coming into the country to use the roads, and it seems that it is not the wish of the majority of the people that anything be done in that respect.

During the course of this motion, the Third Elected Member for Bodden Town stated that I had no common sense. I am dealing only with that phrase that was put up by him, Mr. Speaker. I would say that at least we have had sufficient common sense when we established funds within the Government that we were able to fund them. I am dealing only with the Third Elected Member for Bodden Town in this statement, Mr. Speaker. In all of his speech, and with all the common sense he had, he did not say where the money was coming from to fund this fund. It is like going into a bank, opening an account and saying to the banker, 'I don't have any money.'

This was a motion which, I guess, any astute politician should have realised was going to be looked at sympathetically by Government, and that attack on me was not only unjustified but it was a bad political judgement, because, Mr. Speaker, I believe that with whatever I have, at least I have been successful and I have always taken a business approach in what I do and therefore, Mr. Speaker, it seems to me that these sorts of attacks—and I must say, Mr. Speaker, whenever I get this sort of approach to me from now on, I will be responding within the Standing Orders of this House, because I had neither said nor done anything to provoke the statements made by the Third Elected Member for Bodden Town. In fact, and this is the last thing I will say on this, I believe if I was not in this Honourable House, the Third Elected Member for Bodden Town would have a real problem finding too much to say. But the saying is, when you have something to say, you discuss issues. When you have nothing, you attack people or talk about people.

Mr. Speaker, this motion, I think, what the Minister for Tourism has put forward with it, and I would hope that the Fourth Elected Member for George Town would grasp what he has put forward, which was basically two things: that we need to get a traffic management study done. Let us get whatever help we need to find out how to deal with the traffic. Building roads and more roads may not necessarily be the answer unless they are built the right place, the right way, and at the right time. So that is something I believe would assist us.

The second point is that I believe issues such as this, major issues like pensions or whatever, we must, within the Legislature, be able to sit down, look at the issues, and try to come up with solutions, because the aim of this

House has to be to take the approach which is in the best interests of all of the people of all of the Cayman Islands all of the time. That is something that I am always happy to do, to sit on major issues and try to find a joint solution from within the Legislative Assembly.

So I commend the mover of this motion. Like I said, the statements I made earlier did not apply to the Fourth Elected Member for George Town, but only in relation to the Third Elected Member for Bodden Town, in reply to what he stated, and I am very happy to try to find a way of funding a vote to deal with this matter, and it is for the benefit, once again, Mr. Speaker, is, as I said, whenever now I am basically hit at in relation to any area and any motion or law, then, Mr. Speaker, I intend to defend myself, which I did today in a very nice and minor way, but I think on this motion, the input of the full House is necessary in relation to dealing with traffic, because it is going to go far beyond a road fund, Mr. Speaker, to deal with it, and it is not an easy one. Government after government has looked at this and not come up with an answer which is that enduring because, as I stated earlier, and as the motion states, the importation of vehicles continues to go upwards. So with the principle of the motion and the establishment of the fund, I can support, and will have to see where money will come from to put in it, and at what time it will come in, and I would make decisions as was reserved also I know by the lady Minister in relation to a decision as to how the funding of this goes. At least this year, Mr. Speaker, I think all funds are basically fairly well committed, so there would not be a lot that would go into the roads fund this year, even though there is money there for roads, and I should point that out. Thank you, Sir.

The Speaker: Does any other Member wish to speak? The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I believe the motion before this Honourable House, which has been brought by the Fourth Elected Member for George Town, is a very good motion. I have said this to him personally, and I also wish to say it publicly, and I also congratulate the seconder of the motion, the Third Elected Member for West Bay.

I was very impressed by the statistics that the mover was able to provide to this Honourable House, and I had hoped that before speaking on this motion, I would have had the benefit of those statistics. Unfortunately, I have not been able to get them yet, so I hope that, before I am through, these will be made available.

The Fourth Elected Member for George Town has touched on a very important subject, and that is one of establishing a roads fund for the development of our national road system and for the maintenance and improvement of existing roads. The 'Resolved' section of this motion, Mr. Speaker, asks for Government to consider establishing, for the sole purpose of developing roads, a special roads fund. I think this is very important, in view of the fact that over the years, funds that have been generated through the roads and in other areas have been used generally for the upkeep and running of Government. So it is important that a

special roads fund is established that will be used primarily and specifically for the development of our roads throughout the Cayman Islands, not only in Grand Cayman, Mr. Speaker, but indeed in Cayman Brac and Little Cayman.

Before making my contribution to this motion, I would just like to say that I am amazed that in this Honourable House there is still so much bickering. I realise that we are not in church; it is a Parliament; and in any Parliament, you are going to have differences of opinion. This is why you have different sides, different parties in more developed parliaments. But Mr. Speaker, I was a bit disappointed when I heard the Honourable Minister for Education state that he will make it a point to retaliate against anyone that raises an issue against him, and I can understand why he said that, Mr. Speaker.

Hon. Truman M. Bodden: Mr. Speaker, on a point of order.

The Speaker: Could I hear your point of order, please?

Hon. Truman M. Bodden: I said I would defend myself.

Mr. Linford A. Pierson: Mr. Speaker, I am sorry I misquoted the Honourable Minister. I can assure him I am not here to attack him. My point I am making is that it is time that we try to mature beyond this bickering we have had over the years. That is not to say, Mr. Speaker, that we cannot defend ourselves, but we need not make a major issue that we are looking forward to doing this.

I would like to see us practice what we preach. There are many of us in this House, Mr. Speaker, that call ourselves Christians, and that like the public to believe that we are. Mr. Speaker, I would like to see us act as such and show due respect to our fellow legislators. That is one of the things I would like to see developed in this Parliament.

There is no doubt at all that there is a major problem with congestion of our roads. One only has to drive along the road, not only at peak hours, but at any hour of the day, and you will find the worsening problem. It will not get better, Mr. Speaker, because as our population grows, as our country continues to develop economically, you will find there will be more and more cars coming into these Islands, and in particular to Grand Cayman.

With the present road system, the situation will continue to get worse and worse. But I cannot help but mention, and I really do not want to get into the history or go back into the period that I was the Minister responsible—Member at that time—responsible for roads. But I recall that an attempt was made to address this major problem, and it was at that time, the opposition of the day, and I will not spend a lot of time on this, Mr. Speaker, but it was the opposition of day at the time that scuttled that programme. Had it not been that the roads corridors were deliberately taken out of the composite maps, and this was done for political reasons, then today, eight to nine years hence, we might indeed have a proper road system. It was the plan at the time, Mr. Speaker, to spread the expenditure over a number of years.

I am very happy that at least one Member has repented, and I was hoping that when the Honourable Minister for Education spoke, I would have heard some repentance coming from him. But he was given the opportunity, Mr. Speaker, and he did not avail himself of it. So I cannot accept it at this stage, unless he does what a good friend of mine told me once, that I would have to dip myself seven times in the Jordan.

I was somewhat amused to hear one Minister of the Government Bench support this motion, and it seemed to me that he was speaking for the Minister for roads, and then another Minister was not really sure whether that Minister could support the motion or not. Under the principle of collective responsibility, I would have thought that if this motion was being accepted by the Government Bench, all Members would have supported the motion. I still believe that the Minister who did not seem too supportive of the motion will perhaps still vote for the motion.

One Member, in speaking, raised some very interesting and important points. One such point was dealing with the pros and cons of the motion. When one looks at the pros of the motion, there is no question at all that a roads fund is required. But that raises the question of the segregation of existing funds and how we will go about filling the void that will be caused through that segregation. Because as we know, Mr. Speaker, the current funds are heavily, heavily taxed at the present time, or heavily utilised, so that there is no mistake as to what I mean by 'taxed.'

If the funds that are being generated now through the roads, directly or indirectly, such as the import duties, the motor vehicle inspection, etc., were put into a separate fund for the very purpose of roads, then that gap would have to be filled, because as we know, the Government at present is fully utilising all of the revenues available to them. Out of our hundred million dollar budget for 1998, they were able to show a surplus of less than a million dollars, so that indicates the amount of revenue being utilised at present.

So Mr. Speaker, the opposite to the pros, the cons, would indicate that some other means of raising the necessary revenues would have to be considered. This may not be a bad thing, Mr. Speaker, if indeed this is going to be dedicated to this particular problem of supplying proper roads throughout the Islands. It may be necessary to increase revenues in certain areas, and I am not here suggesting that should be done, I am here saying that if we are going to accept this motion, I hope that Government is not going to just put it on the back burner and try to accept it to please or appease the Backbench, and in particular the mover and seconder of the motion, but that they will seriously attempt to do something about this problem.

What has been done recently—I heard one Member say that nothing seriously has been done over the past few years except by this Government, and I do not really want to make a political issue out of this, but I think the people of the country can judge for themselves whether the improvements or lack thereof, that have been done in recent years have really been effective. We see the development of the Harquail Bypass. I am yet to find anyone who will tell you there has been any major improvement in the problem

on the West Bay Road since that road has opened. If anything, a lot of complaints have been that the situation has gotten much worse.

That is the result of the lack of proper planning. Had a national road plan been put in place over the past few years, the development of our roads would have been done in an orderly and systematic manner. Whether we call the plan that is necessary a Master Ground Transportation Plan, or the Grand Cayman Roads Improvement Plan Study—by whatever name, there is no question at all that a plan is necessary, a national roads plan is necessary. That is why, with this motion, must now come and be put in place, a proper national roads plan, so that roads plan can be properly costed, so that we will know how much money is required to develop a road infrastructure.

We have heard that at present there are certain funds put in place. A previous speaker mentioned that the Capital Development Fund, the Infrastructure Fund, and the Environment Fund came into being recently, and this is true. What that Honourable Minister did not say was that these funds, though earmarked in a certain way, were utilised by Government within their general revenue structure to take care of their recurrent expenditures. My fear is that unless this roads fund is specifically earmarked and supported by law, the same thing could happen to this fund, that it could be utilised for the recurrent expenditure of Government. If that situation occurred, it would indeed be a waste of effort. I would suggest that, as soon as possible after this motion is passed, and it seems as if it will be passed, the Honourable Minister with responsibility for roads make every effort to put top priority on tabling the national roads plan, and on having that national roads plan properly costed, because then and only then will we have the viable machinery to start to properly, seriously and effectively address the road problem in this country. We would then have on the one hand a plan properly costed, and on the other hand, the machinery for having proper funds set aside for the development of our road system.

Perhaps it is the intention of the Honourable Ministers, in particular the Honourable Elected Ministers, to include this in the ten-year plan, the 2008 Vision. This may be the case, but this would be unfortunate, if they were to leave this over a protracted period of time. This is an urgent, urgent matter. It is a national issue; that is why I would like to see us, on this particular issue—it will not happen on too many—but on this particular issue, I would like to see us put aside partisan political positions, and be joined on a national issue as important as this, the development of our road system.

I realise that the funds required for this could be significant. But unless something is done to improve the development of our roads, it is going to have a very negative effect on the future development of these Islands. I would call on the Honourable Ministers, especially the Minister responsible for roads—I know he is not here, but I would hope this would be conveyed to him, or perhaps he will hear it by listening to the radio—that he will give the development of our roads very serious consideration. As I mentioned earlier, Mr. Speaker, I think it was back in 1989 or 1990 when I was then the Minister. We tried at that point to

put in place a proper roads plan. Had that plan been accepted at the time, it would have cost this country perhaps 10% of what it will cost today to put a proper roads plan in place. The longer we leave this important issue, the worse it is going to get. It will not get better.

I have heard people saying, 'Let us try to do car-pooling. Let us try to see if we can put a public transportation system in place, that this will address the problem.' Mr. Speaker, this will not be effective unless we can first educate the people into changing their way of life. This is not going to work. We might as well accept that. I have also heard suggestions that perhaps we should pass legislation to decrease the wheel base of cars, or to reduce a family to only one car. That is not going to be accepted by our people. The only plausible answer I see to this is that a proper roads plan is put in place, and that it is done without delay.

I support this motion. I do not want to go over some of the ground that has already been covered by previous speakers. But I would be remiss if I did not, once again, remind the Honourable Ministers that we would have wasted our time in this Honourable House on this motion if it is pushed into the background, and if urgent attention is not given to it with immediate effect. Thank you, Mr. Speaker.

The Speaker: We will suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.38 PM

PROCEEDINGS RESUMED AT 4.05 PM

The Speaker: Please be seated. Proceedings are resumed. Does any other Member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: [*microphone off*] I have listened to Members, and ... this Motion, Mr. Speaker, has been raised ... this debate. I would like to thank the Mover for bringing this Motion, so we can air our feelings about the problem. I will be brief. Every one of us knows about the problem of traffic congestion, and we need to do something about the roads.

I heard the Minister for Tourism say that we need to get a consultant. Is that what we need? As far as the present West Bay Road, or any other road, is concerned, the Government should have the common sense to fix something when they see it is not working. We certainly do not need a consultant to tell us that the Bypass has created problems which need to be rectified. That would be a good beginning—not the Bypass itself, because anyone who has travelled on the road realises that it is a good road. It is the intersection that has caused the problem. Working on that intersection problem is a good beginning, although that is only one part of the traffic problem in these Islands.

I recall the suggestion that the Bypass should come behind the Galleria Plaza. That suggestion fell on deaf ears. Let us look, for a brief moment, at some statistics

which show us why we have the problem we do on the West Bay Road.

At the Galleria Plaza, from 10.30 AM to 5.15 PM, at least on a day in January this year, cars going southbound making a left turn into the Galleria Plaza totalled 372. Northbound, making a right turn into the Galleria Plaza totalled 421, for a total of 793 vehicles for the day. At the West Shore Centre, from 10.30 AM to 5.15 PM, at the same time in January, vehicles travelling southbound making a left turn into the West Shore Centre totalled 561. Northbound, making a right turn into the West Shore Centre totalled 642, for a total of 1,003 vehicles on one day. If we look at these statistics, the cause of the major congestion is the right turn into both plazas—some 1,063 vehicles making the right turn from George Town. Coming in and out of those two places, there was a total of 1,796 vehicles.

It shows us that it was folly not to have listened to those of us who held the view that the road should have been extended behind the Galleria Plaza. People talk about the Harquail Bypass. Let us make it clear—it is not the Harquail Bypass itself. That is a good road. It is getting into it and out of it and the fact that it has come where it is. We held the view that the Bypass—and this is not a new view, as I will go on to show—or those bypasses are effective.

There are some 27,000 (or more) vehicles using West Bay Road, I think it is daily. Some 9,000 vehicles per day use the Harquail Bypass. That is at least 30%. The belief is that if we went all the way to the Galleria, probably 50% would use it. So, let us not beat up on the Public Works Department, those of our young people there who have some knowledge, to say that they do not know what they are doing, so we have to get a consultant to tell us. The statistics say otherwise.

The truth is that while the Public Works Department is not always right, if they are listened to and given the chance to carry out their expertise some (and I stress some) of these problems would not exist. I held the view, and some others may have already said this—I believe someone did say this so I will not be long—but I held the view that the two lanes up into Town from Treasure Island Resort were working well, and that extending those two lanes into West Bay could work. Even trying to experiment using the two lanes up in the morning and turning it around in the afternoon would at least be workable. As I said, it would be an experiment. This is not my idea because I have heard this pushed many times before.

The problem we are experiencing with the traffic today is the result of our refusal to accept planning. That is the problem. As far back as 1975, there was the realisation that big motorways appropriate to the North American condition were not what was needed here. The thought was to effect a number of bypasses around the more populated areas. Even at that time, people realised that a big motorway could not go straight through because even at that time, there were developments which prohibited that. So, bypasses were considered much better.

However, there was a suggestion to provide reservations of certain roadways, which, could only (even then) have been preserved in certain parts, at least along the

West Bay Road corridor. Then came the developments which paid no mind to roadway reserves. Then the Hyatt was built. If you remember, the canal behind the Hyatt was built in the early or late 1960s. So, when it came to the Master Ground Transportation Plan, and the Member for Communications and Works (the present Third Elected Member for George Town) tried to get the plan going, what that plan outlined was not going to work in terms of straight-through highways, and more importantly in terms of dollars.

The road reserves by then were very costly and what we in the House at the time took cognisance of. Again, today it is a failure to plan, to accept planning. So we failed to accept the 1975 plan, which did have some good ideas, and the Master Ground Transportation Plan also failed by being cost-prohibitive. Not that the ideas and the work of the former Member were not good in trying to get it done. I have no problem with that. It was the fact that it was cost-prohibitive.

I believe, as far as the West Bay Road is concerned, that there are solutions staring Government full in the face. The Government only has to get their act together, stand together, stick together and do the work. They do not need any genius from somewhere in the United States to come and tell you that you need to do something about (let us take one example) the West Bay Road. We do not need a consultant from somewhere else. It is staring Government full in the face and the Minister for Tourism gave a good example of that when he stayed home until 8.00 this morning to do what?—"feel the feel" for himself. So when you feel the feel, you should walk the walk—you should get it done. He, amongst others, realises that.

As I understood it, the Minister said that he stayed home until that time so that he could get the feeling of the traffic backup, which runs right into West Bay at that time. All I am saying is (and I do not think I am talking derogatorily of him) that if he experienced it, then let us do something about it. It is staring us in the face!

[Inaudible interjection]

Mr. W. McKeever Bush: Yes, but we do not need a consultant.

The longer-term solutions for the entire Island should now be in the finalising stage. I will repeat that: The longer-term solutions should now be in the finalising stage, since we heard from the Minister responsible for roads some time ago of a plan. If we are working on a plan, as we were told then, why should we now want a consultant? I do not know.

We do not need a whole lot of people to tell us about the problem that we experience from day to day. The public, as one Member said...

Hon. Thomas C. Jefferson: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Please state your point of order.

Hon. Thomas C. Jefferson: If I am understanding the First Elected Member for West Bay correctly, he is saying that I suggested we use a consultant to deal with West Bay Road. I do not believe that he will find that in the *Hansard*.

The Speaker: I do not have access to the *Hansard* of your speech, unfortunately.

Mr. W. McKeever Bush: Mr. Speaker, I will not get into nitpicking with the Honourable Minister for Tourism, Commerce and Transport. At least I can say that he left the impression that consultants would deal with some of the West Bay Road problems. But if he says that is not what he said, I am not going to get into nit-picking with him. All I can say is that when they say that the public expects the House and the Government to work together on this issue, as Members of the Legislative Assembly we can do what we are now doing. We are now saying that bringing the issue, since Government did not bring it to do something about it, if the Government sees something staring them in the face, then they need to right the wrong. They do not need to butter anyone up.

The Speaker: If I can interrupt you for just one minute, apparently what the Honourable Minister for Tourism, Commerce and Transport is talking about is the general road conditions within the Cayman Islands, that we need some expert advice on the general overall plan for the Cayman Islands. He did not specifically state the West Bay Road alone.

Mr. W. McKeever Bush: I did not hear anything about a general overall plan. I heard about a consultant, and he was talking about the West Bay Road. But, as I said, I am not nit-picking with the Minister.

The Speaker: Anyway, please continue.

Mr. W. McKeever Bush: Thank you.

I listened to the Ministers. One came to butter us up, the next one came to teach us a lesson. I must say that I am intrigued by the debate of the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, which, as we listened carefully to her, made some valid points. But, by the tenor of her closing, I wonder where collective responsibility lies, since the Honourable Minister for Tourism, Commerce and Transport gave the impression that there was support, and the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture was hedging her support.

What we have heard is that we need to get together. I believe that even my friend the Honourable Minister for Education, Aviation and Planning said that we need to get together to deal with such issues are roads and pensions. We need to get together. They are harping on this getting together. We should not need to get together on pensions because we voted on a Law in 1996 which we all agreed on. And if what happened to the Pensions Law is an indication of working together, then I have to wonder about the

sincerity of the call. That is the only point I am making—if they are sincere about this thing, rather than buttering us up, I wait to see what will happen. I believe in working together, but I do not believe in anyone trying to give us a white-wash.

Many persons have talked about many things, whether we could refuse importation of cars. One thing I can say: I do not know if we can continue to build roads and build roads. We have to accept responsibility. Whether it causes us political fallout or not, we have to look at it. We only have so much land space in this country. I do not know whether any Government is going to put a limit on the importation of cars. As we look at the priorities Government laid out, I do not recall that roads was one of them, that the finishing up of the West Bay Road is one of them.

Certainly, if it was not, then the West Bay Road was not a priority. What we do not want is for anyone to come to us saying, '*We don't have the money to do this or that,*' because we talked about priorities. I understand from people living in the eastern districts that that area is a mess also. I only know about the West Bay area because I drive on that road every day. But I heard it is in a serious mess as far as traffic is concerned. Somebody is saying that is where we need advice.

The 1975 Development Plan was very pointed. It showed us throughout the Islands—if you look at that Plan and look at the Master Ground Transportation Plan, we had some good ideas and some good food for thought about what we need to do. We really do not need an expensive consultant to come and tell us that we need roads.

Mr. Speaker, I have observed quite often the use of the middle lane, the so-called turning lane. The vast majority of people, probably 99.9%, will not use it. Instead of coming out and getting in the lane, they either stay in, or come right across and block the road, waiting until they can get across. They are not using that turning lane. I do not know where the little cribs came from, however, we must admit that they are not working. All I am saying is that the Government does not need the House to tell them that it is not working.

We do not need to get a consultant and sit down days upon days to see that it is not working. Somebody needs to do something about it right now. That is all. I do not want to hear anyone come behind me and ask me why I did not do something about it when I was in Executive Council. That is a different story.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Would this be a convenient time for us to adjourn?

Mr. W. McKeever Bush: Yes, Mr. Speaker.

The Speaker: I will entertain a motion for the adjournment. The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

ADJOURNMENT

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday morning at 10 o'clock.

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

AYES.

The Speaker: The Ayes have it.

AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 11 MARCH 1998.

**EDITED
WEDNESDAY
11 MARCH 1998
10.28 AM**

[Prayers by the Third Elected Member for Bodden Town]

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have received apologies for absence from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, the Honourable Minister responsible for Education, Aviation and Planning and the Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Deferred question No. 31 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

**DEFERRED QUESTION 31
(deferred Monday, 9 March 1998)**

No. 31: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development to give a breakdown of the total public debt as at 31 December, 1997.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

**DEFERMENT OF QUESTION 31
Standing Order 23(5)**

Hon. George A. McCarthy: Mr. Speaker, in accordance with Standing Order 23 (5) I seek leave of this Honourable House to defer Question 31 a second time until Thursday, 12 March 1998.

The Speaker: The question is that Question 31 be deferred. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 31 DEFERRED A SECOND TIME UNTIL THURSDAY, 12 MARCH 1998.

The Speaker: Question 36 is standing in the name of the First Elected Member for George Town.

QUESTION 36

No. 36: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development what agreed amounts, if any, are contributed annually to the general revenue of the Cayman Islands by (a) the Water Authority; (b) the Port Authority; and (c) the Civil Aviation Authority.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The agreed amounts which the referenced authorities are expected to contribute annually to general revenue are set out in the Estimates of Revenue and Expenditure on an annual basis. These amounts can vary from year to year, depending upon the Authorities' expected financial performance.

A primary factor which can also influence the level of contributions is that the respective governing laws for these authorities require that any surplus of funds net of allowable operating expenses and reserve provisions be paid into general revenue of the Cayman Islands.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member state categorically that with each Budget prepared annually, the figures put into the Estimates for the contribution for each of the authorities has been agreed upon prior to the preparation of the Estimates?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The chairperson of each of these authorities is normally a Minister of Government. We have a Budget Review Committee in place which is comprised of all Elected Ministers and Members of Executive Council. An indication is normally given by the Minister with responsibility for the authority in question as to the expected contribution of the authority for that given year. This

assumes that the necessary financials of the authorities would have been examined, discussions held with the managing directors of these authorities, and the amounts agreed upon. Consultations normally take place at the informal level.

Following the enactment or approval of the Budget, notification is sent to each of the authorities by the Budget and Management Services Unit advising them of their expected contribution for any given year.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Member say whether it is a rule that when the authorities have funds set aside for matters such as insurance, or specific projects, that those funds are left for the authorities to use as they specify?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Under normal circumstances those funds will be left in place. The authorities, as part of their financial arrangements, are required to maintain reserves for known eventualities. It is likely that the First Elected Member for West Bay could be referring to when the authorities were asked to make contributions over and above what they indicated should be expected from them during fiscal year 1997. This is the only year in question where they were asked to exceed their budgeted provision. This occurred in the case of two authorities, the Port Authority and the Water Authority, but not in the case of the Civil Aviation Authority.

This is done when it is necessary to assist the Government's cash flow. Members of this Honourable House are aware that a ceiling of approximately \$4 million has been put in place that the bank overdraft should not exceed on an annual basis. It means that if the Government finds, irrespective of the payments to be made, that that overdraft limit is going to be exceeded, the approval of this House should be sought. It could get to the point where even the payment of salaries would have to be held up.

When the financial position of the Government was reviewed in December it was determined that extra funds were needed in order to meet payments that had to be settled before 31 December, and to maintain the necessary limit. At the end of the year the situation turned out to be slightly more favourable than what was projected, but the Treasury will have to take a very conservative position. This will have to be advice to myself which in turn will be shared with Executive Council.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I would like to thank the Honourable Third Official Member for that very clear indication of where the money went but I would like to further ask, when it comes to operating expenses such as insurance, if those funds should not be left with the authorities; and

when the authorities have made commitments on projects, if those funds should not also be left with the authorities.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Before I respond to that specific point I should say that this Honourable House has been concerned with Government's fiscal approach. First of all, it is known that the Government has a very narrow tax base from which revenue derived on an annual basis to fund the Budget is taken.

When we compare the Cayman Islands with other islands in the region and places farther afield, we find that we are not an ordinary third world country anymore—we are talking about a first world country. When we look at the infrastructure and the needs of the community as a whole and the level of funding required in order to defray this expenditure on an annual basis, I think that this Government (and previous Governments) has done very well, given the narrow tax base it has at this time in order to meet the budgeted demands on an annual basis.

The Government recognises that it is quite prudent and reasonable for the authorities to make provisions for expected expenditure such as insurance and other budgeted commitments, and that those provisions should be made and be kept in place. The only time funds would have been taken over and above what was agreed was in 1997, and this has been pointed out.

Another point I should mention is that the Honourable First Elected Member [for George Town] and I recently visited another country. We found a number of things that were quite interesting. We found that one of the primary obligations of the Crown entities of that country was to contribute to the government's annual budget and to optimise the contribution on an annual basis. We also went to a country where the maximum tax rate for any given year can go as high as 43% of a person's income.

When we look at the Cayman Islands, we have one of the highest disposable incomes in this region. In fact, the contributions to Government on an annual basis is elective. . . motor car insurance—we can choose not to drive a motor car. When we look in terms of the garbage fee of \$50, which is 25% of the cost, we can elect not to have a house. It is not so in other countries. If you earn a salary, the money will be deducted at the source.

I am saying this to point out that when we have a situation where monies that have been reserved by these statutory authorities for specific purposes are drawn upon in order to avert a crisis, it should be looked at and examined under the circumstances as to why this was done.

I should point out that as a part of the reform process or measures that will be implemented by the Government, the statutory authorities will have to be brought into the loop, like what goes on elsewhere. What we also found quite interesting was that the Audit Department confirmed that where the financials of statutory authorities, or Crown entities, were previously in a stand-alone position they are now drawn right into the Government's overall budget pro-

cess in order to develop the macro plan of the Government for any given year.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I will defer to my colleague.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if any of the funds that had to be taken from the authorities during the latter part of 1997 had to be returned in short order due to short-falls in these authorities meeting their commitments?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: When the extra funds had to be taken from the authorities it was pointed out that if the funds were needed by them in order to defray urgent expenditure that the accumulation of expenditure would not allow them to meet during the course of the year, the Government would provide the necessary assistance. If that is the case, these requests will be brought to Finance Committee for the necessary approval to be obtained.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if such a situation has occurred so far this year?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The Port Authority was specifically asked to make a contribution of \$.5 million over and above the \$1 million that was budgeted for 1997. We know that the dock sustained some damage. The Honourable Minister responsible for the Port has stated that the Port Authority could be requesting the Government's assistance in order to effect the necessary repairs.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So that the Honourable Third Official Member will have it very clear, my line of questioning has no bearing on his position as the Third Official Member, but once it is dollars and cents it falls under his umbrella. My follow-up question is: Can the Honourable Member state if the Government recognises that this is a totally unsatisfactory position; and are any specific plans afoot (notwithstanding what the Honourable Minister for Tourism stated recently in the House) to rectify this situation in regard to the authorities?

I suspect that there are times when the Estimates for the country are done and the authorities are committed for certain funds during the course of the year when, in fact,

they may not be in a position at that time to truly estimate what they will be able to contribute.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: All of the fiscal measures of Government need to be examined in light of the changes and the thinking at this time. We do recognise that the contributions by the statutory authorities could be dealt with differently. But I should point out. . . and I know it will seem as though I am repeating what I said earlier, but if you will just permit me to say this: Prior to loans being raised from Caribbean Development Bank for the Port Authority and the Civil Aviation Authority, these were departments of Government making significant contributions on an annual basis to the general revenue. It was intended that when the Water Authority was established it would also attempt to optimise its contribution to Government.

These commitments that they are entering into. . . and when we look at the debt load of these authorities, it is evident. . . because of the fact that their budgets, as such, have not been dovetailed with central Government we can see certain anomalies. For example, let us say the Water Authority decides to invest \$4 million in waterlines from George Town going east. What normally happens, because there is not this comparing what happens, the Water Authority goes and digs up the road, and puts in the waterline going east to Breakers. No budgeted provision would have been made for the resurfacing of the roads. So, when everything is looked at together, the infrastructural plans of the statutory authorities and central Government, consistency in broad objectives can be achieved. A decision can then be made in this matter.

If the authorities have \$3 million or \$4 million to expand the waterline. . . but it would not be prudent for the Government to do so on an annual basis, the Government will say, *'If you incur this expenditure, you carry out this project, it will impact in this manner on central Government, and we are not in a position to do so this year. So delay moving ahead.'* When we tie all of this together, these are areas that we have to look at. Budgeting does not mean just putting figures together, we are talking about deriving plans. It is a planning process whereby we are harmonising all of the activities to attain a cohesive end result.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: In regard to what the Honourable Member just said, the Water Authority fixed the roads. Sometimes they make a pact with Government to jointly fix the roads. I would just like to clear that matter up. At the time I was there, we had a ten year plan which the Government agreed to.

We are talking about funds set aside for specific purposes, my question is: Once Government has taken the funds, and the Authority needs those funds, who will borrow the money, the Authority or the Government?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: If there is a short-fall with any of the authorities in terms of meeting obligations, the onus for making good falls upon the Government. The Water Authority was asked to contribute an additional \$.5 million. If this was taken from reserves set aside to meet certain urgent expenditures and the Water Authority is not able to do so, it will mean that central Government will have to assist.

This is what obtained up until now. When we move forward in the planning process and under the reform initiative, that should change.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I thank the Honourable Member for the comprehensive answer he has given. He mentioned that the transfers from some of these authorities went to central revenue and into the bank, and he mentioned ceiling of \$4 million overdraft limit. I wonder if the Honourable Member is in a position to say how the ceiling is determined? Is it based after a proper reconciliation has been carried out on Government's financial statements, or is it based just on the balance at the bank at any particular time?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: This limit is \$4.5 million and it is based on the cash book position of the central Government at the Treasury Department, not the bank balance. It is based on the cash book position. This is how the limit is observed.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I wonder if the Honourable Member could say if that cash book position is the same as what we know as the reconciled position, the proper and correct balance; and if that is the case, what would have been the case at the bank at the end of the year, including the transfers made from the authorities?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The cash book position as at 31 December was \$1,898,977. This balance is presently being reconciled. The assumption that is to be made when you take into account deposit in transit, outstanding cheques, and adjustments to be made in the Treasury records of transactions that may have been recorded at the bank but not reflected in the Treasury records, we are looking at the Treasury records. . . . When a reconciliation is carried out it is normally done against the balance reflected

in the records of the entity in whose name the account stands.

I should also point out that the balance at the bank as at 31 December was \$3,906,399.41. This was not overdraft, it was a good balance.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: The Honourable Member referred to a 'new initiative.' Can he say if there is a new initiative to make the statutory authorities less responsible for the financial management of their affairs, and Government more responsible for it?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: No. The emphasis is on transparency in that this Honourable House has responsibility for all Governmental activities. Although the statutory authorities are independent bodies, they fall within the ambit of the Legislature. Just as the budget of central Government is scrutinised, the budget of the statutory authorities should also be made available to this Honourable House to examine, and for the Government to see. A decision will then be made in terms of agreed objectives, rather than the authorities operating in isolation or with their respective boards. Everybody can be brought together and a clearer understanding will emerge in terms of what can be expected. It does not mean that the Government will become more intrusive, but more knowledge will be available in terms of what their actions are for any given year.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: That means then that Government will know where to take the money from at any given point.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: That is a very important point. As I mentioned, when we look in terms of our revenue base, all sources of contributions will have to be agreed upon. If it is a question of determining that the authorities should be making greater levels of contribution, this will also come out in the process. We have seen elsewhere where emphasis is placed on this.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say what happens in cases where the demands of Government conflict with the budgetary plans and aspirations of the authorities? Also, how are the authorities assured of proper functioning, i.e., procurement of material and items they need for efficient functioning of the various authorities, and ancil-

lary matters such as staff salaries and insurance and these kinds of incentives in light of what he has just said?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The arrangements as they presently stand can lead to conflicts because of the fact that there is not broad-based knowledge. We have authorities operating with a certain level of autonomy and independence and central Government with certain expectations. When everything is brought into the open and we have what I would call a reconciliation of minds, there can be differences, but they are likely to be resolved at a greater level of understanding and it will be known on both sides in terms of what it expected.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I must once again say that I am very pleased with the frankness and openness of the Honourable Member. I wonder, picking up on the answer he gave earlier, if he could explain whether the approximately \$3 million he stated was at the bank at the end of December 1997 would have been the balance shown on the bank statement after adjusting for deposits in transit and outstanding cheques which would have given a correct cash book balance?

The Speaker: Before I ask for an answer to that, I will entertain the suspension of Standing Order 23(7) and (8).

**SUSPENSION OF STANDING ORDER 23(7) AND (8)
11.00 AM**

Mr. Linford A. Pierson: I so move, Mr. Speaker.

Mr. W. McKeever Bush: Mr. Speaker, I second that.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The balance at the bank of \$3,906,399.41 would not take into account the transactions the Member has mentioned. The balance that would have taken that into account is the balance as per the cash book position at the Treasury, which was \$1,898,977. That takes

into account outstanding cheques, deposit in transit. What it would not take into account would be debits and credits on bank statements not appearing in cash books.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I was a bit concerned by the information given by the Honourable Third Official Member in regard to Government's need to (should I say?) grab cash from the statutory authorities. What steps are being taken by Government and the statutory authorities to ensure that this type of behaviour or activity is minimised? It does not look like a professional way to run a business.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: What I said earlier should have answered that question. When we look at the central Government and the statutory authorities, we are talking about a single entity with divisions. The statutory authorities are subsidiaries of Government, which is the parent company.

I am not saying that what happened in December should be the norm—and that has certainly not been the norm. We have a situation where it is likely, based on the projections in the Treasury Department, that the overdraft limit of \$4.5 million—and this is not the balance at the bank, I am talking about the cash book position at the Treasury Department which means having to defer making payments in respect of expenditures incurred during the year 1997 that were not settled. When this was taken into account, and in order to maintain a surplus position it was necessary to ask for additional contributions from the statutory authorities.

It should be borne in mind, when we think in terms of this singleness of entity, Government as a single entity, when Government incurs an overdraft Government is paying the penalty rate at the bank. If this can be ameliorated by maintaining a good balance. . . because it is not as if Government bears this cost in isolation, all of these costs are transferred back to the community. A new approach will have to be taken (and this is in train) in order to remove that friction.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I wonder if the decision in regard to the additional amounts asked to be contributed were based on actual cash balances or the financial position reflected by the financial statements at the time? The reason I ask is because I am aware that, for example, with the Civil Aviation Authority, their financial statements look real good. But there are a lot of uncollectables out there.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: This would have to take into account the cash that was available to the various authori-

ties. Although there were outstanding collectibles or receivable, these are short-term assets of the authorities. What should be borne in mind is that we are looking at a stand-still position as at 31 December.

We are moving into a different era. I should mention, as I pointed out to Executive Council in terms of the First Elected Member [for George Town] and I going down to New Zealand and coming back here, it is not a question of just hearing their philosophy. We sat down and recognised that certain reforms and actions need to be taken. We are in communication—and I know I am going outside of the question, but I need to make this point—what has been agreed with the Government is that we are attempting to get the ex-Finance Minister of New Zealand, the Honourable Ruth Richardson, to come to the Cayman Islands. She is presently carrying out a consultancy in Columbia. It is likely that she could be in the islands around the end of April/early May and we will sit down and have discussions with her. It is not to say that we are going to copy what is done over there, but we want to extract certain ideas that can be useful to us because we have been exploring farther afield.

When we take all of this, it will mean moving away from the present system of accounting to, most likely, an accrual system. This will not only impact upon central Government, it will take into account the statutory authorities as well. We cannot have harmonisation and cohesiveness unless all the processes are streamlined and we have an understanding across the board whereby at the end of the day once the budget is made up the authorities will know what the overall objectives are. These will be communicated to the Board of Directors, they will understand what objectives the Government has set for them and if one of them turns out to be optimising revenue contribution, everyone will be in harmony in terms of achieving this objective.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I thank the Honourable Member for all of the details. Can he confirm whether or not the Civil Aviation Authority (which is the one I am concerned about) was able to make its fourth quarter payment to Caribbean Development Bank after they were requested to make the contribution to general revenue?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: This is a self-financing loan. The Government made the payment on behalf of the statutory authority, but the Civil Aviation Authority indicated that after it made the additional contribution to the Government it was not in a position to reimburse the Government immediately. The reason was that they did not carry out a reconciliation of their cash position to know what was in the bank at that time.

The Speaker: Before we go on, we have had 16 supplementaries on this particular question. I will limit it to two more.

The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, I thank you for your indulgence, as this is a very important matter. As you have heard, we are getting more information today than I could have gotten when I was in Executive Council. I am very thankful for that.

My question is: Are there further moves afoot to take more cash from the authorities?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The 1998 Budget sets out what the expected contributions from the statutory authorities are. But the laws of the authorities also say (as I pointed out in the Parliamentary Question) that they are supposed to make the necessary reserves that have been approved by the Board and agreed upon by Government, defray their operating expenses and any excess revenue should be paid into central Government.

It is likely that if the performance exceeds what would be the normal expectation, it could be that the contribution to central Government would exceed what has been budgeted. But by the time we come around to December, where we will be looking at this, they will also have been caught up in the reform process and have an understanding of where we are heading and their expected objectives and goals at the end of the day.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: The Member is saying, then, that the cash taken in December, or January, whenever, from the authorities, that in addition to that cash will be cash which is somewhere in the Budget for central Government?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Yes, and that is to be expected.

The Speaker: We will move on now to question 37, standing in the name of the First Elected Member for George Town.

QUESTION 37

No. 37: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development to provide an itemised list of the total present debts of (a) the Water Authority; (b) the Port Authority; and (c) the Civil Aviation Authority.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: An itemised list of the total present debts as at 31 December, 1997, of the Authorities mentioned, is set out in the attached Schedule (See Appendix) and summarised as follows:

a) Water Authority	CI\$22,665,848.00
b) Port Authority	CI\$ 9,963,083.00
c) Civil Aviation Authority	CI\$25,812,830.81

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Under the Civil Aviation Authority's long term debt there is an amount to the Cayman Islands Government of \$15,536,652.22. Can the Honourable Member state exactly what this debt is for, and what payments are made to the Government on a regular basis?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: When the decision was taken to establish a Civil Aviation Authority (like all other authorities) we are talking about the setting up of an independent entity with the objective of it operating as if it were being established within the private sector and starting from scratch. Therefore, a valuation was placed on all of the assets that were to be transferred over to the Authority and also the liabilities. The difference was taken between the two and this represented the Government's equity in the Civil Aviation Authority. This has been expressed by way of a long-term loan whereby these funds are supposed to be repaid to the Government. Eventually, as the debt continues to reduce, it will allow for the Authority to acquire a greater portion of these assets, and as a result build up their equity correspondingly.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member state, since the decision was taken to operate as if this entity was in the private sector, how it was possible for the Civil Aviation Authority to literally be purchasing the Government's assets from the Government in order to build up their equity, but the Government, which then rents the space the Civil Aviation owns, is not paying them?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: We would have liked to have had a perfect solution. We are aware that for some time the Government departments that are renting space from the Civil Aviation Authority should be paying rent. We

are getting to a stage where that will have to be budgeted for and paid over to the Authority I do not deny that this constitutes an anomaly and will have to be addressed.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I must say that the Honourable Third Official Member has made our morning by being as candid as he has been. I trust that he will get the support from the Elected Executive with all of the good reforms I know he has in his mind.

My next question is Under the Port Authority. I do not see the figure for the loan which has been engaged in for permanent moorings. Is this because no draw-down has taken place as yet? Or is it that it is elsewhere?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: First, I should clarify that the reform initiatives are those of the Government, and not those of the Financial Secretary. I am just a part of the team. I should also point out the reason why that loan does not show up in the schedule is because no draw-downs would have been made against it. If any draw-downs were made it should be reflected here as a liability.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member then state (And maybe this is pushing it, if he does not have the information I will understand.) if the Government has knowledge of any loans within the three authorities which will be engaged in and have been committed for during the course of this year?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Only the loan in question for the Port Authority. But I would have to research what is happening within the three authorities to come up with a more accurate response.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say, based upon whatever information he has at hand, whether all three of these authorities are operating presently at a profit?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Yes, Mr. Speaker. All three are operating profitably.

The Speaker: If there are no further supplementaries, the next question is 38, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 38

No. 38: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic Development how much money has been transferred into the general revenue from January 1993 until December 1997, by the Port Authority, the Civil Aviation Authority and the Water Authority.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The monies transferred into the general revenue from January 1993 to December 1997 by the Port Authority, the Civil Aviation Authority and the Water Authority, are given in the attached Schedule (See Appendix). The total Cayman Islands' dollar amounts transferred into the general revenue over the five year period are:

a) Port Authority	\$3,347,642
b) Civil Aviation Authority	\$6,750,000
c) Water Authority	\$2,950,000

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Because of the informed and comprehensive answers the Member has given to previous questions I only have one supplementary. In light of the reform the Member has stated Government is determined to undertake, when might the House expect a schedule of the obligations of the authorities to be placed into effect?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I would imagine that (and this is quite an ambitious time frame) the year 2000 should see an amalgamation of the budget of the central Government and statutory authorities combined with all of the relevant schedules setting out their financial obligations, assets, liabilities and expectations.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I am not sure whether the question has been answered as to the amounts for the authorities up to 1997 for projects, such as the crane and the permanent moorings for the Port Authority.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I do not have specific details on capital projects of the respective authorities for the year 1998 at hand, but I can undertake to forward that information to the Honourable Member.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: So, where it shows \$9.9 million for the Port Authority, those two projects are not included. Am I right?

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: The borrowing for the crane is included, but not for the permanent moorings. Until work has been carried out, expenditure incurred will have to be defrayed. No draw-down can be made against the borrowings.

The Speaker: I think we are answering the opposite question. If there are no further supplementaries, the next question is 39, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 39 - Withdrawn

No. 39: *What outstanding loans were being serviced by the Water Authority, Port Authority and the Civil Aviation Authority up to January 1993 and how many new loans have been entered into since this date.*

Mr. Roy Bodden: In light of the comprehensive answers given by the Honourable Third Official Member, it would be most ungracious of me to not withdraw this question, seeing that he gave similar answer to a previous question. I therefore crave the indulgence of the House to withdraw this question as it stands in my name in appreciation of the spirit of co-operation and generosity by the Honourable Third Official Member.

The Speaker: I shall put the question that Question 39 be withdrawn. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 39 WITHDRAWN.

The Speaker: Moving on to question 40, standing in the name of The Third Elected Member for Bodden Town.

QUESTION 40

No. 40: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if a Urologist is presently on staff at the George Town Hospital.

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

Hon. Anthony S. Eden: There is no full-time Urologist at present stationed at the George Town Hospital. The Medical Officer in charge of Faith Hospital, Cayman Brac, who is a General Surgeon and a Urologist, visits the George Town Hospital twice per month and conducts outpatients clinics and surgery.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if presently there are any plans being drawn up to have a Urologist permanently stationed at George Town Hospital? It is my understanding that this is a highly demanded and necessary service.

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

Hon. Anthony S. Eden: That is a good question. At the time it is not cost effective to appoint a full-time Urologist. But we keep these things under continual review and if the demand increases to the point where a full-time post is necessary we shall seek to get approval for one. That time is not here as yet.

Just to add some supplementary information, if there is a general urological problem, it can be treated by the surgeon at George Town Hospital. Depending upon how serious, we can bring in the Urologist from Cayman Brac.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what happens in cases where the services of the Urologist in Cayman Brac are required simultaneously in Cayman Brac and on Grand Cayman?

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

Hon. Anthony S. Eden: If there is a grave emergency, either of the two visiting Urologist specialists present on the island can be seen, and if it comes to such a state we then refer them on to Baptist Hospital.

The Speaker: If there are no further supplementaries, that concludes Question Time. Item 3 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 4/98, Establishment of a Roads Fund. Debate continues with the First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBER'S MOTION S

PRIVATE MEMBER'S MOTION NO. 4/98

ESTABLISHMENT OF A ROAD FUND

(Continuation of debate thereon)

Mr. W. McKeever Bush: Thank you, Mr. Speaker.

When we took the adjournment on Monday, I was replying to the call from Government for MLAs to work with Government on the traffic problem because it is a national issue. Make no mistake about it, Mr. Speaker, the traffic problem is a national issue, one on which Government needs to move with sincerity of purpose. As I said, to call for us to work with Government and then have the Government go about its merry way, doing what it wants behind our backs, makes its call a farce.

I am weary of this call for consultants. A consultant scheme is a sure way to kill this initiative which the Fourth Elected Member for George Town brought, and which we are trying to get underway. A consultant would draw out for another five years the work that is needed to be done now. When I heard what the Minister of Tourism had to say about this consultant and a study, I got weary. I wonder if we are going to get action soon, because he talked about a consultant that would advise Government, conduct monitoring similar to what the Mover was talking about—traffic counts, the rate of growth of traffic, rate of importation of vehicles that creates the traffic problem, and road corridors as well. I maintain that we can do something about the problem facing us now. We do not need to do all that the Minister talked about, because the truth is, Public Works Department has been monitoring, and monitoring, and monitoring, for ages, and there are statistics upon statistics.

Government needs to face the problem squarely and deal with it—get its act together, and deal with it. When I say that, I am referring to the fact that one Minister said Government was supporting it, and the next Minister said he was not sure, he wanted us to tell him whether we were going to raise taxes or not! In fact, both Ministers referred to that—when they full well know that the Backbenchers do not put revenue measures in place. So this call to work together must be sincere.

Hon. Thomas C. Jefferson: You don't want to believe it.

Mr. W. McKeever Bush: Well, the Minister of Tourism says, I don't want to believe it. I wonder why! I wonder why, Mr. Speaker! It is because I have experienced when that call was just that—a call and nothing else!

We have had consultant firms in this country for years and years, and studies upon studies, and Mr. Speaker, problems are still not solved! I am not saying we cannot get people who can tell us things we do not know, but when

we do know something, the fact is that we should move on it and do something about it!

There were a lot of red herrings, I think, put across by the Minister for Tourism and the Minister for Community Affairs. In both of their speeches, they drew our attention to the fact that funds coming from transportation go into the general revenue and are used for schools and even public work. This is true! We all know that on the Backbench. However, we could use some of the money, or more of the money, let us say, that is coming from transportation, for roads. We could do this, Mr. Speaker, we could do it very well, if Government was really serious about priority projects. Certainly, Pedro Castle would get less if we really prioritised, because we would have to weigh the need for the Castle—and the crane, let us say— against the need for roads that work. I think that is what the Mover and Sec-
 onder are saying, and that is what other Members have said.

I very much agree with the concept of earmarking some Government revenue for specific purposes. When this is done, I believe the public objects less to being taxed, because they can readily appreciate what their money is used for.

Because we are small, we must improve public transportation and seriously educate our people about it. I firmly believe that if the Government went about it the right way, we could have a public transportation system that is accessible, safe, speedy, affordable, and reliable. And I believe that a public transportation system is needed and can work. I believe that a transportation system could be privately owned and operated. I believe that every company that is providing a bus service could obtain a franchise from Government, and that such franchise could be revoked by Government if a particular company's bus service fell below a certain standard.

I could go further, Mr. Speaker, and say that it could even be a partnership between Government and private enterprise, and it could be workable. We have a lot of people who know what they are doing in the transportation business today. If Government is so minded, it could get them together and assist them, rather than throwing in something one minute and having to revoke it the next minute—like the taxi corridors. I believe that in order for a system to operate effectively, there would need to be public parking lots every couple of miles along every route, so that persons wishing to use a bus who are not within walking distance of the bus route could drive to one of the parking lots. I believe that bus companies could be required to produce colour-coded bus routes, similar to those appearing in subway stations in other countries, and they could publish their schedules. I also believe that such routes and schedules should be published in the paper on a regular basis so that the public can become familiar with the bus routes and schedules. This could work if we had a proper transportation system.

I also believe the transportation system could work if we had, let us say, a lane that was only used by buses so that the bus service could flow freely. This would be another incentive for people to use the bus service, if they could use the bus service and get to their destinations

much quicker than when using their own vehicle. I believe that Government really needs to explore what I am talking about, and probably other people have talked about it. Coupled with the transportation system, we would need to effectively manage vehicle usage. You would also have to effectively integrate transport facilities with building developments to make it easier for our people to get to key places of work, living, leisure and other social activities.

There is a rising expectation in our community, and our commuters are, right now, chiefly, the people with those rising expectations. We need to meet their varied needs.

Another thing Government could do—and these are long-term, probably, but it needs to do it—is to look at decentralising the middle and high schools, where there is a big traffic movement. Split them, and put them in the more populated areas where most of the children come from. I believe this certainly will assist in decreasing traffic. There are other areas I could touch on, but there are other speakers yet to speak.

The Speaker: Are you going on to another point?

Mr. W. McKeeva Bush: I was just about ready to close, Sir.

There are other speakers who want to voice their opinions, so I would hope that Government will move quickly. If it is going to get consultants, be careful about that move. I believe it was one of the Churchills who said that whenever, by an unfortunate occurrence of circumstances, an opposition is compelled to support the government, the support should be given with a kick and not a caress, and should be withdrawn at the first available moment. So I would like to withdraw that kick and ask them to get moving.

I again thank the Mover for his research, and thank him and the Seconder bringing this matter to the forefront. Thank you, Mr. Speaker.

The Speaker: We will suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.44 AM

PROCEEDINGS RESUMED AT 12.16 PM

The Speaker: Please be seated. Proceedings are resumed. Does any other Member wish to speak?

The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I rise to give Private Member's Motion No. 4/98 my full support. The Motion is priority. It is something that we have to deal with, and the quicker we can get at it the better.

I commend the Mover and Seconder for bringing this Motion to this Honourable House. I know it will not be an easy task because the problem is not a small one. But let us give it a shot and see what we can come up with.

We are suffering with more and more traffic congestion every day. I do not know what can be done about it. It

is hard to bring it under control because we are always bringing in more cars. Something has to be done. The experts will have to come up with an idea. Whatever they can do, I will support it and I hope it will soon be finished.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I rise to offer my support to Private Member's Motion No. 4/98, Establishment of a Road Fund, moved by the Fourth Elected Member for George Town and seconded by the Third Elected Member for West Bay.

Let me start by saying that I commend these two Honourable Members for bringing this Motion and for the amount of time they have put into researching this Motion. I agree that there is an urgent need for something to be done about the amount of traffic on our roads. The statistics given by the Third Elected Member for West Bay show a rapid increase yearly. But, as the Honourable Minister for Tourism, Commerce and Transport has strongly voiced, it is a national issue and must be dealt with by every Member of this Honourable House. I agree with his appeal.

I can also relate to sitting in traffic for over one hour. Just this morning I witnessed traffic backed up in front of my home. I saw people who I know have to be to work between 8.00 and 8.30 still sitting in traffic at 8.40 AM. I recall the words of my colleague, the Third Elected Member for Bodden Town, in that he hoped people who sit in traffic for any length of time are listening to good music in their vehicles.

I had to say a prayer this morning, and I hoped that the people making their journey into town were sitting there making a grocery list, planning the weekend, or looking forward to the long Easter weekend. Also in that long line of traffic at 8.40 AM was the Third Elected Member for Bodden Town. I know he is normally a long time in George Town by that time. And, Mr. Speaker, that Honourable Member drives a stick shift.

Other speakers have drawn attention to the United States where the same things happen. Last night I watched CNN news where the bad weather held people up for hours. Yes, we have so much to be thankful for. We do not have snow, sleet, hail, floods, or tornadoes, which cause the delay in the United States. Our delays here in the Cayman Islands stem from people being courteous and letting others out from the side roads. Stopping to gaze at an accident was the case this morning.

This is an issue that must be dealt with now. Let us not wait until someone loses his or her cool and does something that we will all regret. We are all here for one purpose, and that is to work together for the good of our people and our country.

I thank you, Mr. Speaker, and I give this Motion my full support.

The Speaker: Does any other Member wish to speak?
The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker.

It was not my intention to speak on this Motion, as I believe the Honourable Fourth Elected Member for George Town explained and presented to this Honourable House very clearly, and very ably, the reason for such a Motion.

I have listened with interest to the replies by the Government Bench—one section is accepting, one section is rejecting. I, as well as the First Elected Member for West Bay (and I guess all other Honourable Members in this House), am concerned about collective responsibility. Be that as it may, those rejecting—and some in accepting—seem to be concerned as to where the funding for this Roads Fund will come from. I asked the same question about the projects that appeared in the Throne Speech for 1998 that have no funding in the 1998 Budget. Where are those funds coming from?

To me, the debate on the Budget in this Parliament in November and December was all accepted, particularly the Loan Bill, guaranteeing that the Government would deal with priorities. It is my humble belief that if we had dealt with strictly priorities in the 1998 Budget, there should be a tremendous amount of savings. Those savings could be used for the funding of this Road Fund as this is a matter of priority. The provision of proper roads in this country, or something to alleviate the traffic problems can no longer be left untouched. The quicker we deal with it, the better and the less expensive it will be.

Much has been said about the traffic problems on the West Bay Road, and Seven Mile Beach, but little has been said concerning the eastern districts. I stand here to mention the traffic problem in the eastern districts at the expense of being called 'stupid' once again (for talking about the stupidity when I spoke about it in the 1998 Budget Address), seeing that the only Honourable Minister left to come behind me is from the eastern district. I am certain he will stand and support me in a call for the alleviation of the problems for the residents of the eastern districts.

As I said, they pay the same car licence fee as all other residents of this island. The people from the eastern districts were struck hardest with the increase in the tax package on gasoline. They have farther to travel, they are held up in traffic much longer, and they have told me that they do not mind paying car licence fees, they do not mind taking up the burden of the greater part of the duty on gasoline, but they are fed up with the roads, and the time it takes them to travel from their district to get to work.

I am not here to tell the Government how to fund this programme, I am here to support Government if it comes up with the answers, and I believe the answers are correct. But I am here to ask Government to address this problem now. We can no longer wait, because it is only becoming worse.

We talk about the number of cars on the roads. I agree. But if we go back in time (and I think the *Hansards* of this Honourable House will bear me out) it could have been in 1968 or 1969 when Mr. John Cumber, the Administrator and President of this Parliament, tried to bring a Motion that we control the number of cars imported into the Cayman Islands. I think it also dealt with the size. The Caymanian people made it very clear that if they wanted to own a car, they should be able to own a car; if they wanted

to drive an American Cadillac (at that time one of the largest cars manufactured) they should be allowed to have that Cadillac.

I was accused during my debate on the 1998 Budget when I spoke about a reliable public transport service, and I was told then that maybe it is the number of buses on the roads causing the backup. There are a number of buses on the roads. I agree with that wholeheartedly. But there is no reliable public transport system in this country. There are workers who will stand at a bus stop one day at 7.30 and be picked up. The next day they stand there at 7.30 but are not picked up until 9.30. Is that a reliable public transport system? I say no!

I will further say that before a public transport system is introduced to these islands, we must educate our people on the use of it. They are not used to taking public transport, and they will not take it until we can tell them the reason why they should. So, if we are going to deal with a reliable public transport system before we put in place a Roads Fund, we will never, ever start that fund.

I commend the Fourth Elected Member for George Town for bringing this Motion. I can assure him he has my guarantee that I will work with him to do whatever we can. He has my full support.

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

Hon. Anthony S. Eden: Just to clarify any doubts as to my position on this Motion, I wish to categorically state that I give it my full support. It is a very timely Motion. The research done by the Mover and the Seconder was very thorough and it gave me, and this entire House, food for thought.

I just have to look back in irony on how things have changed. At one time there was much criticism on the approach of reserving road corridors, as put forward by the present Third Elected Member for George Town. In recent times my colleague, the Third Elected Member for Bodden Town, and another Member talked about changing the style of Government and using the New Zealand Approach. Things have certainly changed, but it goes to show the maturity in this House. We are able to look at things in an objective manner and look to improve them.

Without a doubt, the road problem is one of those situations we must now all get together and address. As the previous speaker said in regard to the traffic situation from the eastern districts, when we look at the distance that has to be travelled from North Side/East End, I can imagine what time the children have to get up to get ready for school. As I said the distance is probably one third longer than that travelled on the West Bay Road. We must do something about it.

I also agree with the First Elected Member for West Bay and the Elected Member for North Side, in regard to looking at public transportation. I firmly believe that building more roads is not the solution. You can build all the roads you want into George Town, but unless you are looking at a different part of the island, there is no place to put these cars once you bring them into George Town. We have to

educate the public about using public transportation. It has to be done.

Whoever accepts this responsibility must realise that when a cruise ship comes they cannot leave the people stranded and go and pick up tourists. They will have to stick to that position. These are very serious matters. The size of this island physically prohibits any more cars to come in at the pace they have been over the last two years. There is no space for them. You can drive on these roads at any hour of the day or night and the traffic is literally backed up. We must look at this seriously.

I know that there are concerns over doing a study. But I think that if we are going to put significant money into this project, we need to find out where the major problems are. I am not being critical of Public Works.

[Inaudible interjections]

Hon. Anthony S. Eden: No. I have to say it how I see it. We have to look at what is going on. We have tried something and it does not work. We are told now that if we go behind certain areas and extend the Harquail Bypass it would go a long way to alleviate certain problems at the two shopping centres. Whatever needs to be done, has to be done. As legislators we must work together on this.

Once again, I commend the Mover and the Seconder and I look forward to working with this entire House in solving this problem. We cannot continue this into the future. It will ruin this island. The tourists are also being turned off, as indicated by the Honourable Minister for Tourism, Commerce and Transport. Whatever needs to be done, we must do it.

One of the things also mentioned by another speaker was in regard to when the schools are out. There is literally no back-up. So this is an area we can look at. We can change the bus system, ask parents to allow their children to go on the bus. I would be the first one to have concerns about that because either I or my wife drop our son off to school. But for the good of this country we need to come together on this issue and address it.

Thank you.

The Speaker: Does any other Member wish to speak? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: As most other Members who have spoken on this Motion, I rise to give it my full support. I certainly am very glad to hear the vast majority of the speakers before me supporting the Motion. I, too, wish to commend the Mover and Seconder for a conscientious effort which will hopefully give the impetus towards some type of solution to the problems we face in regard to roads and traffic today.

I remember raising the issue on several occasions since I have been here, and either not getting any response or getting a negative response. I do not want to dampen the spirits here, but it really makes people like me wonder why, after being here going on six years, this sudden change of heart by the Government. While I consider it very sensible, it had to take all this time before the thought

process got to where it is at. Nevertheless, I certainly am glad that it at least appears we are moving forward.

It teaches me a lesson (and I hope it teaches some others) that it does not necessarily have to be where ideas come from, or who they are coming from, perhaps in the future we will be able to look at the ideas themselves, and deal with the merits of the ideas. If that is taken as a pointed statement, it is meant to be. I have witnessed too much of that in here at the expense of the future of this country. I am glad to know that there are Members in here now who are also paying close attention, and that type of activity on the Government's side will not be left alone.

It has been widely accepted by the people of these islands (and I sincerely hope by the Government also) that the present system of roads no longer meets the needs of this country. Of course, every time any attempt has been made to even discuss the matter sensibly, the question of money has always come into play.

Before I go any further, I would like to quote a famous historian. He wrote: "**A city that out-distances man's walking powers is a trap for man. It threatens to become a prison from which he cannot escape. And unless he has mechanical means of transport, the thoroughfares for carrying these, and the purchasing power for commanding the use of artificial means of communication, he is in trouble.**" Obviously, we have long since out-distanced our walking powers. It is now for us to gain command of the means of transport which in broad terms is very essential to what people term social and economic cohesion. As the Motion dictates, roads are by far the most common transport thoroughfares.

The Motion calls for the establishment of a special roads fund for the sole purpose of developing roads. In his introduction, the Mover went about the situation and broadened on the Resolved section of the Motion because as he has stated (and I am sure we all agree) the whole situation spans a wider periphery than just roads. So, when we are considering something like this, while we can narrow it down to the immediate traffic problems that we face coming from the east, the west, or the north, we have to broaden the scope so that we can understand that while we are dealing with roads, it is not just roads.

We have to take in to consideration the ever expanding economy that we live in. We have to look back and properly analyse. . . . And I take this very seriously. I think we have to come to grips with where we went wrong. It is obvious from the results that we have gone wrong. Because if we do not understand and accept where we have gone wrong in the whole process, it will happen again. I think that is the first step.

Like most people in the world, I think what has happened to us in this country is that over the past twenty or twenty-five years we have enjoyed the good times. We have not had any major recessions. Life has continued to get materially better for most people in the country. While everything is basically going right, there are a few of us who stop to wonder if everything is really going all right. Are we missing anything? We are facing what we are today because we did not pay attention years before this. We

now suddenly find ourselves in a national bottleneck. The answers are not easy.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation mentioned the Master Ground Transportation Plan in his contribution, and how, after some time, people can have a change of heart. I have always subscribed to the belief that if the dollars and cents frightened the country, the least that should have been done at that time (and I wish to make this point) was for the corridors to have been gazetted and acquired. There are different thoughts on this, but I think that everyone agrees that, first of all, we have to have some kind of vision with our road network, so that if it takes ten, twenty or thirty years to complete we will know from the beginning how it will end up. There is no other way to do it. If we let development command how roads are built we are eating the corn flakes and drinking the milk afterwards.

That is exactly what has happened in this country. We continue to bow to political pressures, special interest groups, to satisfy immediate situations. I cannot believe that we do not know better, I have to give us more credit than that. But over the years we allowed specific situations to prevail at the expense of the entire country. And today we are paying the price for that.

The purpose of gazetting and identifying the road corridors is to simply determine the future use of land and to protect the country from potential adverse development. If we want to get into individual situations with development, we can make a big case out of not allowing a certain investment into the country and losing this and that. That is the obvious normal way to think when you look at the immediate. But if we look at the way development has taken place thus far in the country, after many years of progressive development I hold the view that the vast majority of that same development, if not all, would have taken place. Had we commanded the situation rather than allowing the situation to command us, it would have happened in a more orderly fashion.

The Speaker: Have you reached a point where it would be convenient to take the luncheon break?

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker.

The Speaker: Proceedings are suspended until 2.15 PM

AT 12.48 PM PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 2.29 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on Private Member's Motion No. 4/98 continues with the First Elected Member for George Town.

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

When we broke for lunch, I was trying to identify what had gone wrong over the years when it came to our lack of planning regarding a proper road system in the country. I do not think I have to belabour that point, because I think it is accepted by all of us that not having identified and gazet-

ted the corridors I spoke about, has caused a major problem, and will continue to cause us problems until the issue is dealt with.

To clarify the point regarding the corridors, I wish to make it clearly known that, while I subscribed to these corridors being identified, I am certainly also mindful that landowners have to be compensated properly when any land is acquired by the Government for these corridors.

In speaking about the corridors, I believe—I do not know this to be a fact, but I firmly believe it today—that Government has been mindful of this problem for some time; but when examining the situation and looking to deal with these corridors it realises the kind of costs it is looking at. I also believe that because it is a difficult situation, it has been left alone. But that has never solved any problem in this world. As the call has been made by many others before me, I say this now before I move on that regardless of the difficulties we face now in dealing with this problem, tomorrow it will be more difficult. It does no good to talk about not having funds, because it cannot be left alone—tomorrow we will have less funds, relatively speaking, to deal with it. So the matter has to be dealt with. I hold the view that it has to do with priorities.

The previous speaker mentioned that, but to expand a little on it. . . and this may seem irrelevant, but I think I can prove the point. I draw on an issue that I and others have complained about on numerous occasions in this House. It has been mentioned and talked about for going on five years now—the Medium-Term Financial Strategy and the Public Sector Investment Programme. I know for a fact that there are Members in the Government who directly or indirectly have continually tried to derail that process, because it takes away some ability with the policymakers to do as they wish on a daily basis. It calls for a certain amount of discipline. It calls for proper priorities to be established, and it calls for a certain way of operating that makes sense and talks about future planning.

In all of this, if there were any leanings from the very beginning toward dealing with the problems with roads, the Medium-Term Financial Strategy would have been adopted, and roads would have been a part of the Public Sector Investment Programme. The two may seem at opposite ends of the pole, but they are not, because that is an integral part of any planning process for a country. The economic and social well-being of the country is certainly going to be dependent on the way your infrastructure copes with the continued development.

I am going to use one little example to show why we must stop dealing with the country's affairs the way we do. I am going back, for a brief moment, to the Harquail Bypass. Let me say this, and say it clearly this afternoon. In the month of December I made a statement in this Honourable House. I said that I would never be intimidated again in this Honourable House. I want all and sundry to remember that statement, because I meant that, and today I still mean it.

If we go back to the Harquail Bypass, it is my understanding that a situation arose with it where the professionals who were dealing with it had the road set out in a certain way, and there were serious attempts by the politi-

cal arm of Government to change what the professionals had laid out. It is also my understanding that those attempts were based on the land it was going through. Let me tell you something. Anyone who would subject their country to even thinking about that, much less trying to make it happen, should never represent the people of this country. Never! The difference with me, Mr. Speaker, is that anyone can test me out on anything I stand up here and say and I will prove it. I can be tested any time.

That is only one little example, Mr. Speaker, to show that we should not be dealing with the important affairs of this country the way we have been. And the worst part about that is if you do it 99 times right and you go about it one time in the wrong way, no one will trust you any more. As much right as you try to do, there will be that distrust. Let us try to learn that lesson when it comes to being representatives of the people, Mr. Speaker.

When matters like that come to light and you hear of Government's good plans and you want to believe what the Government is putting forward—we hear the Government calling for all of us to work together because this is a very serious situation, and for there to be any success in the efforts, we all need to be working together. When you have situations like that arising, and I sit on the Backbench and hear the Government's plan, my mind (which I do not think is a devious mind) starts to wonder, *What is it they are up to next?* And I daresay that I am not the only one thinking like that.

The point I make, Mr. Speaker, is that when they come wanting to get into all the fights, they must realise that if they do not give us a reason to think the way we think, it cannot happen. But when they do, do not expect any different from us. We have a responsibility, too. I do not want to sound like I am making wild accusations, because that is not what I am doing. But I know that they know what I am talking about, and I leave it at that.

Having established what some of the problems have been in the past, and why we are in the situation we are with the roads, I come to what we have come to know now as a National Roads Plan which is supposedly in the planning stages. I grant immediately that if we are going to make for any meaningful result with the problems we face with the roads today, we have to identify what we want to achieve. We have to decide how we are going to achieve it, and we have to decide the means by which we are going to find the money with which to achieve it. In other words, we have to develop the vision, decide how we are going to accomplish the vision, and decide the means by which we will achieve that vision.

I have no problem with the concept of a National Roads Plan. What I do not want to see happen is that next year we come into this House again, and there is a question asked, and we hear that the terms of reference are being developed, that these things take time, and such like, as we have continually heard about the so far ill-fated Medium-Term Financial Strategy. If Government accepts (as it seems to) that this is a priority, then I think all of us here on the Backbench, and the country at large, expect Government to treat it as such, and therefore we expect to see movement immediately.

This National Roads Plan, as I understand it, is being developed by the professionals in the Public Works Department. I do not have a problem with that. A little while ago, I used that simple example about the Harquail Bypass to pre-empt the statement I am going to make now about the National Roads Plan.

Mr. Speaker, the policymakers in Government must let the professionals know what they want to achieve. But as far as possible, they must leave the professionals alone to decide on how best to achieve it, because if they knew how to achieve it, they would not need the professionals. That is the whole purpose of the system. So I trust that as we move along with this Roads Plan we will not be hearing what this one says has to happen here, that one says has to happen there because of some special interest that person may have in that area.

Let me tell you something else. It may sound like I am grabbing at straws—I wish I were grabbing at straws, because I would feel a lot more comfortable than I feel standing here talking about it today. The National Roads Plan certainly has to have going along with it some means of collating all the information, identifying and making sure it is clearly known what the existing problems are. That does not take a genius to do, it just takes a little bit of careful consideration and study to make sure you have at your fingertips what the problems are. After identifying the problems. . . and as I said very early in my contribution, it is not just about roads. If you are doing a plan, and you are looking down the line, you are going to decide how long you are planning for in the future. Then you have to take into consideration population projections, the way the country has been growing so far on an annual basis, not just in population, but the economic growth. Bearing all these factors in mind, you will sensibly come up with the type of plan you can work toward over a given period of time.

You see, we have a tendency to wait until tomorrow morning when we get up to find out what we have to do and fix. Then, having fixed that, we wait until the next morning to do the same thing. At a government level, that is commonly called 'crisis management.' We have seen too much of that. We need to move out of that mode, and try to actually plan for the future, so you can almost, up to any unforeseen circumstance, decide your fate. In certain areas, we can do that. When we have to wait until the problem on the West Bay Road gets to the stage it is, then spend nearly \$7 million on the Harquail Bypass trying to solve the problem only to find out that it does not solve the problem and you have to do something else—that is crisis management, Mr. Speaker! That is not too uncommon anyhow, so I am not just saying it to point fingers, but I am saying, let us try, in dealing with the whole matter at a national level, to look toward getting out of that, so we can plan the way we want to see the Island at any given point down the line.

I do not keep chiming on that little song because I believe I have all the answers. I don't! I understand that. But I think we need to know where we want to be before we can start to look for the answers, otherwise it does not make any sense. That is what we have not been doing. So I hope that any National Roads Plan that is developed is looked at

in that fashion. I daresay, if the professionals are left to their own means, they will do it in the right way. But if we are going to deal with that, Mr. Speaker, and hopefully it will be done speedily, if the Government is convinced that it is a priority, then they will have to talk about money.

Earlier, a Member of the Government Bench—actually, it was the Minister for Community Affairs—said that she might have difficulty supporting the Motion if there were going to be any revenue measures. Mr. Speaker, let me stand here and say this very clearly. I am not a politician, and I am not afraid to say that. I am a simple Representative of the people, and I intend to do the best I know how while I am that. The politics is when you deal with certain issues and your decision-making process is decided totally, immediately, on popularity. There are ways and means to accomplish that, Mr. Speaker, and still do the job properly. If we are going to build roads, and we are going to satisfy the needs of the people of this country in that respect. . . I happen to know that there is trouble every year balancing the budget as it is, with the services provided. I am not going to be stupid today to say that there may not have to be some innovative way of raising revenue to be able to build the roads and get caught with it tomorrow. If we are not going to build the roads and do what we have to do, and we are just going to give it lip service, we can say that all the time! Nothing will happen, so we will not have to defend it! But if the Government and the rest of us on the Backbench are going to be meaningful about the approach, and want to achieve something, then a statement like that should not be made, because you do not know.

One of the things we have never done in this country, by and large, is to actually determine the cost of each individual area of service provided to the people of this country. All we know, basically at this point for the majority of those services, is that when everyone throws everything into the kitty and we know how much money we have to raise, we sit down and try to figure out how we are going to raise it, and then we just try to raise it. Then we just farm the money out. End of story. That is the way we have been doing it. Not only does that have to stop in that respect, but when we talk about roads and about developing the infrastructure with roads, that whole approach has to be different. We have to get value for money. People have to be accountable, those who are responsible. And there is always a question of transparency, something to which everyone is clinging today, and I thank God for that.

When we are dealing with these roads and what we have to do, the country must know, in my opinion—because this is not one of those covert actions that is secret and everything else—whenever this situation is being dealt with, the country must know, step by step, exactly what is going to be done. The country must know what it is going to cost to do what has to be done, so no one gets any shocks. And the country must know exactly how it is going to be paid for.

There is a difference with Government and the people. Because the people do not see the results of what they are supposed to be paying for, by and large, there is this huge aversion to them taking any money out of their pockets. They are not convinced that the money is going to be

wisely spent. They have not seen the results of that. It is going to be a testing time, for any government, to get synchronised with the people in that fashion, because of the past track record. But we have to start somewhere. We cannot play fools, and because it is not politically expedient to deal with it, to say *Wait. By the time I finish, I will be cocking up my feet—make who come in after me deal with that*. That is how some people think! But it doesn't help us! We have to be transparent in the decision-making process, and we have to prove to the people of the country that what we get up and say we are going to do, we do. It is only then that you won't have the placards, the letters, the hollering and screaming when it comes to money people feel they are paying into central government. If they see the results of what they are participating in, the people will participate.

You see, there is nothing better than ownership. The people of this country need to understand that the roads are not the Government's roads, the roads are their roads. But it is not dealt with like that now. I am going to tell you how it is dealt with. Again, the devil of the politics. The people of this country, by and large, have gotten to understand that if you want a road fixed, it depends on who you know and how loud you holler.

Mr. Roy Bodden: Preach, brother, preach!

Mr. D. Kurt Tibbetts: Bad business. The other thing that is wrong is that the majority of us who come into the system with all good intentions to be Representatives of the people, find the system so tightly wound up, that if you want to survive, you have to fall in line!

Mr. Speaker, that has to stop! You know, I have gone to constituents and listened to their complaints. And I know them well! I think I can safely say that today. And I had one of them come back to me on a certain occasion and say, *Listen, me and you are all right, you know. And I know how this thing go. But I was told by so-and-so that if I want to get this done, I better go and talk to such-and-such another representative, because he can get it done.*

Mr. Roy Bodden: Talk the truth, my brother!

Mr. D. Kurt Tibbetts: Mr. Speaker, this same problem we face today at a national level is that kind of stuff that has festered because there is nothing meaningful done. Money is voted in the budget for maintenance for this, that, and the next thing, and it is politically orchestrated to suit the given occasion and by and large most people do not benefit from it. We suffer from that in every area, and it is sickening.

The other thing the people understand—and they will understand because it is not only me who is going to be preaching the message—is that while their specific situation might be satisfied now, they find themselves in another hundred situations that cannot be satisfied. It does not take them long to understand that it is because of the way it is being dealt with that the whole thing is not satisfying them better. That is the message we need to preach to them. It is not that they cannot understand it, but this power strug-

gle that has continually gone on, and who needs to hold on to what, is what has bastardised the system making the problems we face today the dimensions they are now.

They can come back and say it any way they want to, but the truth is the truth, and daily I watch it happening, I see how it occurs. Besides the roads, in every other respect, if we are going to do our duty to the people of this country, we have to deal with the country's affairs differently from the way we are.

If you ask people about roads, by and large the common answer you hear is, *Listen, all we want is good roads*. That is what you will hear! So, the roads may mean different things to different people, but by and large, that is the common factor here. If you go on the West Bay Road, you will find many of the businesses in the plazas complaining, because they say they have noticed a tremendous downturn in business because the traffic is so congested that, not only do people not get to go there when they want to go there, but people do not bother to go there, because they cannot stand the hassle of the traffic! You will get that from the business sector. You will hear the people who live in West Bay say what time of the morning they have to get up to come to work because of the traffic, the same way as those coming from the east.

But I contend. . . and I am not doing the Government a favour here, I am simply speaking my truth. It is important that we stop trying to make the people of this country believe that anything is free any more! I am not suggesting that additional tremendous amounts of money have to be paid by the people of this country for the services! But I can say (I don't know if the Government is willing to) that the Government can hardly pay for the services it provides for the people of this country at present!

But what you cannot do for political expedience is to hide that fact, juxtapose your priorities, lose the vision of what the country should be like down the line, just to satisfy them right now. You cannot do that! Just like children, time will pass; and just like the children will grow up, ten years from now it is going to come. I said it before, just a few minutes ago, but I want to say it again, Mr. Speaker, because it is important to me: We cannot be thinking that we know this problem is going to get more acute down the line, and know that by the time it gets to unbearable levels that we will not be part of the process but it will be someone else's problem. That is as much a sin in my eyesight as any other sin you could think about—because you know better, but you won't do better.

Mr. Speaker, mention was made by the Minister for Tourism—everything I am talking about is going to revolve around priorities—about the West Bay Road being the hub for the tourism activities, and the traffic problems on the West Bay Road either presently affecting the figures, or there is great fear that the problem will affect the figures, and we might have a downturn. You see, that comes back to the point I was making about the fact that you have to consider the economic growth in the country, and all of those things, when you talk about roads. We can talk about the daily effects on the people who live in this country, but there are other outside effects which still affect those same

people who live in this country, but it is not just the wait they have in traffic.

We talk about tourism. If we were to have a major downturn in tourism in this country, and it was due to not addressing the problems we have with roads today, it would not just be the fact that the Minister could not come to boast a 6% increase for the month of December for arrivals, it would have the multiplier effect right down the line. So you see, roads and infrastructure are not just limited to the luxury of not having to wait a half hour to get where you want to go when it should take ten minutes. There are other effects.

When I hear people talk about going to New York, and having to wait for an hour to get to the second block, and that is the norm—that is New York, they can keep it! This is Cayman, and we want it the way we know it should be. I daresay that we have the opportunity now to make it right, and I just hope we have the will to make it right.

If we look at the investments in the country by all and sundry, the Government has huge investments. The private sector has huge investments. The Government has a responsibility to ensure that business can be transacted in a proper fashion. While we have all the Cable & Wireless equipment, and all the communications, and the Internet, and all of that, roads are still as important as anything else. No matter what you do, they are as important.

If we are talking about sustainable development down the line, if we are talking about proper land use and management, if we do not predetermine, by way of knowledge, the path that should take, we could end up with problems ten times the magnitude we have now. It is very possible, for instance, that if we had seen the light ten or fifteen years ago, and had two corridors on the West Bay Road, we would not have had the congestion we have now. It is very possible! In fact, it is not only possible, it is more than likely that would have been the case.

But now, just about every square foot of land on the seaside is developed, and we have ingress and egress points a hundred feet apart. That is getting into the technical aspects of it, but that is what causes the problems. Each one who does it, does not see the problem when they isolate themselves; but when you put them all together, that is when you have the problem, and that is what we need to prevent.

So while I may seem to be straying from a fund for roads, the truth is, I do not think I am because all of what I am talking about is part and parcel of achieving what I know the Fourth Elected Member for George Town and his Secunder are trying to achieve.

While I was in New Zealand, I heard a statement, and I think it is worth mentioning this afternoon. It says, **“Change in any environment is about opportunity and risk. While there are risks associated with any change, those risks can be identified and managed to capture the benefits of seizing the opportunities.”** In other words, if we can plan our lives, we have the option to be able to correct any small mistakes which might occur as we go along, without affecting our ability to achieve our goals. But if we do not do that, we either don't see the mis-

takes when they occur, or they multiply so fast that we find ourselves in an untenable situation and cannot deal with it.

This is our opportunity, albeit late in the day, to do something that is right. We have the knowledge and expertise to do something sensible. We do not need twisted priorities, political interference, and continual fights before we move forward. That is what we do not need. Knowing certain people, they will consider my stance this afternoon as picking a fight. That is up to them. I am not picking a fight, I am just sick of seeing it. I just hope we can move forward.

I have to say this: On many occasions, I find myself taking stock of myself, because I realise that if I deal with how I am dealt with all the time, I become like he who is dealing with me. Then I am just as bad. I try hard not to let that happen.

Mr. Speaker, I want to use just one more example to show the kind of things we need to be thinking about now when we talk about establishing a road fund for the special purpose of dealing with roads. The suggestion has been made, on more than one occasion, but I do not believe at present there is any synchronised effort for it to happen. The Honourable Third Official Member, in answer to a question this morning, made mention of this situation. But I will show you by example what I am trying to talk about.

We have the utility companies who from time to time in their programmes of expansion or repairs have to dig up the roads, literally speaking. I am sure they do the best they can, but a lot of them use either their own means or other sources to effect road repairs, and it is never done properly because it is a disjointed effort. Of course, they are counting their pennies, so they will just deal with the minimum of what they think they have to do to bring the road back to as good a condition as it was before they did what they had to do.

A couple of things occur. First of all, I believe. . . and even if it has been said that it is being done, I do not think it is being done. I think it is just said to pass it off, because it might take a little bit of effort. I believe that the agent for Government, which is the Public Works Department, should be involved in a system with these utility companies so that both know what each other is doing at all times, because if Public Works is going to resurface a certain section of road, or if they are going to build a new road, then to me it is obvious that whatever work the utility companies have to do should be planned to be done at the same time.

There are many occasions when this cannot happen, and I understand that. But as far as possible, that is the way it should be done. Whenever it cannot be done, and the utility companies have to disturb the roads, then, again, everyone should know what the other is doing. As far as I am concerned, there should simply be an assessment made to these utility companies which would not charge them any more than it would normally cost, but whatever the fair assessment for the cost of bringing the road back to good repair is, they simply are charged, and it be calculated in a proper manner.

If these funds were all pooled together, and if the Public Works Department had access to these funds, which could be part of the fund that the Fourth Elected Member

for George Town is talking about in his Motion, then the Public Works Department would be able to do much more with the money than the piecemeal operation being done today. We would get better value for the money, and we would get a better product.

Some of our main thoroughfares, within the course of a year—not for any unforeseen circumstances, but just because the left hand does not know what the right hand is doing—are dug up three and four times! Dug up and repaired, three and four times! It is kind of obvious that it does not have to happen like that. Not only is it costing the utility companies more because they have to repair the road four times, but by the fourth repair it is a little bit worse than it was the first time because it was never done the way it should have. That is just one little example of things we need to be thinking about. It does not put any stress on anyone. It is all a matter of communication.

I contend it will not cost the utility companies any more to do what they are doing. The country can have better roads in the long run, and the inconvenience to the public would be less. You cannot ask for a better situation than that. So, Mr. Speaker, in our efforts to develop a safe, sustainable road system, I think we have to ensure that this is done at a reasonable cost that is fair to one and all. We also need to make sure that this is an efficient road system.

I think, to sum it up, we need a road system that will deliver the maximum benefit to our economy, at the minimum cost. And while I wish to reiterate about costs, I do not think anyone should fool themselves—if we are going to do this properly it is going to cost. I think we simply have to be innovative in looking at it, so that the public is not taxed in such a way that they feel it is unfair.

There are some other areas that could be dealt with in the Motion, but I think the purpose of the exercise is now served. From what I can hear, the Government is supporting the Motion. Those of us on the Backbench also support the Motion. We simply await to see what role Government expects us to play. We certainly will be the responsible Backbench we are, and we will play our role. But let me say one more time that if we are going to achieve what we should achieve, politics and the poli-tricks must not be the order of the day.

Mr. Speaker, I commend this Motion. I am sure the Mover will make his summary regarding what some of us have spoken about, and he will probably bring some more light to the situation. I do trust that in the very near future we will see some action. Thank you.

The Speaker: I think all Honourable Members have spoken on this. Does the Honourable Mover wish to exercise his right of reply? The Fourth Elected Member for George Town.

Dr. Frank McField: Thank you, Mr. Speaker. I would like to thank those who contributed to the debate on Private Member's Motion No. 4/98, which seeks to establish a road fund. The unanimity or undivided opinion regarding the setting up of a special road fund demonstrates that there exists a need for us to pledge to the motoring public that

we can be, and will be, responsible enough, not only to define road needs, but also to identify sources of revenue to be specifically used to deal with these needs.

However, it is disappointing that Government Members could be so very conscious of the need for a road fund, yet not want to make any serious suggestion as to where money would come from for such a fund, since they are the financial managers of our country. One thing we know is that the money must either come from old revenue sources, or new revenue sources.

The Leader of Government Business has said he has enough common sense that when creating an environmental fund, for example, he knew where the money would come from. Fortunately, the Government's attempts to get new monies by way of new revenue measures came first, and much later, because of the insistence of the general public, Government established these funds that are now in existence—but only after their good common sense had first caused them to use, for the general financing of Government's business, the monies collected for these funds for specific purposes.

This is exactly the problem this Motion sets out to rectify. Government has for too long used monies it collects as a result of specific purposes, indiscriminately for general purposes. The \$30 million that will be collected this year from the motoring public will be used, like the \$24-25 million collected last year from the motoring public on projects like Pedro Castle, the Botanic Park, civic centres, health centres for all the districts. The fact that I must bring such a motion, and the fact that a road crisis forces unanimous support for this motion, testifies that Government has not done sufficient planning, by identifying road needs and disciplining its spending in such a manner as to have put monies aside for road creation and maintenance—monies, Mr. Speaker, from a portion of that which is collected directly from the motoring public.

The motoring public do not expect to get roads for free. They pay for using roads. But can it be said that they are satisfied customers? That they are getting their money's worth? This is now a good time to employ the re-invention of Government concept, which places importance on the public seeing where their money goes, and what the returns are. This Motion is not concerned about where the money comes from, but with how money is spent. I know it is hard to ask Government to identify where money will come from, especially when we consider that there was just recently an increase in some of the duties and fees Government collects from the people. But it is also possible for the people to be critical of Government's inability to identify funds for road development, since Government did begin to collect additional revenues a year ago, but did not earmark a sufficient amount to temporarily solve the traffic congestion on our roads.

Government had the good opportunity to have raised money at the time in which it brought in new revenue measures, to have segregated some of the money raised in a specific fund. I am not the only Member who recognises the need for new and better roads. It is obvious, by the unanimity of the decision on the motion. If the need is now obvious, was it not obvious a year ago? Maybe the

need for more and improved roads was obvious to the Government a year ago, and perhaps they were under the impression that they would be solving the road needs of the country, at least for a time, by building the Harquail Bypass. Then, if so, why did the building of the Harquail Bypass make congestion on the West Bay Road worse rather than better?

The answer is that the political directorate went against the wisdom of the engineers and began the road two years late. When the road was built, it was built too short. The First Elected Member for West Bay has said this. He gave very interesting statistics that strongly suggest the congestion could have been avoided. I would like to read from the *Hansard* of 9 March 1998, some of the things the First Elected Member for West Bay said: **"I recall the suggestion that the Bypass should come behind the Galleria Plaza. That suggestion fell on deaf ears. Let us look, for a brief moment, at some statistics which show us why we have the problem we do on the West Bay Road.**

"At the Galleria Plaza, from 10.30 AM to 5.15 PM, at least on a day in January this year, cars going southbound making a left turn into the Galleria Plaza totalled 372. Northbound, making a right turn into the Galleria Plaza totalled 421, for a total of 793 vehicles for the day. At the West Shore Centre, from 10.30 AM to 5.15 PM, at the same time in January, vehicles travelling southbound making a left turn into the West Shore Centre totalled 561. Northbound, making a right turn into the West Shore Centre totalled 642, for a total of 1,003 vehicles on one day. If we look at these statistics, the cause of the major congestion is the right turn into both plazas—some 1,063 vehicles making the right turn from George Town. Coming in and out of those two places, there was a total of 1,796 vehicles.

"It shows us that it was folly not to have listened to those of us who held the view that the road should have been extended behind the Galleria Plaza. People talk about the Harquail Bypass."

The Member went on, but I end my quote there in saying that my suggestion is that congestion could have been easily avoided. Therefore, Government is responsible to find an immediate solution to the congestion on the West Bay Road and this means putting the road where it should have been in the first place. This will cost \$1 million or so. Where does Government get the money? With the massive number of civil servants at its disposal, we hope that with the common sense of the Leader of Government Business, it can come up with where the money will come from.

We have all said that we know that there is a serious traffic problem in this country. We know that we must educate the people to use alternative means of transportation; we know that we must educate our people to use automobiles more economically so that the roads will not be congested the way they are. But I think that we all realise that additional roads need to be constructed.

I cannot say that I agree with the Honourable Minister's (for Tourism, Commerce and Transport) approach to the problem, especially when the Minister for Tourism is saying that we need a study today. This means that we

needed a study yesterday, or two to three years ago. How is it that we can accept the necessity today, but could not see that yesterday? I believe that the call for a consultant is an attempt to give the public the idea that the Government seriously wants to deal with this problem, but it is a safe way for the Government to buy itself some time because it does not know where to get the funds to build additional roads. I think that Government has more or less admitted to this.

The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture spoke about very hypothetical situations. She mentioned the pay toll system and how that system would not work in the Cayman Islands. I tend to agree that it would just be creating an additional bureaucracy. But it is important for me to stress that Government cannot deliver services to the people free of cost because regardless of what country it is, services are paid for by government taxing the people to pay for these services. There is no free lunch in any country.

As a Member of the Legislative Assembly, I will not duck my duty to suggest that somehow Government will have to discipline itself in such a way as to be able to put aside a portion of the monies collected now from the motoring public. If it cannot see how this can be done, then Government will have to create additional revenue measures in order to be able to provide roads.

If what we are doing is playing politics, we will say that we all want to solve the road problems, but not dare—especially after the revenue measures which were brought in a year ago—to ask the people for more money to give the people what they need. I think there is a need in this country for people to get more specific about their intentions for this country. I think it is important that we speak honestly and intelligently to the people with regard to how a country functions.

A country cannot function without revenue. All the sources of revenue have to come from the people. But the Government should give the people. . .and as the Mover of this Motion I should strongly suggest that the Government had better discipline itself in terms of how it uses the revenue it now collects. We forget that a lot of countries we like to model ourselves after have things because the people pay for them—in some countries they pay 45% of what they earn back to the government so that the government can provide them with those functions and services they consider important. In a country like Germany, they pay 60% of what they earn back to the government to allow the government to provide them with the services they think are important in making them a civilised and developed country.

I do have a few ideas myself as to where the money could come from. I think that if we spend \$20 million or \$25 million in tourism this year, and the tourists have to come here and be frustrated by traffic congestion on the West Bay Road, it is obvious that the money to promote tourism will result in negative publicity for tourism in the Cayman Islands; therefore, the balancing act is not being effectively done here.

We need to make sure that our subsidy to tourism and tourist-related development, like Pedro Castle, or the Botanic Park, or the Turtle Farm, or Cayman Airways, does not take away from the infrastructural development because, surely, at the end of the day, the proof is in the pudding. If we get people to come to the Cayman Islands by way of advertising and when they come they cannot find roads to move about on to visit the attractions, then we are defeating the entire purpose.

I remember specifically that when I was first caught in the traffic jam on West Bay Road I had taken my brother-in-law to the Turtle Farm. There were a lot of tourists there from the ships and they were all wondering how they were going to get back to their ships on time. Bus drivers started to do illegal manoeuvring on the road simply to try and get those very impatient tourists back on time. There is no use in saying that they have traffic jams in their countries. Of course they do. But that is when they are going to work. This is their vacation! Of course, if you are on vacation and seeking leisure, if you are seeking relaxation you do not want to come into a hustle-and-bustle type of situation.

We have the power to change that environment on the Seven Mile Beach. It is not because I believe that what is happening on the Red Bay Road is not important. We need to deal with that, and I hope that the Red Bay Bypass will help alleviate this type of situation. The designs are there, the plans are there, but what is not there are the funds—Government cannot seriously stand up and say that it knows where the money is coming from to construct the Red Bay Bypass.

So, it is not a study that we need at this particular point. I am not saying that we will not eventually need an overall transportation concept.

Mr. Roy Bodden: True!

Dr. Frank McField: But it is not what we need now. What we need now is money to build additional bypasses. We need to be able to extend the Harquail Bypass immediately, beyond the Galleria Plaza.

Mr. Speaker, I have a copy of a map here that shows the 1996 design. The road was designed to go beyond the Galleria Plaza. So what the First Elected Member for West Bay said is not speculation, it is true—and I have the map. It shows that the road was originally designed to go that far. Why was it not done? The public has to hold the present Government accountable for the congestion, and it cannot attempt to say that the reason why we have the congestion is because we have too many cars. All the statistics that I brought before this Honourable House suggest that for at least the last nine years the Public Works Department has been monitoring the growth of traffic; they have been monitoring the increase in the number of cars that are imported and registered in the country.

If we have statistics that are nine years old, we were not caught by surprise. If we have a map to prove that in 1996 they planned to build the Harquail Bypass beyond the Galleria Plaza, then we were not caught by surprise. It is just that some persons refused to do what they should have done. Therefore, the immediate crisis we are trying to

solve, the long-term problem of finding solutions to our traffic situation will demand that we employ consultants or experts, or whatever we want to call them, that we get collectively together to make the decision. But it is the immediate solution also that this Motion seeks to address—the problem on the West Bay Road.

If we do not have that problem solved by the next tourist season, what effect will that have on the economy? Will Cayman Airways be able to get a subsidy? Will tourism be able to get that large subsidy? Will we really be able to collect that amount of money from the different businesses and services? Those are the concerns.

I have always preached about the interconnection between things. You cannot improve this part of your body, while depleting the other part of your body. Nature made them to work together. It is important that the Government not only cause this entire House to work together, but that the Government itself learn to work together. We have seen, by way of the attitude of the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, that the Government is saying, *'How dare you bring this Motion before us without telling us where we are going to get this money. How dare you do that!'* The Government is saying, *'How dare you bring up something that is so obvious, so simple, like creating a special fund for roads in order to discipline the way we save and spend money.'* That is what this Motion is trying to do.

I would like to thank all Members who have contributed. I would like to particularly thank the Third Elected Member for West Bay for seconding this Motion and giving the Motion the opportunity to be looked at seriously by the Government, since he is a supporter of this present Government. I might not have been able to have done this as well as he did. I must give thanks, again, to his diplomacy, his sense of getting things done, and saying that he is a central part of that movement to get this recognised.

We know that the Motion will be accepted. But it is to be remembered that I did not bring this Motion as an attempt to embarrass the Government. I brought it because it was so simple, like the penny on the floor that we sometimes fail to pick up. I just picked it up and said, *'Here. We need to do something about the situation as bad as it is.'* As bad as it is, it can really get seriously worse.

A lot of us are saying that we do not believe the situation on the West Bay Road can get any worse than it is. We believe that we have seen the worst already, and since we have tolerated the worst already we feel that we still have some time. We should be working to construct that additional part of the Harquail Bypass on the West Bay Road. Jointly, we should be constructing the Red Bay Bypass. The Government has no money. The Government must be big enough, bold enough and convinced enough that if it does not have any money in its coffers it must ask the people for money.

Now, if what they are going to give the people in return for this money the people do not like, then the people will fire the Government. But that is their job! That is their predicament because Standing Order 24(2) says that Members of the Backbench cannot bring revenue measure

to this House. It has to be brought by the Government and the Government knows this. So the Government has to stand up and say to the people, *'We have a terrible traffic congestion on the West Bay Road and on the Red Bay Road, and things will get worse and it will destroy our economy. We do not know where to get the money from except if we come back to you and ask the people nicely.'* Tell the people and make a commitment that if you take the money from them you are going to put it on what you say you are going to put it on. Do not try to use it so that the districts can compete against one another to see who has a civic centre, and who has a play field, and who has this or that.

Basically, this Motion is an accusation against the form of planning used by the National Team over the last six years. With all of the money they have collected, they have failed to identify priorities as simple as roads. I think that it is time that they did their job, gave the people their roads, introduce revenue measures if they have to, find out if we vote for it or against it. *[Some Members' laughter]*

Basically, we are telling them to get the money from the \$30 million, but if they insist that they cannot give up any of that \$30 million, then we know that they have to raise the money—they cannot steal it! They have already borrowed to the max, so they cannot even borrow it without knowing how they are going to pay it back. So they have to ask the motoring public whether or not they are willing—in order to be relieved and get some comfort—to pay another 25 cents on a gallon of gasoline.

Mr. W. McKeever Bush: Be nice to us on the Backbench.

Dr. Frank McField: People are sensible. They know that money does not grow on trees. I used to hear that when I was a little kid.

If Government is going to have money to improve roads, because we would like to continue to drive cars at least for another 15 or 20 years. . . maybe we will have to slowly introduce means of limiting the number for importation, but that will come as a result of people's choices which should be as a result of their awareness and enlightenment.

Mr. Roy Bodden: Voluntary.

Dr. Frank McField: Voluntary.

So, in the meantime, the person has a choice. But, again, for the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to say she would support the Motion if I would say where the money is coming from, when she knows that I cannot bring revenue measures into this House—she should also know that Government can only get money by raising revenue, by taxing if you want to call it that nice word.

I again thank the Government for its support and say that it has to be on its toes because I will tip it a little bit once in a while just to make sure it is getting things done. But I can promise Government that if it is willing to solve the problem I am willing to pay the price, if necessary, to support it in solving the problem

The Speaker: I shall now put the question on Private Member's Motion No. 4/98, Establishing of a Road Fund. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 4/98 PASSED.

The Speaker: Private Member's Motion No. 5/98, Amendment to the Taxi Pickup Area on the Waterfront in George Town.

Mr. Roy Bodden: Mr. Speaker, in light of the fact that we had given His Excellency the Governor a commitment for 4.30 this afternoon, and we wish to beat the rush on the West Bay Road, may I respectfully request that we consider the adjournment at this time?

The Speaker: If that is the wish of the House, I had planned on 4.00. I will entertain a motion for the adjournment. The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Thursday morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock Thursday morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 3.51 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 12 MARCH 1998.

**EDITED
THURSDAY
12 MARCH 1998
10.17 AM**

The Speaker: Prayers by the Honourable Second Official Member.

Hon. Richard H. Coles: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great Name's sake.

Let us say the Lord's Prayer together: Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: We have apologies from the Honourable Minister for Education, Aviation and Planning, and from the Honourable Minister for Agriculture, Environment, Communications and Works.

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers, Deferred question 31 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 31

(deferred from Monday, 9 March 1998)

No. 31: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development to give a breakdown of the total public debt as at 31 December 1997.

Hon. George A. McCarthy: The total public debt as at 31 December 1997, was CI\$82,870,932. This total is broken down as follows:

Central Government	\$66,392,934.
Self-Financing	<u>\$16,477,998.</u>
Total Public Debt	\$82,870,932.

SUPPLEMENTARIES

The Speaker: Supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. For purposes of clarity, would the Honourable Member give us an explanation regarding the \$19 million owed by Cayman Airways, whether Government in any way has any responsibility by way of any guarantees for this indebtedness, or is that amount separate from the figures quoted in the answer?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, the amount is separate from what has been quoted in the answer. I have an opinion as to Government's position in relationship to Cayman Airways and its indebtedness, but I would not want to advance that opinion as a response to the Honourable Member until I have first consulted on it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Could the Honourable Member state if this indebtedness by Cayman Airways is guaranteed by Cayman Airways itself, or whether Government has been asked at any point in time to issue any guarantee for this indebtedness?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, we know from time to time that various guarantees have been issued against the leasing of aircraft, and also we have guarantees in place for the overdraft facility at the Royal Bank of Canada, but I would crave the indulgence of the Honourable Member not to get into Cayman Airways' indebtedness, because I am not in a position to speak with authority on that. I would not attempt to describe the relationship between Cayman Airways and central Government, and I would not want any statement I make at this time to become binding on the Government without first going through the necessary consultative process.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I understand what the Honourable Member is saying, and I can accept the position taken at this time. Could the Honourable Member state if, outside of Cayman Airways, and outside of the central Government debt and the self-financing debt, there are any other guarantees given by Government which are not included in this figure? Any contingent liabilities other than that?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Mr. Speaker, there are guarantees given, and we know there are certain companies that have been assisted with the raising of loans through the European Investment Bank, and the guarantees that have been issued by the Government have made this possible. A Schedule of the contingent liability can be made available to Members of this Honourable House.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I would be grateful if the Honourable Member would be able to provide that. Could the Honourable Member state if, as at 31 December 1997, where the public debt has been stated as \$82.87 million, there were any approved loans in 1997 which were not drawn down to their fullest?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Estimates of Revenue and Expenditure will show that there is an item of \$1.1 million for a loan raised through the Caribbean Development Bank to assist with the redevelopment of the Pedro Castle site. That money has been carried over into 1998. That is all, Mr. Speaker.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I wonder if the Honourable Third Official Member could give an indication of the present ratio of debt servicing to

the general revenue receipts, bearing in mind the 10% ceiling he has advised is now in place.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: It is about seven percent at this time, but that is a 'best guess' at this time. I can confirm this in writing to the Honourable Member.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: This may be going a little bit outside the substantive question, but if the Honourable Member is able to answer, I would appreciate it. Bearing in mind the approved borrowing for 1998, if all of that is drawn down, would the Honourable Member be able to venture a 'best guess' at what the percentage would be when you add the 1998 borrowing and what will be paid down during 1998 on the present loans?

The Speaker: The Honourable Third Official Member. As the Member said, this falls outside the ambit of the substantive question, but if you wish to answer it, you may.

Hon. George A. McCarthy: Based on the figures I have just given (\$82 million) the new borrowing plus what has been carried over puts the loan funds available in 1998 in the region of about \$20 million. When we take into account that the majority of these loans are short-term borrowing, and it is likely that the indebtedness could be reduced between eight to ten million dollars, leaving the likely combined indebtedness at the end of the year at slightly over \$90 million, and by extrapolation I would think the percentage of general revenue that will be used up in meeting the annual repayment should be in the region of about eight percent, or slightly over that. But it will definitely be under ten percent. Again, this is an area I can look at, based on the repayment schedules for 1998, and to derive that figure more accurately.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I wish to thank the Honourable Member for venturing that answer. Could the Member state, in all of what we have talked about regarding this question so far, if the \$6 million that is going to be drawn down by the Port Authority for the permanent moorings is added to the picture, or if that is separate? If so, is this loan taken out by the Port Authority guaranteed by Government so that it becomes a self-financing loan?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Port Authority, as a corporate body, has negotiated that loan of \$6 million. I know it has been supported by Executive Council, but the question as to whether it will require a guarantee from the Legislative Assembly will have to be looked at

separately. This is not included in the self-financing loans.

The self-financing loans, as Members will recall, are those loans that have been raised by central Government on behalf of a statutory authority. The Government then makes the repayments against those loans, and claims reimbursement from the statutory authority in question. This is why it becomes a self-financing loan, because when we look at the \$17 million given for the self-financing loans, Members will recall that yesterday when we looked at the overall indebtedness of the authorities, in terms of monies owing to various lending institutions, the amount was in excess of the \$17 million. The \$17 million was inclusive in that total.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the substantive answer we have a figure of \$66.39 million owed by central Government, and approximately \$16.5 million in self-financing loans. Are we then saying that guarantees given by Government for loans, say, for statutory authorities—not loans organised by Government and Government collecting back from the statutory authorities, but loans that the statutory authorities may engage in as a corporate entity, but having to be guaranteed by Government—is a separate category? And if it is a separate category, is it considered a liability of Government?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: These statutory authorities are corporate entities, and the governing legislation which establishes them gives them certain borrowing rights. By implication, because they are subsidiaries of central Government, any indebtedness incurred by these statutory authorities becomes a contingent liability, if not a direct liability, of central Government.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I do appreciate the Member's answer. Following up on that, could the Honourable Member state, if possible, the approximate figure at present which these authorities may have engaged in borrowing, and Government has guaranteed?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: We saw yesterday that the indebtedness of the Water Authority was \$22.7 million. We saw that the Port Authority's was another \$10 million. That becomes \$32.7 million. We saw that there was a further \$26 million by the Civil Aviation Authority. That takes it up to \$53 million. Inclusive in that is the \$17 million I have just read out, but we have intercompany indebtedness. Of this money, for example, owing by the Water Authority, if we were to factor out what is owing to central Government, that amounts to approximately \$5.6 million. We saw that the Port Authority, when we look at

the amount of money owing, we are looking at another \$1.4 million. That takes it up to about \$7 million in total. From this figure, we see that there is approximately \$15.5 million owing by Civil Aviation Authority to central Government, so that becomes \$22 million. When we take away that \$22 million from the—and I am just running through this, so it is subject to oversight—when we take the \$22 million from the \$53 million, we come to a net to external institutions of \$31 million.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If I understand what the Honourable Member is saying—and I do appreciate the fact that these are approximate calculations done while standing—central Government has direct borrowing of \$66.4 million; there is \$16.5 million of self-financing loans; and there is a contingent liability by Government through guarantees of approximately \$31 million. Following up on that, can the Honourable Member state if the Government has, at this time in the financial year, any knowledge of any further borrowing any of these authorities will engage in for which they will either have to negotiate or guarantee for those authorities?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Nothing, Mr. Speaker, outside of the \$6 million that has been negotiated by the Port Authority.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, the Honourable Financial Secretary has given some breakdown on loans for the Water Authority, and I am going to deal with the Water Authority specifically. Can the Honourable Member say if the Water Authority has always been, and still is, capable of paying its loan?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: That is the assumption, because it would be imprudent for any financial institution to make a loan to an ongoing entity unless its revenue were such that it could defray its obligations. It would also be imprudent for the Government to put itself in a position to become liable for the borrowing of such an institution. Out of that, the assumption to be derived is that the statutory authorities, as ongoing entities, are able to defray their borrowing obligations.

When I said, other than the \$6 million, I am not saying that there could not be other loans that are being negotiated, I am saying what I am aware of at this time, not what is being discussed.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you. I am not yet sure whether the Honourable Member has satisfied the ques-

tion enough. Have they ever been unable to pay? And are they now paying well? Is there any problem with the payment?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I cannot be any more specific than I have been. They have been paying their obligations. I went further to point out that because Government is contingently liable for the borrowing of all statutory authorities, which are subsidiary companies of central Government as such, first it is important for Government to know they have the capacity to service the loans raised by these authorities, and also, because such borrowing constitutes contingent liabilities for the Government, the Government must put itself in a position to know whether that contingent liability will be raised to the position of a direct liability. So up to this point in time, the authorities are servicing their obligations.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Yesterday the Honourable Third Official Member advised us of the amount of money transferred from the authorities to help balance the Government budget. In view of the answer he gave this morning, that the public debt servicing is now 7% of the amount agreed upon, the 10% ceiling, and in view of the precarious financial position of the Government and the fact that there is no more money to borrow from the authorities, I wonder if the Honourable Third Official Member could give the assurance that he will try to keep the public debt under control, so that when the next government takes over it will not find a broke treasury.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: As the Honourable Third Elected Member for George Town can appreciate, there are certain aspects of that question which would not be wise for me to respond to. First, I should point out that when we think in terms of central Government indebtedness, or public debt, it is not unusual. The Cayman Islands is not unique in not including the amounts being paid by Crown entities and statutory authorities as a part of its direct debt obligations. We are showing the self-financing element because Government becomes directly responsible for that. We know it is only in remote instances that we would have any of these statutory authorities finding themselves in a position in which they are not able to service their borrowing. If such becomes the case, it would have serious implications, and it would not be the statutory authority in question. It would be a series of events occurring within the Islands as a whole, or across the economy.

Secondly, when we think of the indebtedness, as pointed out yesterday and alluded to, it is necessary to have a cost recovery system in place. There are quite a

range of services now being provided by the Government that are subsidised. We have refuse collection, medical, education, tourism, and all of these. When all of these are taken into account, certain decisions will have to be made whether fees or related charges in these areas are going to be adjusted to bring the potential revenue in line with the cost being incurred. We know education will have to be an exception, because first of all, this is an area in which it is prudent and wise to invest, because we are talking about human capital.

On the tourism sector, in continuing to promote the Cayman Islands, again, it is necessary to provide spin-off economic opportunities where this may not accrue direct revenue. But, again, this will have to be looked at, whether a Tourism Authority should be set up and put on a self-financing basis.

When we take all of these, for example, refuse collection, where it costs over \$200 per household and only \$50 is being recovered, the more we continue to subsidise these services, the less revenue is available to fund the services Government will be called upon to provide, and the only way to compensate for this is to engage in new borrowing. When we seek to align the cost of providing the services with the revenue that should be generated by such services, this is the best and most prudent and equitable method to keep our indebtedness in check.

The Speaker: I will allow two additional supplementaries to this question. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you. I wonder if the Member could say, given that Government has taken so much money from the statutory authorities, and if they are in such a precarious position because of their loan position, whether it would be prudent to take all the money Government is taking and put it toward reducing those loans, which Government seems to be concerned about.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, first, I am not sure whether the Honourable Member intended to word the question as he did, because when he said 'so much money,' we can be specific in talking about the \$1.5 million additional contribution from the three authorities. When we spread that \$1.5 million over the total revenue base of the authorities, bearing in mind that these were significant revenue-generating departments of Government that were set up as statutory authorities—not that setting up those authorities as independent entities was the best thing to do to allow them to fulfil their obligations, but because that was driven by the arrangements entered into to get financing through the Caribbean Development Bank, and as I pointed out yesterday, other countries place a very high premium, and there is a primary obligation on the part of statutory authorities to contribute to central Government. This will have to be

reworked as a part of the reform process, to look to see what the level of revenue is. Because if it does not come from the statutory authorities, it must come from other sources. Ultimately, the burden for revenue falls on the people of the Cayman Islands.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will go to Question 41, standing in the name of the First Elected Member for George Town.

QUESTION 41

No. 41: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development whether the Medium-Term Financial Strategy and the Public Sector Investment Programme will be tabled during the State Opening and First Meeting of the 1998 Session of the Legislative Assembly as promised.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Integral to the completion of the Medium-Term Financial Strategy is the Public Sector Investment Programme. The Public Sector Investment Programme is developed from the capital projects agreed upon by the Legislative Assembly, and the starting base of that would be those as set out in the 1998 Estimates. Members will recall that during the Budget Meeting (of the Legislature), an undertaking was given by the Government that the projects as set out in the Estimates would be re-prioritised to ensure that those determined to be the most essential could be fully funded from the capital provision of \$27.7 million approved by this Honourable House. The prioritisation exercise which is being assisted by the Public Works Department is near completion.

I should point out that the Public Works Department has indicated it will be coming back to the Government today with the reprioritised list, to be further examined. They are presently working on it, and they should be coming with a report. That will have to be examined by Executive Council.

As soon as the results of this are finalised and brought back to Finance Committee, it will then enable the Public Sector Investment Programme and the Medium-Term Financial Strategy to be updated to reflect the prioritisation exercise. It is expected that this process will be completed in time to table both documents during the Second Meeting of the 1998 Session of the Legislative Assembly (June 1998 meeting).

When I said that, first of all, the reprioritisation list being worked on, Public Works is looking into it to ensure that the provisions against the projects are the required sums to carry out the completion of these projects through the end of the year. That becomes the base for the information that will be set out in the Medium-Term Financial Strategy. But because the Estimates are approved by this House, any variation in the capital pro-

jects will have to be approved by Finance Committee before it can be taken as authorised for that to be done. This reprioritised listing will be a part of the Finance Committee agenda on 27 March 1998.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I have a few supplementaries, but the first one is: Can the Honourable Member state at what point in time this list was given to Public Works?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I know Public Works became involved in it during the time I was off to New Zealand. I cannot say the exact day, but I know Executive Council reviewed the information developed up until Tuesday afternoon. I sat in on a meeting on that. It was subsequently given to the Public Works Department for them to examine it and to come back through me to the Members of Executive Council today. But the information set out in that list is based on the information that Public Works has assisted in developing, that has been reviewed by the Honourable Members of Executive Council.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is it safe comment to say that Executive Council took three months, since they indicated during the budget process that they would prioritise their capital projects, to pass this information to Public Works?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: That is not a safe statement when taken in isolation, as put by the Honourable First Elected Member for George Town. It will have to be borne in mind—and this is not something that is arrived at in a minute—in terms of a range of projects set out in the Estimates, it was recognised that quite a number of those projects did not have sufficient funding to see their completion through for the year. In determining from that list, Mr. Speaker, what should be given priority will take consultation with Honourable Members of the Legislative Assembly on an informal basis, and other discussions with Public Works Department and Ministers having discussions amongst themselves, in that process, it is reasonable to expect that there will be a time element involved.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I thank the Honourable Member again for his candid answer. Could the Honourable Member state if, under normal circumstances, and following the process properly, what has been done between December and now should have been done before the Budget was brought to this Honourable House?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: No disrespect is intended to the Honourable First Elected Member for George Town, but I think we have gone into the details. We have seen the anomalies, and I think these were very much aired during the Finance Committee meeting on the Budget, and also during the Budget debate itself. We recognise that there was a need for certain amendments to be made, and these were quite significant. Looking back, we can always determine what the ideal position should be, but what is important is that we are in a position to correct where errors have been made.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you very much. Can the Honourable Member state what time period the Medium-Term Financial Strategy and the Public Sector Investment Programme (if it finally gets to the Legislative Assembly in June, as it is said it will) will encompass regarding future planning?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The time period in question will be the years 1998, 1999 and 2000.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Assuming that all goes well and in June both documents are presented, can the Honourable Member state if there will be an annual review, once this gets rolling, or will it only be reviewed every three years?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: It will have to become a rolling plan. It is a rolling medium-term plan. The year in question that is completed is normally dropped, and the current year then becomes the base year. That becomes a rolling base year. Then a further two years are added on. The reason for that is the assumption that most projects have a life cycle of about three years, and it is necessary for the cost to be spread and accurately reflected, and for there to be completeness of information in the Public Sector Investment Programme itself.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you very much. It is a pity that it is only one Elected Minister here hearing how this thing should work. I trust the information will be passed on to the rest.

Can the Honourable Member then state if, after we establish that base year, every year following that a new document will be laid on the Table, which will include the following three years?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Mr. Speaker, that will have to be the case. This document will have to be expanded to incorporate certain changes being planned, because if, after the review being carried out between now and the end of the year, it is finally agreed that we are going to shift away from the cash-base accounting methodology to an accrual system, that will require certain changes to be made, significant changes, to give greater detail of information and make the document more useful and functional.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you very much. The Honourable Member pre-empted my next question and has already given the answer. Following up on that, could the Member then state, if these changes to be proposed do occur, whether the document will take on a life cycle of more than three years, or if the plan is for it to continue at that level?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: That determination will have to be made as a part of the process. I cannot say it will take on a greater life cycle, but I know it cannot be reduced.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Perhaps this question is going a little bit too far, but I will attempt it, and if the Member is not able to answer, so be it.

Can the Member give us a chronological synopsis of how long this process of the Medium-Term Financial Strategy has been worked on by Government, and how many times it has had to be updated, even though it has not yet been tabled in the Legislative Assembly?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: As the Honourable First Elected Member for George Town will appreciate, one of the things I should not do is to make a statement that could place the Government in an invidious position. I would like to think about an appropriate response to this before I commit myself to giving any comments.

As the Honourable Member will recall, this question has been under debate for quite some time, and we know that although he has expressed certain doubts in moving forward, this document will have to be brought to the House. The Government is committed to the process, and we saw in the December Budget meeting why it is imperative to have this in place. It is necessary that it be done. The Government is committed at this time for it to be brought, and I am optimistic that it will be brought.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. One final supplementary—and I do appreciate that that question was a bit loaded—but could the Honourable Member then say—and I think this is a fair supplementary—when it was raised in the Legislative Assembly for the first time (the Medium-Term Financial Strategy and Public Sector Investment Programme), when was it hoped to be tabled?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I cannot respond to that question accurately offhand. I would have to research the records, the *Hansards* of the Legislative Assembly, to provide the information.

The Speaker: That concludes that question. Question number 42, standing in the name of the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I see that it has now reached the hour of 11.00 or a little past, so I crave the indulgence of the Chair to move the motion so that Question Time may be continued.

Mr. W. McKeeva Bush: I second, Mr. Speaker.

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

The Speaker: I shall put the question that Standing Order 23(7) and (8) be suspended in order that question time can go beyond 11.00. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE.

The Speaker: The Third Elected Member for Bodden Town.

QUESTION 42

No. 42: Mr. Roy Bodden asked the Honourable Member with responsibility for Finance and Economic Development to state what action is taken in cases where departments enter into contracts for purchases greater than CI\$10,000 without the approval of the Departmental Tenders Committee.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: In accordance with section 8(4)(l) of the Financial and Stores Regulations, contracts

estimated to cost over CI\$10,000 and less than CI\$100,000 require [approval of] a Departmental Tenders Committee comprising the Controlling Officer as Chairman and two other officers selected by the Chairman.

Any deviation from these procedures can result in disciplinary action being taken. It is the responsibility of the Controlling Officer to bring any tender infractions on the part of an officer in his/her department to the attention of the Financial Secretary. In addition, both the Auditor General's Office and the Internal Audit Section hold a monitoring and reporting brief.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I notice that the Auditor General, in his most recent report, had reason to comment with alarm at this practise. My question to the Honourable Member is, what is being done to ensure that this practise does not become widespread and endemic, and are there any cases now of sanctions against any department where this has been the practise recently?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Within the past three years, there was a case that came to light. This matter was looked into by one of the attorneys from the Legal Department. The conclusion was reached, I would want to believe, that just a letter of reprimand should be given.

We have the Financial and Stores Regulations and the Public Finance and Audit Law. It is incumbent upon controlling officers to familiarise themselves with the provisions of these documents because we are talking about entrusting them with responsibilities for the stewardship of millions of dollars. Where the law or regulations specifically set certain limits, we are talking about high-priced executives who are being paid to administer these functions. We would trust that, as most Controlling Officers are, or all of them, they will be responsible enough to ensure that they comply with the limits set by the Public Finance and Audit Law, which is a piece of legislation determined by the Parliament. Therefore the resulting Regulations flowing from that also carry with them certain obligations. So in these instances, where it is reported that there are infractions and violations, action will have to be taken.

I know the Auditor General has raised certain concerns, and from time to time, Controlling Officers are invited to observe the requirements of the Regulations as such. But we have not had a multiplicity of such infractions being brought to the attention of the Financial Secretary.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. The Honourable Member mentioned briefly an issue that I would like to raise, and that is, are there any procedures for

ensuring that Controlling Officers are reminded of these requirements in the Financial and Stores Regulations?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Mr. Speaker, through FSRs [Financial and Stores Regulations] and from time to time through Financial Circulars.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for today. Item number 4 on today's Order Paper, Other Business, Private Member's Motion No. 5/98, Amendment to Taxi Pickup Areas on the Waterfront in George Town. The Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION NO. 5/98 (Withdrawn)

AMENDMENT TO TAXI PICKUP AREAS ON THE WATERFRONT IN GEORGE TOWN

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. In accordance with Standing Order 24(14), I beg to move the withdrawal of Private Member's Motion No. 5/98, which reads as follows:

"WHEREAS, in an attempt to address the issue of congestion on the waterfront in George Town, and to instil some discipline in the transportation industry, the Public Passenger Vehicles Registration Law, 1995 was introduced to prohibit the solicitation and pickup of passengers between Boilers Road and Mary Street, which has been proven to be an inconvenience and hardship to taxi operators and visitors alike;

"AND WHEREAS it is recognised that it is difficult for people to earn a living in the transportation industry, and it is becoming more difficult to do so on a daily basis, and whereas much representation has been made to myself and other legislators concerning the hardships caused by the recent rules introduced by the Port Authority;

"BE IT NOW THEREFORE RESOLVED that consideration be given to amending the restricted area to reduce the hardship and inconvenience it has caused our people employed in the transportation industry."

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I beg to second the motion.

The Speaker: The motion has been duly moved and seconded. Do you wish to speak to it?

Mr. John D. Jefferson, Jr.: Yes, thank you, Mr. Speaker. Just a few comments: This motion was moved by myself and seconded by the Honourable Lady Member from North Side. It was filed in the Legislative Assembly on the 9 February 1998. The Honourable Minister responsible for Tourism, Commerce and Transport, on Wednesday, 4 March, made a statement entitled, "The Public Passenger Vehicles (Amendment) Regulation, 1998," of which I would like to read the second paragraph:

"It has been two months since this system has been operational, and as a result of a review of the system, and representations received from some of the taxi and bus operators, it is felt that the area shown coloured in red on the Plan, in the Schedule to the Public Passenger Vehicles Regulations, 1995, extends too far north, and that it would be more equitable to terminate this area at the northern part of the junction of Fort Street and North Church Street. This would allow taxis and buses to pick up passengers at any point north of the junction of Fort Street and North Church Street. The Public Passenger Vehicles (Amendment) Regulation, 1998, which I lay on the Table of this Honourable House on Friday morning reflects this change."

Mr. Speaker, that statement basically confirms what was being asked for in my motion—that the restricted area going north be terminated. I had suggested at the Port Authority's property, which extends just off of Fort Street, so I did not have a problem with the cut-off being limited to Fort Street. Experience has shown that if a visitor needed a taxi and was at the West Wind Building, for example, he could not call a taxi and have a taxi come there and pick him up because it was within the restricted area. The operator of that taxi was then subject to a fine of up to \$500, which is very unfair, and very expensive.

For that reason, we had a lot of representations with respect to that particular issue. It was always my contention that the restricted area should not have related to taxi operators who were doing business in the normal fashion, but to the cruiseship passengers, who move between the beach and the Port Authority area.

In addition to the statement by the Honourable Minister on Friday, 6 March 1998, the Honourable Minister then tabled The Public Passenger Vehicles (Amendment) Regulations, 1998, which was approved in Executive Council on 24 February 1998. I want to say thanks to the Honourable Minister for dealing with this very important issue that affects so many of our people, so promptly. I trust the Honourable Minister will move with the same sense of urgency in addressing the other issues affecting the transportation industry, such as the issuance of taxi and ground transportation licences and permits, and reducing the number of persons competing on the inter-district routes with our people.

Many of our people have lost faith that anything will be done, and are not looking for anything to be done because of the length of time which has passed without these issues being addressed. I have confidence that it will be addressed, and I am asking the Honourable Minister to get on with rectifying that situation, because it affects many of our people. So I thank you, Sir, and I also thank the Honourable Minister for Tourism, Commerce and Transport for addressing this request in my motion so promptly.

The Speaker: Does any other Member wish to speak? I shall put the question.

Mr. W. McKeeva Bush: Mr. Speaker, the Member moving the motion raised several areas that need to be addressed. One was the issuance of taxi licences and the next was the number of people on the district route. One of the problems with the restricted area is that taxis themselves were not being allowed to pick up, but other people, tour operators for instance, were. Those are the kinds of double standards causing too much friction in the taxi business. When that amount of friction exists, it is bound to affect the tourists coming to the Island. It does not bode well for the Cayman Islands' image.

So I too want to draw to the Minister's attention the matter of the taxi licences, issuance of the licences, and the number of people, and the problems caused on the district route. This has long been a problem—not just today, since that Minister took over—and it certainly needs to be addressed now, because the travelling public is being affected. We have heard about fights on those district bus routes. We need to rectify the matter. I would urge the Minister to move quickly in addressing the issues of taxi problems. Thank you, Mr. Speaker.

The Speaker: I would like to call to the attention of the Honourable House that the question before the House is for the withdrawal of the motion. I agree that the Member moving the withdrawal did touch on a subject outside the motion itself, which the First Elected Member for West Bay also touched on. If other Members wish to speak, they do have that right, but please be as brief as possible because I would like to get on with the withdrawal of this motion.

Does any other Member wish to speak? (Pause) If not, I shall put the question, that under Standing Order 24(14), Private Member's Motion No. 5/98 be withdrawn. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 5/98 WITHDRAWN.

The Speaker: The Third Elected Member for West Bay had asked to make a personal explanation. Do you still wish to do that, or have you made it? All right.

Private Member's Motion No. 6/98, Payment of Gratuities, moved by the Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 6/98

PAYMENT OF GRATUITIES

Mr. John D. Jefferson, Jr: Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 6/98, Payment of Gratuities, which reads as follows:

"WHEREAS the Hospitality Industry is a major employer of our Caymanian people;

"AND WHEREAS the wages paid in the Industry are relatively small compared to other areas of employment;

"AND WHEREAS for this reason those employed in the Hospitality Industry depend heavily upon gratuities to supplement their income;

"AND WHEREAS most establishments, as a practice, pay gratuities once or twice within the month;

"AND WHEREAS the Labour Law allows 21 days after the end of the month to pay gratuities which, when implemented, causes real hardships for our people;

"AND WHEREAS with the advent of computers today it is possible to know at any point in time the revenues of the establishment for the purpose of calculation of gratuities;

"AND WHEREAS there is still widespread concern and suspicion that in many establishments, management still benefit from the payment of gratuities which causes further hardship for our people by reducing the amount of gratuities which are available for those who are entitled to a gratuity;

"BE IT NOW THEREFORE RESOLVED THAT section 37(3) of the Labour Law be amended to require that gratuities be paid on the 15th and 30th of each month;

"AND BE IT FURTHER RESOLVED that this Honourable Legislative Assembly considers authorising the employment, by the Labour Department, of two additional qualified inspectors for the purpose of visiting establishments to determine whether gratuities are accurately calculated and fairly and equitably distributed."

Mrs. Edna M. Moyle: I beg to second the motion.

The Speaker: Private Member's Motion No. 6/98 has been duly moved and seconded. Does the Mover wish to speak to it?

Mr. John D. Jefferson, Jr: Yes, Mr. Speaker.

In an attempt to research this very important issue which affects many of our people, I called the major hotels—the Marriott, the Westin, Treasure Island, Holiday Inn and the Hyatt. I was disappointed in that every one of these establishments, with the exception of the Hyatt, was prepared to sit with me and discuss the issue. Their attitude was that payment of gratuities is a propriety issue. In other words, I did not have any business knowing what they were doing, and if I wanted information I could go to the Labour Department for it. I thought that was a bit cheeky.

I do want to thank the other establishments that I visited for taking the time to hear what my proposals were and also for giving me the opportunity to learn exactly how they were dealing with payment of gratuities. I was very pleased that both the Marriott and the Westin Hotels are already doing what this motion is calling for.

Mr. Speaker, I would like to move one small amendment to my motion calling for the payment of gratuities twice a month on the 15 and 30 of each month. I learned from my research that it would be much more convenient if the payment of gratuities coincided with the pay-day for salaries and wages, and that is twice per month in most cases anyway. At that stage the information is available in regard to what gratuities have been earned and it is a practice already in place in the industry, in particular at the Marriott and Westin Hotels.

I had some specific questions for them, asking if management shared in the gratuities. The Marriott Hotel informed me that the general manager, the front office manager, the food and beverage director, the personnel manager, the sales and catering director, the restaurant manager, and chief engineer, which I consider management, do not share in the gratuities. I also learned that at the Marriott the starting wage for the front desk personnel is \$5.00 per hour, and for restaurant and rooms the minimum is \$3.50 per hour. They do pay overtime. The last calculation of gratuity worked out to approximately \$6.00 per hour. When you add the gratuity of \$6.00 per hour to an average wage of \$4.50 or \$5.00 per hour, it means that the minimum most members of staff are making is between \$10.00 or \$11.00 per hour. Because they pay the gratuity at the same time as wages and salaries, those employees can see exactly where their money goes because they get it all at one time.

My experience at the Westin was exactly the same. I asked specifically about managers sharing in the gratuities. They said that all salaried employees and food and beverage people do not share in gratuities. The system at the Westin is that the food and beverage people earn gratuities on a daily basis, and at the end of the day in most cases they get whatever they earned, which is in keeping with the practice that existed many years ago. For that reason they do not share in the gratuities

earned in other areas. Their per hour gratuity was also in the region of about \$6.50 per hour. I thought that was very good. They are also paid twice per month, the same time that they pay wages and salaries.

At the Holiday Inn, they pay twice per month, not necessarily on the same day that they pay wages and salaries, but they do pay twice per month. Everyone is entitled to gratuities except members of the executive committee. So the findings...

The Speaker: May I interrupt you for just one moment?

Mr. John D. Jefferson, Jr: Yes.

The Speaker: This may be a convenient time for us to take the break. You spoke of an amendment. Under Standing Order 26, I would like to see the amendment to change the wording. You can move that before you conclude your moving of the motion. Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.29 AM

PROCEEDINGS RESUMED AT 12.08 PM

The Speaker: Please be seated. Proceedings are resumed. The Third Elected Member for West Bay continuing.

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

I was dealing with my findings as a result of my research on the issue of gratuities.

Of the five major hotels, only the Hyatt and the Treasure Island Hotels pay gratuities once per month. I spoke with the accountant at the Treasure Island Hotel who indicated that, even though it would take some effort to change the system, it was possible to pay gratuities on the same date as salaries and wages because the information is available at that time.

Gratuities are an important part of the earnings of these establishments, as wages paid are not, in most cases, very attractive. I feel that by getting both wages, or salaries, and gratuities paid at the same time twice per month, our people will be better able to support themselves financially.

The last part of this Motion reads: **“AND BE IT FURTHER RESOLVED that this Honourable Legislative Assembly consider authorising the employment, by the Labour Department, of two additional qualified inspectors for the purpose of visiting establishments to determine whether gratuities are accurately calculated and fairly and equitably distributed.”**

This is something that I mentioned from my political platform as far back as 1988. The Human Resources Department should have in-house qualified personnel capable of going to these establishments to have a look at the books to determine whether or not the gratuities are accurately calculated, and ensure that they are paid only to those persons who are entitled to them. I recog-

nise that some effort was made in this area. I think last year we had some auditors from the private sector commissioned to go out and look at certain properties suspected of dabbling in gratuities as far as management was concerned.

The reason I say we need our own inspectors is because...and I used to work for one of the large accounting firms. In fact, it was my first job. I worked with Price Waterhouse and Company in Grand Cayman. From experience, what happens is that for the first four or five months of the year they are unavailable because they are required to do audits with respect to every licensed bank that operates here, as well as a lot of other companies. So it is impossible for them to make themselves available during the first four or five months of the year.

I believe that these inspectors could also look at the accommodation tax due Government. I recall that when the Third Elected Member for Bodden Town was chairman of the Public Accounts Committee, we dealt with the issue of tourist accommodation tax and the abuse evident in that area. Some improvements have been made in that area, but I believe that the two additional inspectors that I am calling for in this motion would more than pay for themselves (that is, their salaries) by ensuring that the tourist accommodation tax paid to Government is accurate and promptly submitted. We are all aware that Government can use every additional dollar owed to it because of the demands that it must deal with from time to time in respect to services.

I am requesting that consideration also be given to the employment of two qualified inspectors. This really does not have to be an Englishman, as we have a lot of local Caymanians who have been working in the industry a long time. They know exactly how it works and it should not be difficult for us to find people locally who have the qualification and experience to fill these positions.

The requests in this motion are reasonable, they are do-able, and in some establishments they already exist. I see no reason why those establishments that are now only paying once per month cannot fall in line like everyone else and pay gratuities twice per month at the time they are paying wages and salaries.

In my opening comments, I mentioned that I had an amendment that I wanted to bring to the motion. With your permission, Mr. Speaker, I will deal with that amendment at this time.

The Speaker: Under Standing Order 25(2), I waive the two day's notice. You may move the amendment to the motion.

Mr. John D. Jefferson, Jr: Thank you, Mr. Speaker. In accordance with the provisions of Standing Order 25, I, the Third Elected Member for West Bay, seek to move to amend Private Member's Motion No. 6/98 by deleting the words "**on the 15th and 30th of each month**" as they appear in the first "Resolved" and by inserting the

words "**twice monthly on the day wages or salaries are paid.**"

Mrs. Edna M. Moyle: I second that motion.

The Speaker: The amendment has been duly moved and seconded. Does the Member wish to speak to it?

Mr. John D. Jefferson, Jr: Yes, Mr. Speaker.

My research indicated that establishments would be more comfortable with respect to the payment of gratuities at the time they pay salaries and wages because at the time the information is available.

At one of the establishments I visited there was a report on the earnings of the establishment available every day which also contained information on the gratuities earned for that particular period. The establishments are all computerised, and with the push of a button can know at any time what gratuities are earned. It should not pose any difficulty to call for gratuities to be paid twice per month on the date that wages and salaries are paid.

I am pleased to commend this motion, and do request support from Honourable Members of this House.

The Speaker: The amendment has been duly moved and seconded. Does any other Member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I rise to support the motion before the House. When we put the Law in place in 1995, when we were...

The Speaker: May I interrupt you? This is actually the question on the amendment to change the dates.

Mr. W. McKeeva Bush: Sorry, Mr. Speaker. I am getting confused by the confusion.

The Speaker: The question is that the amendment be made. Does any Member wish to speak to that? (Pause) If not, I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THAT THE AMENDMENT BE MADE.

The Speaker: Does any Member wish to speak to the motion as amended? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker.

As I was saying, when we put the Law in place in 1995, we amended the Labour Law, it was suggested that gratuities be paid weekly to those people paid weekly, or biweekly if they were so paid. At that time, the condos, restaurants specifically, and some hotels came

to us and said that to pay gratuities at that time would be a problem because the vast majority of guests pay by credit card which takes a long time to come back to the establishment.

The Government (the National Team at the time) said to go with the time the establishments were requiring, which was over twenty days. I think we all remember the upheaval in the country on those amendments. I believe all Members of the National Team can remember who supported me on the amendments. It seemed that where cash was paid there was no problem, areas (sometimes the restaurants, sometimes the bars) where people were paying cash and collecting tips quickly at the same time.

The Mover is asking that the establishments pay those gratuities every two weeks. If something can be done to effect quicker payment of gratuities, then I can agree that is what was intended in 1995. I have always stood on the side of the working person, but we have to be realistic, if bills are paid by credit card it will take some time.

I know of the good intention of the motion. As I said, if something can be done to effect quicker payment, I am all for it.

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

Hon. Julianna O'Connor-Connolly: I rise to give my brief contribution to Private Member's Motion No. 6/98, moved by the Third Elected Member for West Bay, and seconded by the Elected Member for North Side.

I concur with the Movers that the hospitality industry is a major employer of Caymanian people. I further concur that the wages paid in the industry are relatively small compared to similar areas of employment. I also concur that persons who are duly employed in the hospitality industry depend heavily upon gratuities to supplement their income. Further, I have no objection to gratuities being paid twice per month to the prescribed employees rather than once per month, which, as is my understanding, a common practice in all three of the Islands.

I am also certain that there is still wide-spread suspicion that there are many establishments today where managers (or those who should not be) are still benefiting from the payment of gratuities which causes a further hardship on our people by reducing the amount of gratuities available to those entitled.

With regard to the first "Resolved" section of this motion seeking to effect an amendment to section 37(3) of the Labour Law (1996 Revision), making it mandatory for gratuities to be paid (previously it was on the 15 and 30 and now amended), this meets with our agreement as well. The final "Resolved" asks this House to consider the authorisation of two additional qualified inspectors for the Labour Department to determine whether gratuities are accurately calculated and fairly and equitably distributed. This too we accept and are happy to concur with.

We would also indicate at this time that it is my Ministry's intention to review the Labour Gratuities Distribution Regulations of 1992, made in Executive Council on 17 November 1992, which (for those desirous of being reminded) was the date of the General Elections. The intention to re-

view that is purely because, in my humble and respectful opinion, subsection (d) which serves to distribute 7.5% of the gratuity for incentive awards to the staff, is going against the integral intention of the Law, whereby the managers should not be receiving gratuities. For this to remain would not be in the best interests of persons who have a legitimate expectation to receive gratuities. I am made to understand that certain establishments that adhere to this are reducing, in accordance with this regulation, 7.5% for employees' awards. Normally this is done at the end of the year and nine times out of ten the employees cannot benefit from any interest accruing on this 7.5% reduction.

Secondly, there does not seem (and I stand to be corrected) any provision therein where there is proper accounting for this segregated portfolio of 7.5%. I would like to see this tightened up so that the employees could benefit 100% from the collected gratuities.

With these few words, the Government is happy to accept this motion.

The Speaker: Does any other Member wish to speak?
The Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker.

As seconder of this motion, I would like to thank the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, and the Government, for accepting this motion recognising the need of our people in the hospitality field to be paid these gratuities much earlier than is being done at the moment; and for recognising that we do need qualified inspectors in the Labour Department (or Human Resources Department I think it is called now) to carry out these inspections to make certain that gratuities are correctly calculated and fairly and equitably distributed to those people entitled to such gratuities.

The Speaker: Does any other Member wish to speak?
If not, does the Mover wish to reply?

Mr. John D. Jefferson, Jr: Let me start by thanking those Members who spoke on this motion. I also thank the Government for accepting the motion. I am pleased that there are plans to amend the Regulations in respect of gratuities because at one establishment I visited, they had implemented that policy of withholding a percentage for the purpose of making available a monthly award, or bonus at the end of the year. I believe, as the Honourable Minister mentioned, there is no proper accounting for this. Not only that, if our people earn the money, let us make sure that those establishments pay it.

I thank Members for their support.

The Speaker: The question is Private Members Motion No. 6/98 as amended. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 6/98 AS AMENDED PASSED.

The Speaker: Private Member's Motion No. 2/98, Change of Dredging Policies. The First Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 2/98

CHANGE OF DREDGING POLICIES

Mr. Roy Bodden: I rise to move Private Member's Motion No. 2/98 entitled "Change of Dredging Policy," which reads as follows:

"WHEREAS the Throne Speech delivered by His Excellency on 16th February, 1997 stated: 'Executive Council has decided that there shall be no further dredging in the North Sound, except for an approval granted to Caymarl Ltd to excavate the balance of material (784,100 cubic yards) that remained under a licence granted in 1988 for the dredging of two million yards of material from the borrow pit offshore the marl pit, just north of the George Town Barcadere. In addition, to further the final upgrading of the George Town Barcadere the Government will also consider an application from Simmons Enterprises for the excavation of 122,200 cubic yards which will complete the dredging of the basin at this location, to facilitate an increased amount of vessel traffic and usage.';

"AND WHEREAS dredging in the Cayman Islands is an environmentally sensitive issue which is likely to cause much debate;

"BE IT NOW THEREFORE RESOLVED THAT any change in policy regarding dredging be debated and voted upon in the Legislative Assembly;

"AND BE IT NOW FURTHER RESOLVED THAT all proposed dredging /excavation on Crown Land or in the North Sound be brought to the Legislative Assembly for approval."

The Speaker: Is there a seconder?

Mr. D. Kurt Tibbetts: I beg to second Private Member's Motion No. 2/98.

The Speaker: Private Member's Motion No. 2/98 has been duly moved and seconded. Does the Mover wish to speak to it?

Mr. Roy Bodden: Thank you, Mr. Speaker.

I vividly recall debating one of the Throne Speeches during my first term in this Honourable House where I remarked that we in the Cayman Islands were approaching a Rubicon, a dividing line. To those who may not be history buffs, the Rubicon was a river on which the Romans fought perhaps the most difficult battle, a battle that was to determine the outcome of the mighty Roman

Empire. Not only are we in the Cayman Islands approaching this Rubicon, but so is the whole world in terms of being able to master what is now a very popular phrase 'sustainable development.'

I remember studying anthropology in one of the introductory courses of my university years. The professor was a gentleman who had frequented the Amazon jungle in Brazil. Although many of his students did not understand the full implication of what he was telling us at the time, we listened with interest to his tales about primitive tribes living in the Amazon Jungle who were under threat from encroaching modern development—what some people, who did not know better at the time, called 'civilisation' and 'industrialisation.'

We found it interesting when Professor Von Graeve [?] told us how these people did not have immunities to certain things such as the common cold. Diseases such as the common cold wiped them out because they were so isolated and so far out of touch with other species that they were extremely susceptible to colds, measles and things we take as every day common occurrences. Similarly too, he spoke of wholesale destruction of the rainforest. I suppose at that time this whole delicate relationship between our environment and our existence as human beings and as people who manage—or mismanage—this environment was just beginning to dawn on people.

A motion such as this has implications because we know that the earth is perhaps the most commonly shared resource. Economists tell us that land, and by inference in this case water, is the source of all wealth. This is especially so in the sense that those of us entrusted to manage this resource have an obligation to do so in such a way that not only we benefit from it, but that our progeny and future generations can also derive benefits. In other words, we are duty bound to leave these resources so that those we leave behind, our successors, can tap these resources and continue to live up to, at the very least, the standard to which we have become accustomed. It makes good sense, then, for us to try to understand how we can do this.

I would not be so dogmatic as to say that we should call an absolute halt to these kinds of practices because I like to express our position this way: We are on a treadmill from which we cannot easily disembark. The treadmill is progressing at a certain pace. Anyone who has been on a treadmill knows that if you are going along at the rate we are going along at, and you try to get off and do not know what you are doing, you are likely to fall and you might hurt yourself. So, being on this treadmill, what we have to do is adjust ourselves to the pace that the treadmill is progressing at so that we can keep pace and sustain that pace until the end of our exercise period, so to speak.

Quite interestingly, yesterday afternoon Members of this House had their first working session of Vision 2008. I mention this because the document, *Small Island Issues*, which we received in our mailboxes here at the Legislative Assembly, states, "**Small Islands Developing States are Unique.**" I want to read two sections

from the very first page of this which has relevance to my motion and this debate.

The first section says, “**SIDS (Small Islands Developing States) are small, isolated and have very fragile ecosystems which makes their environment and human activities particularly independent.**” A point I stressed in my introduction.

The second point is: “**SIDS have relatively large coastal and marine areas in proportion to their total land area. This fosters intense competition for limited land and coastal resources while bringing out specific challenges for the sustainable development of their marine environment. Biodiversity, an important development resource, is particularly vulnerable to mismanagement.**”

I am happy that the relationship between our environment and our existence is brought out in this Vision 2008 exercise so early. I am happier to know that this motion, according to what I have just read, will have a specific bearing on developments which will emanate out of the exercise of the Vision 2008 Strategic Plan. What we are talking about impinges directly and impacts strategically on our successful planning for the future.

I have said many times that the greatest resources of this country (and heaven knows we have others) are the land, and, again by inference, the coastal areas surrounding that land, and its people. If we check it out, those countries that have been most successful have been the ones best able to marry these two resources in such a way that they can gauge for the negative effects of both. When there is a counter balance, one or the other suffers. We need only go back a short few weeks ago to the news items about what was happening in Indonesia to see how fires in the Rain Forest affected the health, and upset the economy of the country.

The Speaker: Have you reached a point where we can take the luncheon break? I think Members have a meeting at one o'clock.

Mr. Roy Bodden: Yes, Mr. Speaker.

The Speaker: Proceedings are suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.49 PM

PROCEEDINGS RESUMED AT 2.51 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues with the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. When we took the luncheon suspension, I was making a point in regard to the universal interest in preserving the environment as an important facet in sustainable development.

I now move on to say that at the beginning of the environmentalist and conservationist movement, world-

wide, that is, these people were looked upon somewhat suspiciously. There were many people, including intellectuals and academics, who viewed them as nothing but interfering busybodies. Now, however, the position of these people is taken much more seriously, and has grown to become respected and, in many instances, widely accepted. It is no less true that we, in these Islands, have to pay credence and attention to the findings of these persons as we attempt to transpose it upon the future, and also upon the present developments in our country.

That we should be so interested is predicated upon the fact that our country is so small and our resources so limited. I believe that was the reason for the announcement by His Excellency the Governor in the Throne Speech I previously quoted. One can quite rightfully and logically ask, Why was this deemed so important? Why was this policy deemed so important as to have been announced by His Excellency the Governor in the Legislative Assembly? And why is this motion now being moved? The answer is quite simply this: We are the trustees of the people.

Dredging —particularly dredging on Crown lands— is a matter which concerns the people. Since it would be quite literally impossible to poll every single concerned person in the Cayman Islands as to his or her disposition in this regard, it is fitting that any change in policy, or any application, be discussed and debated by the people's trustees, who in this case are also their elected representatives.

Honourable Members should take note that the motion is not asking that dredging be stopped. The motion is not, by any means, dogmatic. The motion is recognising that the issue is an environmentally sensitive one. The motion is recognising that it is an issue of great public concern. The motion is recognising that dredging is also of great public interest, so the motion now before the House is not at all unreasonable in asking that any change in policy, any departure from what His Excellency the Governor told this House, be debated and voted upon by the people's representatives in this Legislative Assembly, and that all proposed dredging or excavation on Crown lands be brought to the Legislative Assembly for approval and, it follows without saying, Mr. Speaker, be debated.

What can be achieved by such a gesture? one might ask. Transparency, for one thing! Very important! By bringing these matters before the Legislative Assembly, all persons interested, involved, and concerned, will be able to listen, will be able to hear, will be able to research how Honourable Members, who are the representatives of the people, debated and how they were disposed.

Now, what does this mean regarding a comparison to the present situation? As I understand it, this is a matter of responsibility and decision-making which rests with a number of bodies. Some of the decision has to come from the Department of the Environment and, by inference, the Ministry of Planning. Part of the decision could be made by the Executive Council; and in times of chal-

lenge and controversy, it is easy under this system, for buck-passing, for denial of responsibility.

I am only reminded too well that there was a previous situation in which we had this kind of stuff. I recall when my colleague, the former Second Elected Member for Cayman Brac and Little Cayman, brought a motion to this Honourable House in February of 1996 asking for debate on dredging in the North Sound. We were calling for a halt at that time. At one point in the debate there was controversy; indeed, the Minister responsible for Education and Planning and the Leader of Government Business challenged my colleague and accused him of misleading the House when my colleague suggested that part of the responsibility for such a decision lay with the Executive Council. It is important to record that by bringing this matter to the Legislative Assembly for the people's representatives to debate and vote upon, that kind of cloud will be eliminated. The responsibility then will rest clearly with the people's representatives, and no one will be able to dodge behind their office and say, *No, it is not my responsibility. It is the Department of the Environment, or it is the Department of Planning.* Everyone will know.

Also, it is only fitting, seeing to a large extent that this matter is concerned with resources commonly owned by the Crown, and, by inference, the people, that ultimate decisions, debates and approvals be made by the people's representatives. I am not saying that the Executive Council is not comprised of the people's representatives, and therefore, the only reason the decision-making process should be removed from that body. I am saying, however, that when it comes to the Parliament, when it comes to the Legislative Assembly, contrary to the comprising of the Executive Council, the Legislative Assembly is made up of all fifteen representatives of the people, so everyone will have a say. The Executive Council is comprised of only five of the elected representatives of the people; hence, the majority two-thirds is denied input at that decision-making level.

Back to the more important point of transparency: the *Hansards* of this Honourable House will show that I, the Third Elected Member for Bodden Town, have advocated, continue to advocate, and will remain committed as one of the foremost advocates of transparency in Government. I am proud to stand here this afternoon to say that is one issue that this Honourable Member—who has been accused of many things—does not waffle on! From the time I came here I have been a believer in transparency in Government, because when the system is transparent it frees those involved from aspersions, insinuation, allegation and worse. Transparency is one of the fundamentals of democracy and good government.

I recognise, too, Mr. Speaker, that any arrangement or agreement made prior to this motion in regard to dredging will have to be honoured. Of course, we would not be so arrogant, so blinkered, or so ill-advised that we would attempt to come here and bring a motion which

would be retroactive. So what this motion seeks to address is any arrangement entered into from here on in.

I believe that the motion before the House is reasonable. I believe that our constituents and the wider community would be appreciative of such a step, if accepted by the House. I believe that we will not necessarily be compromising our position, or in any way encumbering our ability to make a decision. And I hope that the Executive Council, guardians of power and prestige as they are, do not see this as a trespass or encroachment upon their all-powerful and exalted positions; but, rather, view it as a sharing of the responsibility of decision-making, and a broadening of democracy. More importantly, I would hope that they see it as an offer, a gesture to alleviate some of the apprehension and concerns people may have when these kinds of decisions are taken behind closed doors.

I want to say something that I believe is very important, because in any democracy lobbying goes on when decisions of this nature are being made. Indeed, in some jurisdictions, like the great United States, there are people who make their living as paid lobbyists. I understand in the Congress and Senate of the United States, there are people who walk the halls every day trying to buttonhole and pin down congressmen and senators, because they represent the tobacco industry, the motor vehicle industry, the banking industry, all kinds of industries. They seek to get a certain disposition for the industries they represent from the senators and congressmen.

Here in the Cayman Islands we do not have such a sophisticated system, but there are those of us who know that lobbying goes on. There is nothing wrong with that when it is above-board, legitimate and within means. I am saying that bringing it to debate in the Legislative Assembly does not stop people from calling up the Members and saying, *We believe this is a good policy; that this decision would be good because x will stand to benefit, or y will stand to benefit, or these will be the spin-offs.* Certainly any legitimate approach is welcome.

By this time all and sundry in our community know what a legitimate approach is. The last time I had a good look, Mr. Speaker, there were no legislators in here with horns. I am saying that, because this motion requesting that these matters come to the Legislative Assembly for debate, does not preclude interested parties from saying, *We believe that the decision should go this way because it will be in the long-term best interest.* We would certainly welcome, as is the case now, letters to the press, issues aired on Radio Cayman, on television—that is only healthy for democracy.

I want to get away from what the Jamaicans call, "all the 'su-suin'" that goes on in one area, and then—how do they say it in law?—the aggrieved parties, or the disgruntled people spread rumour and innuendo, which reflects and impinges upon the good conduct of those persons involved in the decision-making.

Lay it out in the open, so those who are interested can come here if they are so moved, listen, look, and learn firsthand what is taking place. This is what the mo-

tion is asking for. No more, no less. The motion is not saying that dredging should be stopped. The motion is not saying that only certain people should be allowed to dredge. The motion is not saying that we are blinkered in our approach. It is only saying that this matter is so important and so sensitive that it should rest with the people's representatives to decide upon.

Having made that point, Mr. Speaker, I can now take my seat, because I believe, even if I have to say so myself, that I have done fair with my introduction. Thank you, Sir.

The Speaker: Does any other Member wish to speak? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. This motion, however well-intended, is one Government cannot support, but will offer an alternative that it feels is a sufficient solution to what has been raised.

This motion, in the first operative or "Resolved" part, as it is called here, states, "**BE IT NOW THEREFORE RESOLVED that any change in policy regarding dredging be debated and voted upon in the Legislative Assembly.**" Under the Cayman Islands (Constitution) Order, section 7(1) says, "**The Governor shall, subject to the following provisions of this section, consult with the Executive Council in the formulation of policy. . . .**"

Also, at section 29(1) of the Constitution, it states, "**Subject to the provisions of this Constitution, the Governor, with the advice and consent of the Assembly, may make laws for the peace, order and good government of the Islands.**"

A democracy, and indeed Commonwealth democracy, such as the United Kingdom and other Commonwealth Caribbean Islands, draws a very clear distinction between policy which is made by the executive, legislation which is made by the legislature, and judicial decisions which are made by the judiciary. That is basically the separation of powers between the three organs of government.

This motion attempts to put policymaking into the Legislative Assembly, and that is not right, as much as it would not be right for the Executive Council to make laws through the passing of skeleton laws by this Assembly and then to leave very wide and extensive regulations to be dealt with through the Executive Council. That is also why it is very important that this Legislature and the Executive Council do not cross over the border with the judiciary, the police or the enforcement of justice. The smooth operation of this Constitution relies very heavily on keeping policy where it should be with Executive Council, laws where they should be with the Legislative Assembly, and the judiciary where it should be as the judiciary.

The power to deal with dredging for Crown lands vests with the Governor under the Constitution. The alternative to this that we put forward is the following: "**The Government will, in the future, put into effect**

the following policy: Applications for dredging in the North Sound, other than minor applications such as seawalls, wharves, jetties, giving access for a canal approved by the Central Planning Authority to deeper water will (1) be published in a newspaper once per week for four weeks, giving notice of the application and stating that written objections and representations may be made to the Permanent Secretary, Ministry of Agriculture, Environment, Communications and Works, within at least four weeks from the date of the last notice; (2) such written objections and representations shall be considered by the Executive Council before a decision is taken thereon."

This, Mr. Speaker, will therefore ensure—and this has been done at times in the past—that with applications for dredging the public will have notice, and they will be able to make objections and representations relating to them, as well as the fact that MLAs will be aware and have notice of what is going on.

The other aspect of the motion deals with the dredging and excavation of Crown land, and this is dealt with in the Development and Planning Law. Under that Law, the appropriate body for dealing with this is the Central Planning Authority, which has to give its approval for any type of mining or quarrying in relation to any land, not just Crown land. That power vests with the Central Planning Authority, and from there is an appeal system to a tribunal, and thereafter to the court.

It would be wrong to substitute the Legislative Assembly for the Central Planning Authority, the Planning Appeals Tribunal and the court. I do not believe that the mover of this motion would or could have expected that the traditional way, or the legal way, I should say, that the mining or the quarrying of marl or excavating of land should be brought to this Legislature. That too would erode well-established principles, and under the Development and Planning Law, notices and publications, as appropriate, would be given so the public is quite aware of the position there.

Just a few days ago, this Honourable House debated and approved unanimously a motion relating to roads. Let us look at the practical aspect of life in reality when it comes to roads. The construction industry of the Cayman Islands depends on fill, it depends on rock, otherwise it will ultimately shut down if there is not a supply. To build the roads we have all stated need to happen, there must be marl, there must be fill, and we have to be realists. It has to either come from out of the seabed, out of the North Sound area—and I will talk a bit more on the Wickstead Report, where that said fill could come from—or it has to be taken from the land; or it has to be imported from somewhere else. They are the three options that remain. They all have problems related to them, and I do not know the answer. I doubt if anyone in here knows the absolute answer to which is better, which is more practical; but I would say that for us to continue to build houses and roads, some solution has to be found to producing fill.

Whether it is better to destroy the land and leave the seabed, or to dredge the seabed and leave the land, or to import fill which has its other risks in what may be imported with it, I do not know, and I am being honest. But I would say that one practical approach—and this is my personal view, I am not speaking here with this on behalf of Government—in the building of a large road, for example the Harquail Bypass where about 216,000 cubic yards of fill was used, and I understand the cost of fill is presently in these ranges: the crushed rock, 5/8 inch, well-graded, is about \$24.13/cubic yard; crushed rock, 3-inch minus is \$20/cu. yd.; shot rock (rock that is blasted) is \$15.86; coarse inland marl is \$16; and fine dredged marl is \$12.50/yd.

I am saying this because if we are going to build large amounts of roads, for example, if we need, say, a half million or million cubic yards of marl—or fill, I should say, I should not say marl—whatever it is, whether it is rock or marl or whatever, then depending on what we use, if it is the crushed rock, we would be looking at between \$20-24 million dollars for a million cubic yards, and that is really about four or five times the amount that was used on the Harquail Bypass. If the Government took a more practical approach, and it used from wherever was the most conservative way of getting this, and for example, if it cost \$4 to mine the marl or \$5 to dredge it, provided this was all done, proper studies were done, things were carefully done, then it would save \$15-16 million dollars on a million cubic yards.

Many years ago, Dr. Roy McTaggart had a phrase that said, "A penny saved is a penny made." If we are realistic about building roads, then I think perhaps we should all sit down, all Members here, and look at the alternatives, because if Government itself has fill that it can get at \$4-5 a cubic yard, then it must make sense to consider using it at \$4-5 dollars a yard, instead of paying \$24 or \$20 a cubic yard.

I just throw this out, because we were all talking about building more and more roads, and the reality is that fill has to come from somewhere. I believe in conservation. I think everyone here believes in conservation. There are obviously very strict standards that have to be applied to anything that is done, whether it is the mining or dredging of marl inland, dredging of marl from out of the seabed, or in fact any sort of change that is done to the environment. So that principle underlies everything I have said here today. Back many years ago. . . and this is now being updated, as I understand it. The Ministry is in the stage of getting a report on dredging and mining of fill. But the Wickstead Report many years ago, 1976, in fact stated, or recommended, at page IX, that approximate estimated yield from an area—which I understand is the marl pit area near to the airport and in that vicinity—they then estimated and recommended that area be restricted and a yield of 12 million cubic yards of marl fill could be taken from there. I think to date two or three million cubic yards have been taken.

I am not saying that whatever is done should be done in such a way that it hurts the environment as such, but realistically there has to be some trade-off. I

am saying that we have just been talking about the roads we are going to build, and fill must come from somewhere for them.

In relation to the question of transparency, Mr. Speaker, with the Central Planning Authority, objections and representations can be made there by the public. That is about as transparent as it can get. It is the same now as it was, I guess, many years ago, since the Law came in in the 1970s.

In relation to dredging other than minor dredging, this will be published, as I stated earlier, in a newspaper once per week for four weeks, and written objections and representations will be taken and considered by Executive Council, so there you have transparency as well.

The area that perhaps worries me most is ensuring that the powers of this Legislative Assembly, the powers of the Executive Council, or the policy side, and the powers that vest in the judiciary and the courts remain as they should be under the Constitution. I read those sections making that very clear. I believe that what we have put forward is what will achieve the results of the Private Member's Motion in relation to transparency, but it will preserve the Constitution of these Islands as it should be, because this Legislature should never be a substitute for the executive and policymaking body, nor for the judiciary, the same as the Executive Council should never be a legislative-making body, because that belongs to this Honourable House, as does the administration of justice to the courts. The day we move over the fine line between us here and the executive, then it will only be a matter of time when we move over the line. . . or there will be a movement over the line, I should say—I would not like to say 'we' in that, because I never would—there will be a movement over the line in relation to the third area of the separation of powers, which is the judiciary.

So I hope, Mr. Speaker, that the position we have taken is one that Honourable Members will find does provide transparency. It provides the right for representation by the public, for objections by the public, and once that happens. . . and I should say in the past, I believe during this Government and other government's times, as far as possible (and I know I have seen in the papers recently, for example) that the mining of marl, newspaper ads stated this was going on.

Just to leave with you, on the Harquail Bypass, I am going to show you where perhaps some answer from Government's point of view should be taken to try to save money for the public. The cost of the 1.8 miles of the Harquail Bypass, cost for fill was nearly \$3.9 million; trucking was \$720,000, which came over a lot of road, from a long distance away. That in itself is about four and a half million dollars that went there in fill, which comprised some 270,000 tons of fill. Looking at it from an economic point of view, if Government has fill on Government's land that could be purchased at one-fifth of that price, it means that four and a half million would probably only have cost \$700,000. Think how much road could have been done with the savings of nearly \$4 mil-

lion. By the way, the hot mix was about \$580,000, so that is not a very expensive part of it.

The only point I am making, Sir, is that a penny saved is a penny made. I think we should all sit down and look at this. With an extra four million dollars on a four and a half or five million dollar road, we could take the extra four million dollars and build several more miles of road. But I would like to reiterate that I am all for conservation. I believe that whatever is done, while it is quarrying on land or mining on land, whether it is mining of marl from the sea, or whether it is bringing it in from some other country, we need to look at the pros and cons of this, and to ensure that we conserve as much as we possibly can, while facing the reality that there must be the necessary fill for the construction industry to continue, for people to continue to build houses, for people to build roads or Government to build roads, and if this can be done in some way, after proper studies, obviously, Mr. Speaker, it can save the country about 4/5 or 3/4 of the cost of the fill for those roads. Obviously, we can build three or four times more road, nearly that amount I would say, because out of the total cost of \$5.7 million, the fill and the trucking was actually \$4.5 million; half a million labour, and about half a million for the cost of the hot mix. So let us look at that realistically, since I think we all feel that upgrading of roads in Cayman is very important.

In summary, I hope it is fairly clear, the position we have taken, in that we are saying first, under the Cayman Islands Constitution policymaking, under section 7 of the Constitution, is with the Executive Council; we are saying that under section 29 of the Constitution, the making of law, the legislative function, is in the Legislature; and under the Constitution, the judiciary remains with the judiciary and the courts, which are independent of both the executive and the Legislative Assembly. Also, that the specific dealing with land under the Constitution vests originally in the Governor.

Also, the Government, as does this House, fully supports strong conservation laws to ensure that future generations will be able to inherit as much as possible of the present natural resources of this country. But we also have to look on the other hand that we need roads to drive on, we need houses built for our children, the construction industry needs to move on, and we are now at a stage where fill is very critical to this country, and a solution has to be found in the near future. That solution should be weighted toward conserving as much of the country's natural resources as possible, and I hope this Legislative Assembly can find a way to both deal with the conservation of the environment while facing the practical approach of providing necessary fill, that in reality has to be found in the future for these Islands by either one of three methods: import it, quarry it out the land, or dredge it out of the sea.

With all three of those, there are pros and cons, there are advantages and disadvantages, but I believe a solution is there that is a good balance to conservation and to finding the necessary fill. Thank you.

The Speaker: Would this be a convenient time to take the afternoon break? I shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.47 PM

PROCEEDINGS RESUMED AT 4.12 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues. Does any other Member wish to speak? (Pause) The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. As the seconder of this motion, I guess it is obvious that I rise to support it. Before I start with my contribution to the cause, let me, with your permission, quickly read what was said in the Throne Speech (16 February 1996) mentioned in the motion.

“Executive Council has decided that there shall be no further dredging in the North Sound, except for an approval granted to Caymarl Ltd. to excavate the balance of material (784,100 cubic yards) that remained under a licence granted in 1988 for the dredging of 2 million yards of material from the borrow pit offshore the marl pit, just north of the George Town Barcadere. In addition, to further the final upgrading of the George Town Barcadere the Government will also consider an application from Simmons Enterprises for the excavation of 122,200 cubic yards which will complete the dredging of the basin at this location, to facilitate an increased amount of vessel traffic and usage.”

As the mover already mentioned, the purpose of this motion is not, for a minute, seeking to be retroactive. So we are not questioning any approval that has been granted, or any possible approval which might be considered and which was mentioned in that Throne Speech. We also wish to make very clear that any excavation inland or on Crown land, which has already been dealt with, is included in that thought process. We are not seeking to stymie any situation which prevails.

In February of 1996, there was a Private Member's Motion brought by the then Second Elected Member for Cayman Brac and Little Cayman, and for purposes of explaining the point I wish to make I would like to read that motion, with your permission, Sir. That motion stated:

“BE IT RESOLVED THAT Government consider commissioning an environmental impact study by recognised experts in the field, to be paid for by Government, and if the study finds that some further dredging may be done within acceptable limits, that Government tender the dredging works, secure the marl for use in public infrastructural development such as roads for the Island and sell any surplus marl;

“AND BE IT FURTHER RESOLVED THAT Government halt all dredging or proposed dredging un-

til the said study has been presented to the people of the Islands and the Legislative Assembly for consideration and debate.”

There were accusations thrown back and forth from the Government Bench to the Backbench, from the Backbench to the Government Bench, during debate on this motion. To build up my argument, I have to again seek your indulgence to quote from a few areas. The first section I wish to quote is the contribution by the then Minister who is still responsible at this time for Agriculture, Environment, Communications and Works. He said...

The Speaker: Could you just quote the date?

Mr. D. Kurt Tibbetts: 23 February 1996. Page 41 in the *Hansard* Report: **“For this Motion to come here and say that Government is not taking steps to find out what can be done in the North Sound is utter rubbish. My department is presently working on terms of reference for the North Sound, something which was given to them long before this Motion came before the House. So for them to sit over there not knowing what is going on with regard to departmental operations, trying to mislead this country is ridiculous.”** I am going to deal with this statement first.

Mr. Speaker, not very long ago, the Government Member who replied on behalf of Government for the motion which is before us, stated—and I wish not to quote verbatim, but my understanding of the gist of what he said was that the Department of the Environment was in the process of completing—and I am assuming he is talking about these same terms of reference referred to on 23 of the February 1996 *Hansard*. I will stop here if I need to be corrected and I misunderstood him.

He is not listening, Mr. Speaker, so I will go on. Mr. Speaker, that was...

Hon. Truman M. Bodden: Mr. Speaker, may I just take a point of order?

The Speaker: What is your point of order?

Hon. Truman M. Bodden: The Member first said he was going to give way for me to say something, and then he went on to say I am not listening to him. If he wishes to give way, the way to do that, Sir, is to sit down, and then I can get up. So he cannot take a point of order to say that I am not getting up unless he gives way.

The Speaker: Do you have a point of order other than that? Please continue.

Mr. D. Kurt Tibbetts: Mr. Speaker, so that the world will understand, I just looked across, and the look on the Minister's face—I am not an idiot! He was totally perplexed as to what was going on! It was totally fair for me

to think he was not listening! He was asking the Minister for Health what I had said!

Mr. Roy Bodden: True, true!

Mr. D. Kurt Tibbetts: And if he wants to make another point of order, I will sit down and make him do what he wants to do!

The Speaker: Please go on with your speech.

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, the point I was making with what I had just quoted was that the Minister responsible for dredging mentioned, on 23 February 1996, that the Department—he said, **“My department is presently working on terms of reference for the North Sound, something which was given to them long before this Motion came before the House.”** This is two years hence, Mr. Speaker, and unless someone wishes to correct what I am going to say now, I have not heard anything about these terms of reference being developed since then. The statement was that they had instructions “long before” February of 1996, and this is two years later!

Everyone is talking now about how important it is. Lest I be misunderstood, Mr. Speaker, I cast no aspersions at the Department, because I am totally satisfied that that Department is conscientious. But it is just like the National Roads Plan. I am going to tell you what I believe: When it was said in this Honourable House by that same Minister—God knows I'm sorry he's not here—that a National Roads Plan was being developed, I happen to know that the very next day the people who were supposed to be developing the National Roads Plan had no instructions whatsoever about a National Roads Plan. They have since gotten instructions, but it was a good while after it was said in this Honourable House. Going from that experience, I really do not know when the Department got those terms of reference.

You see, we talk about dredging, and we bring a motion, and the Minister who chooses to reply (and finds himself boxed in so that he has to find a lame-duck excuse not to accept the motion by talking about a separation of powers) is not fully aware of what is going on in the other Department which deals with this. That is not my problem. We are very concerned, because while rumours abound. . . and we know how that goes. There are some people on the Government Bench who know more than I do about rumours too. I wish to draw something to the attention of the House which occurred prior to the motion that was brought in February of 1996.

During the Mover's introduction of that motion, and for the record it is on page 36 of the *Hansard* of 23 February 1996, the Mover quoted a letter which had been circulating for quite some time regarding an application made for some dredging to be done in the North Sound. I will quote from that *Hansard* to read the letter:

“Dear Mr. Arch, Re: Intercoastal Waterway Proposal - North Sound. I am directed by His Excellency the Governor to advise that approval in principle has

been granted in respect to your North Sound proposal dated 12th of July, 1995, which would serve to link all canal developments between Batabano and Omega Bay as well as the Main Channel. Please be advised however, that approval for the issuance of a coastal works licence to dredge the 6 million cubic yards of material, is reserved at this time, following the outcome of a full technical review of the application including an Environmental Impact Assessment by a firm approved by Government and at the expense of the applicant.”

Mr. Speaker, my purpose in reading the letter is not to go into a similar debate that ensued when the motion was brought in February of 1996. To this day—and I have read over the *Hansards*, and I remember the articles in the paper—but to this day, there has been no logical and reasonable and satisfactory explanation given to the public as to exactly what process took place for that letter to be written by the Ministry to the applicant.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: If I could interrupt you for just a minute, we have reached the hour of 4.30, and I am sure you are not going to be finished in the immediate future.

Mr. D. Kurt Tibbetts: Certainly not, Sir, I am just starting.

The Speaker: I would entertain a motion for the adjournment of this House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow morning.

The Speaker: The question is that this House do adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 AM tomorrow.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 13 MARCH 1998.

**EDITED
FRIDAY
13 MARCH 1998
10.15 AM**

The Speaker: Prayers by the Third Elected Member for George Town.

PRAYERS

Mr. Linford A. Pierson: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great Name's sake.

Let us say the Lord's Prayer together: Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have received apologies for absence from the Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Item number 3, Questions to Honourable Members/Ministers. Question number 43, standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 43

No. 43: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning to state whether there are any classes at the George Hicks and John Gray High Schools with thirty or more students.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Of the 1,440 classes per week at George Hicks High School, the only classes with more than thirty students are those combined classes in Music or Physical Education. The Music and girls' Physical Education classes have two teachers present during those times. At John Gray High School there are 2,240 periods (556 classes) per week with less than thirty students. There is only one class of Mathematics in Year 11 with thirty students.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what is considered to be the optimum class size for students sitting examinations?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The high standard we have set as the optimum is twenty-five, that is highly unusual anywhere in the world in this day and age. As the Member can see, we are dealing with 1,440 classes in one and 2,240 periods in the other, and only one class out of the 2,240 has thirty students, which I think surely even he will recognise is very good.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: In his answer the Honourable Minister said that his class sizes are highly unusual. Can the Minister present any comparable statistics from other regions so that Members can see that what he has told us is 'highly unusual,' is, indeed, unusual?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Obviously, I do not have statistics with me today, but I can get them. When we travelled to several other countries some years back on behalf of education, it was very clear. . . in fact, there were some schools being built to take 2,500 children in high school. With the help from this Honourable Legislative Assembly by way of funds, the schools are very good. The classes are small in comparison to others. I remember going into a primary school in one of the other countries with sixty children in one of the two classes we visited.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: After all of that, can the Honourable Minister say when the House may have those statistics so that the House can compare and arrive at a conclusion for itself?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: To make sure those statistics are up to date, I will write to the other countries and, subject to the mail, and subject to when they reply, I will get them and send them through the mail, or put them in here for delivery to the Honourable Member.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I was under the impression, by the way the Honourable Minister answered, that he had the statistics at his fingertips. Is he now telling the House that his answer was based on conjecture and hope?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The only hope I have is that we try to remain with the issues in this Honourable House throughout the rest of this legislature. I travelled to those countries. I saw the classes with my own eyes. What I am saying is that if the Honourable Member wishes to have up-to-date statistics, I will have to write. But we travelled to three developed countries and I saw this with my own eyes. I talked to the people in those countries, and I can say as fact that the classes and the schools in this country are the best you will find anywhere in the world.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the answer to the substantive question, the Minister stated that the only classes with more than thirty students at the George Hicks High

School are those combined classes in music or PE. He also stated that these classes have two teachers present during those times. Can the Honourable Minister state the reason why these classes have to be combined?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I do not have the answer to that. I will have to get it for the Member. I would not like to get into conjecture on that one.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: While the Minister is seeking that answer, could he also check with the timetable at the school to see if the problem stems from having to overlap with the timetable?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am happy to do that for the Honourable Member.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps the Honourable Minister does not have this at his fingertips either, but the answer says that at the John Gray High School there is one class of Mathematics in Year 11 with thirty students. Can the Honourable Minister say why this single class has thirty students?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I understand it is because the classes are grouped by ability, so it is a grouping.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For purposes of clarity, can the Honourable Minister say if the answer actually means that there are exactly thirty students in that class, or are there more?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This answer came from the Principal, and it says 'with thirty,' so I would assume it is thirty.

The Speaker: If there are no further supplementaries, the next question is No. 44, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 44

No. 44: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state whether there are any overseas staff recruited for the new Hospital who have not been employed at this time.

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

Hon. Anthony S. Eden: It is common practice in all areas of Government for overseas staff to be recruited for a post some time before actually taking up paid employment in that post. The Health Services Department is like other departments of Government in that respect. It is practical and makes economic sense, particularly when the interview panel travels overseas to conduct interviews, to include those interviews for posts that will become available or vacant in the foreseeable future.

However, I can state emphatically that no overseas staff for the new Hospital, or the Health Services Department as a whole, are being paid by Government without carrying out their assigned duties.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say how many of the recruited staff fall into this category at this time?

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

Hon. Anthony S. Eden: For the sake of accuracy, I would prefer to provide that answer in writing for the Member. I would not want to give incorrect figures.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if his Ministry offers any orientation to the newly recruited staff? If so, can he give the House a synopsis of what such an orientation includes?

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

Hon. Anthony S. Eden: The orientation is, first of all, a general overview of the whole Health Services Department, then a briefing on the workings of the Civil Service. The recruits are then taken to the specific unit they will be assigned to in the Health Services Department and then in that area, given an overview and presentation of that unit.

The Speaker: If there are no further supplementaries the next question is No. 45, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 45

No. 45: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning to state the current staff complement of Cayman Airways Ltd.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There are currently 308 employed by Cayman Airways Ltd.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House how this complement compares to the complement prior to the most recent down-sizing exercise?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: At the end of 1992 there were 399.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say how many of this 308 are Caymanian? Also, how many work in the Cayman Islands?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, 199 are Caymanian (this is in the local area), and 31 are non-Caymanian. There are 78 staff outside of the Cayman Islands. I do not have the breakdown on how many of those are Caymanian and non-Caymanian, but I have been told that the majority would be non-Caymanian.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: My request is that the Minister give an undertaking to provide this information to the Honourable House, especially with a breakdown of the staff at Miami International Airport.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am happy to do that. I am sorry that I do not have it here. I have a lot of statistics, but not that specific one.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if consideration is normally given to Caymanians who are legally resident in the United States when vacancies at the Miami International Airport are advertised?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: By all means. That is the policy of Cayman Airways, as well as that of Government. Hopefully that is being fully carried out.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: I thank the Honourable Minister for that answer, but I will meet with him at the break to give him some further information.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if there are any plans to increase the staff with the proposed purchase of the aircraft, hopefully in the near future?

The Speaker: That is outside the ambit of this question, but if the Minister wishes he may answer. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The actual commercial plan has not been drawn up yet. I really cannot answer that. I would guess there would be some small increase. But I should say that the Board of Directors has put a moratorium on employing new staff unless it is a decision by the Board. The over-riding view is always safety, so despite the moratorium whatever is necessary is done, including filling of posts. It just adds a second way of attempting to keep staff to the necessary minimum.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if any of the Caymanians employed at the Miami International Airport were considered for the position of Manager, who was just replaced within the last year?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I understand that this was advertised internally and externally and all who applied—at least all Caymanians who applied—were interviewed. After that the choice was made.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister tell the House the nationality of the new Manager and his past employment?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: He is now a citizen of the United States, from Mexico. He was formally with Northwest Airlines, I have been told, in Miami.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

Item number 4, Statement by Honourable Ministers/Members of Government. The Honourable Third Official Member responsible for Finance and Economic Development.

STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF GOVERNMENT

PRIVATE SECTOR FINANCIAL SERVICES SEMINAR SÃO PAULO, BRAZIL, 7 APRIL 1998

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

I would like to advise this Honourable House that His Excellency the Governor, the Leader of Government Business, and I will be joining with Private Sector Financial Services Professionals in hosting a seminar in Brazil. The purpose of the seminar is to fully acquaint the Brazilian financial community with the operations of the Cayman Islands financial industry. The seminar will take place in São Paulo on 7 April 1998.

Brazil is an important financial services market for us, as evidenced by the number of Brazilian institutions here. It is clear that a jurisdictional presentation to Brazilian financial services providers will not only expand the scope for business opportunities, but more importantly improve the accuracy of information within the marketplace and reinforce the image of the Cayman Islands as a well regulated, quality financial services centre. In this regard, of particular value is the current initiative by the Cayman Islands Monetary Authority and the Central Bank of Brazil to strengthen, across the board, the banking supervision arrangements.

I should like to use this opportunity to thank the Brazilian institutions here for their support in this undertaking, as well as those members of the private sector who will be participating, and the office of the Co-ordinator of Marketing and Promotions.

The Speaker: Statement by the Honourable Minister responsible for Tourism, Commerce and Transport.

TRAFFIC CONGESTION

Hon. Thomas C. Jefferson: I am pleased to advise this Honourable House that my Ministry has now been given the responsibility for traffic management. I offer the following views to Honourable Members and the listening public:

Grand Cayman has been experiencing steady growth in the vehicle fleet and corresponding traffic flow over the past fifteen to twenty years. There has been no major expansion or upgrading of the main road network during this period, save for a few connector roads on the outskirts of George Town, and the recently constructed Harquail arterial which provides an alternate route to the southern end of the West Bay Road.

Roadways, like power lines, telecommunication lines, water mains or sewerage, have maximum capacities. These are capacities beyond which there are substantial trade-offs for any increase. In power distribution, for example, the main trade-off is voltage reduction followed by loss of electricity due to failure of the conductors. In telecommunication the trade-off is similar—a loss of telephone service as circuits are not available. In the case of roadways, the major trade-off is congestion and resulting delays in travel time.

Actual traffic flow on the road network in Grand Cayman has been monitored by the Public Works Department through an annual traffic count exercise for the past ten to fifteen years. This data provides an excellent resource for projecting future levels of traffic and formulating possible solutions to existing and projected problems.

One of the most unique characteristics of roads and vehicular traffic is that customers are not limited to a dissatisfaction with delays. The vast majority (like myself) see themselves as knowledgeable in prescribing a solution as well. It follows, therefore, that while it is never practical to be able to give comparative evaluations to every proposal, it is invaluable to be able to objectively evaluate a number of key alternatives.

The projection of traffic volume and the analysis of potential improvements to the road network can be done by experienced judgment, extensive calculations, or by a consumer-based traffic modelling. Traffic modelling programmes are the most effective and efficient means of evaluating alternative improvements and they are eminently the most objective. A community as economically vibrant as Grand Cayman should have such a model and should maintain it.

As a first step towards addressing the traffic problems, my Ministry proposes to seek the advice of an individual who is knowledgeable in road traffic and transportation matters. For the sake of objectivity, such an individual should perhaps come from outside the Cayman Islands. In order to further ensure the objectivity, the individual should perhaps be drawn from a public agency rather than from the private sector. Finally, the individual should come from a community that has been experiencing sustained economic growth, which has a level of private vehicle ownership similar to the Cayman Islands.

This individual should be invited to spend a week or two in Grand Cayman during which time he/she would, among other things:

- ◇ tour the existing road network and sample connector and subdivision roads;
- ◇ view the traffic congestion from the air during morning, lunch time and afternoon;
- ◇ review available traffic count data;
- ◇ view available mapping of existing road network and topography;
- ◇ review Planning requirements for access/egress and parking;
- ◇ meet with the representatives of Public Works and the Lands and Survey Departments to determine local resources and capabilities in respect of land information, roadway design, and a right-of-way preservation and acquisition;
- ◇ hold discussions with His Excellency the Governor and all Members of the Legislative Assembly to garner the quality of traffic flow which they would like to aspire to achieve.

The individual would prepare a report touching on:

- ◇ the physical condition of the existing road network;
- ◇ the capacity of the existing network in relation to existing and projected traffic volumes; and
- ◇ a strategic approach to addressing the inadequacies identified.

The individual should return to Grand Cayman within two to four weeks to present the report to His Excellency the Governor and all Members of the Legislative Assembly. The report should be made public immediately.

The Ministers responsible for transport and roads will jointly convene a meeting of all Elected Members of the Legislative Assembly to develop and agree upon an action plan.

SHORT QUESTIONS Standing Order 30(2)

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush : Under Standing Order 30(2), I am wondering if you will allow two short questions.

The Speaker: I will.

Mr. W. McKeeva Bush : The Minister has not said how long the study will take. Can he say how long it will take?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I realise that the statement was quite long. It does refer to the individual being invited to spend a week or two in Grand Cayman to carry out a series of activities, and I mentioned some such as, touring the existing roads, and viewing the traffic congestion. He would return to the Cayman Islands in two to four weeks' time to present his report. So, on the outside, we are looking at a period of approximately six weeks.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush : Can the Honourable Minister say who this person works for, which company he is coming from, what his experience is, and what the cost of this exercise will be?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: We have a relationship with Miami/Dade, and with Florida. The Traffic Management and Strategic Planning Section of that State body does work for a variety of other areas of the United States and is apparently eminently known for doing traffic management in particular. We are talking about an estimated cost of less than \$10,000 before we go ahead and commit to substantial expenditure to improve some of the roads in Grand Cayman. This traffic management review is dealing with all of the roads. It is not a requirement in dealing with the extension of the Harquail Bypass to the Galleria area.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I have two short questions, if I may.

The Speaker: Please proceed.

Mr. Roy Bodden: Can the Honourable Minister say if an approach was made to the Public Works Department to ascertain if any of their staff could undertake such a study?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The statement I read this morning was viewed and commented on by the Permanent Secretary of the Minister responsible for Roads, by the Chief Engineer, and by one of their executives who deals with road construction. I understand there is a young man who has a degree in traffic management. But it is like when a doctor diagnosis that you have a problem and you require surgery—sometimes it is important to get an independent second opinion. It does not mean that the individual is over-ruled in any way, it is just that in this exercise, as I view it, he is a principal person who will work with this individual and will be the focal point of his activity.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister explain what he means by the statement "for the sake of objectivity such an individual should perhaps come from outside the Cayman Islands"? Does this mean that it would be impossible to get an objective review inside the Cayman Islands?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: That statement really deals with the optimum way of getting objectivity. It is not saying that you cannot get objectivity from within the country. It is basically saying that if you are going to get independent advice about a particular matter, it is best that you use an approach which may gather that.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Can the Honourable Minister say whether or not he perceives this as the policy—to view objectivity, something that can only be established and believed in if the individuals involved in the studies are not Caymanians?

The Speaker: I think you are asking for his opinion.

Dr. Frank McField: His professional opinion.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I do not believe that this has much to do with whether the person is local or not local. It has to do with getting the answer we are seeking to get in an objective way. I am not trying to say that people who are Caymanian are not objective, but I do know from my own experience that when I am close to a project, and have made decisions and given recommendations, I am committed in that frame of mind. If the Government then uses some other person to evaluate the same project and comes with a different opinion, then I am more able to see that other point of view, than the point of view I have at the moment.

It does not matter whether it is Tom Jefferson giving the advice or Bill Clinton, in the real sense of the word.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to ask the Minister whether or not he would be prepared to withdraw this particular statement since I believe it is damaging to the reputation of the Caymanian people.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: As I mentioned earlier, this statement was perused by the Permanent Secretary responsible for roads in that Ministry, by the chief engineer, as well as an executive who assists him in road matters. I did not hear them take this view so I see no need to withdraw it.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: One final point here. My understanding of objectivity has to do not with a person's position, but the person's rational ability to separate his personal interest from the situation being assessed. Scientifically we know there is a difference between subjectivity and objectivity, and that objectivity is achievable once we understand the subjective elements which play a role in our research. As a social scientist and a Caymanian, I strongly object to statements like that being made because it disqualifies persons like me from conducting scientific studies in this country.

The Speaker: Can you turn that into a question?

Dr. Frank McField: Would not the Honourable Minister agree with these points?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: This statement was not made with any view to damaging anyone, or to point to anyone's inability or anything of the sort. This statement was made to bring clarity to the whole issue, if we can, and to garnish as much input into the process we are talking about. I hope that those who are in Public Works, other than the two persons I mentioned, do not see this statement in the light that the Fourth Elected Member for George Town does because it is not meant to damage them in any way at all. If that is something they would read, then I apologise for the statement, but at the present time I see no reason to withdraw it.

The Speaker: Item number 5, Government Business, Bills. I will entertain a motion for the suspension of Standing Orders 45 and 46 in order to deal with this Bill. The Honourable Third Official Member.

GOVERNMENT BUSINESS

BILLS

SUSPENSION OF STANDING ORDERS 45 AND 46

Hon. George A. McCarthy: I beg to move the suspension of Standing Orders 45 and 46 to enable a Bill enti-

led, The Monetary Authority (Amendment) (Reserves) Bill, 1998, to be read a first and second time.

The Speaker: I shall put the question. Those in favour please say Aye. Those against No.
AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDERS 45 AND 46 SUSPENDED TO ENABLE THE BILL SET OUT UPON THE ORDER PAPER TO BE READ AND FIRST AND SECOND TIME.

FIRST READING

THE MONETARY AUTHORITY (AMENDMENT) (RESERVES) BILL, 1998

Clerk: The Monetary Authority (Amendment) (Reserves) Bill, 1998.

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

SECOND READING

THE MONETARY AUTHORITY (AMENDMENT) (RESERVES) BILL, 1998

Clerk: The Monetary Authority (Amendment) (Reserves) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move the Second Reading of a Bill entitled, The Monetary Authority Amendment) (Reserves) Bill, 1998.

This Bill seeks to amend the Monetary Authority Law by reducing the aggregate reserve requirements of the Cayman Islands Monetary Authority from 130% to 115% of demand liabilities in line with the requirement which existed under the Currency Law (1995 Revision) which was repealed and replaced by the Monetary Authority Law.

As Members are aware, under the existing Monetary Authority Law there is a requirement for a currency reserve of 115% of the Authority's demand liabilities. In addition, there is a further requirement for a separate general reserve of 15% of demand liabilities. This latter requirement did not exist under the Currency Law, but, instead, the requirement was for a currency reserve of 115% of demand liabilities within which there was to be kept a general reserve of 15%.

Therefore, in order to justify the establishment of this general reserve under the Monetary Authority Law it was intended that the currency reserves which had previously been set at 115% of demand liabilities should be reduced

to 100%. The currency reserves, when combined with the general reserves would therefore achieve an aggregate position of 115%, thus keeping in line with the arrangement which existed under the previous legislation (The Currency Law) which has now been repealed.

Accordingly, Clause 4 of the Bill seeks to amend section 8 of the Monetary Authority Law by reducing the percentage of the currency reserves from 115% to 100% of demand liabilities. The separate requirement for general reserves to be kept separately at the level of 15% of demand liabilities remains in force. Thus, the aggregate reserve requirements will be 115% of demand liabilities.

It is considered that an aggregate reserve of 115% of demand liabilities will be sufficient to maintain the Authority's viability and to also enable it to continue to make its contribution to the general revenue of the Cayman Islands.

I should point out that this 115% is a very conservative position that has been maintained since the Currency Board was introduced. Unlike most countries in the region and elsewhere, which keep their reserve requirements at a fraction or percentage of the demand liabilities or currency in circulation, the Cayman Islands Government has always thought it prudent to have reserves in excess of the demand liabilities which is the amount of currency in circulation.

I commend this Bill to Honourable Members.

The Speaker: The question is the second reading of a Bill entitled The Monetary Authority (Amendment) (Reserves) Bill, 1998. If there is no debate, I will ask the Mover if he wishes to exercise his right to reply.

Hon. George A. McCarthy: I would like to thank Honourable Members for their tacit support.

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

AYES.

The Speaker: The Ayes have it.

AGREED. THE MONETARY AUTHORITY (AMENDMENT) (RESERVES) BILL, 1998, GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider The Monetary Authority (Amendment) (Reserves) Bill, 1998.

HOUSE IN COMMITTEE AT 11.04 AM

COMMITTEE ON BILL

The Chairman: Please be seated. The House is now in Committee. May I assume that as usual we authorise the Honourable Second Official Member responsible for Legal Affairs to correct minor printing errors and such the like in these Bills?

Would the Clerk state the Bill and read the Clauses?

The Monetary Authority (Amendment) (Reserves) Bill, 1998

Clerk: Clause 1. Short title.
Clause 2. Interpretation.
Clause 3. Validation of failure to allocate profits.
Clause 4. Amendment of section 8 - Allocation of profits.
Clause 5. Amendment of section 28 - Currency Reserve.

The Chairman: The question is that Clauses 1 through 5 do stand part of the Bill. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 THROUGH 5 PASSED.

Clerk: A Bill for a Law to Amend the Monetary Authority Law, 1996; to reduce the reserve requirements of the Cayman Islands Monetary Authority; and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee. I shall put the question that the Bill be reported to the House. Those in favour please say Aye. Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: THAT THE BILL BE REPORTED TO THE HOUSE.

HOUSE RESUMED AT 11.07 AM

The Speaker: Please be seated.

REPORT ON BILL

The Monetary Authority (Amendment) (Reserves) Bill, 1998

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to report that a Bill entitled The Monetary Authority (Amendment) (Reserves) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

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

At this time proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.08 AM

PROCEEDINGS RESUMED AT 11.46 AM

The Speaker: Please be seated. Proceedings are resumed. Other Business, Private Member's Motion No. 2/98, Change of Dredging Policy. The First Elected Member for George Town continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 2/98

CHANGE OF DREDGING POLICY

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Before continuing the debate, I would like to crave the Chair's indulgence, in accordance with the provision of Standing Order 25, to move an amendment to Private Member's Motion No. 2/98 which is being debated at present.

The Speaker: Under Standing Order 25 I waive the two day notice. You may move the amendment.

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 2/98 Standing Order 25

Mr. D. Kurt Tibbetts: I would like to amend Private Member's Motion No. 2/98 as follows:

By deleting the word "policy" as it appears in the first line of the first Resolve, and substituting therefor the words, "*the Government's decision as read in the 1996 Throne Speech by his Excellency the Governor*"; and by inserting the words "*in the North Sound*" after the word "dredging" as it appears in the first line of the first Resolve.

Mrs. Edna M. Moyle: I beg to second the motion.

The Speaker: The amendment has been moved and seconded. Do you wish to speak to it?

Mr. D. Kurt Tibbetts: Just to briefly state to all Members that the purpose of this amendment is simply to clarify in our minds the position taken by the Government in regard to the separation of powers. We on the Back-

bench do understand the separation of powers, and from the contribution by the Leader of Government Business on behalf of the Government our understanding is that the main problem with the motion and its wording is where the word "policy" has been used.

The intention of the motion was not to dabble into the general policy of the Executive Branch of Government, but to simply deal specifically with an announcement that was made by His Excellency the Governor in his Throne Speech in 1996. As a result, what we have done to make sure that the intent is very clear, is to move this amendment as I have just read. It simply is meant to specifically deal with the announcement made by His Excellency regarding dredging in the North Sound. That is the purpose of the amendment.

The Speaker: The amendment is open for debate. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The amendment that is put forward is in reality and *de facto* the same as the motion as regards policy, because that decision of Government quite clearly, once again, is put in here, "Government's decision." Government's decision is policy, Sir. There is no way around it. A rose by any other name is just as sweet a rose. This does not take it any further.

The aspect of adding "in the North Sound" to that, seems to be going in so it would Resolve that any change in policy regarding dredging "in the North Sound". . . with the other amendment going in before to just say "dredging in the North Sound be debated and voted upon." No matter how this amendment tries to deal with this it is, in effect, the same. This is policy, Government's decisions are policy decisions under section 7 of the Constitution.

Under section 29 of the Constitution the Legislature is empowered to legislate and make laws. Under section 7 of the Constitution the Executive Council makes policy. So I am certain that it does not take this any further. It dresses it up a little bit, but, in effect, it is still policy and we are back to the same principle of the Legislature itself attempting to make policy which is clearly not what the Constitution says.

I cannot support this amendment in the form it is in, Sir.

The Speaker: Does any other Member wish to speak?
The Elected Member for North Side.

Mrs. Edna M. Moyle: I listened to what the Honourable Minister for Education, Aviation and Planning said, that the words we used to amend this motion were just 'dressing it up.' One would have thought, had this been a change in policy, in the Governor's Throne Speech it should have been stressed that Executive Council has amended or changed its policy, and very clearly stated that there would be no further dredging in the North Sound.

As the mover of the amendment stated, we, as the Backbench of Parliament, do respect the separation of

powers, thus the reason for amending the motion. In the debate offered by that Honourable Minister on the original motion, I got the feeling that deep down he would somehow like to accept this motion, but he has a problem with the wording. I would ask the Government, if in the interest of these islands it would like to accept this motion, that it put forward an amendment whereby all Members of Parliament can be happy.

Should I have been a Member of Executive Council, I would have accepted this motion with open arms in that the public will know exactly what goes on in the granting of a licence for dredging, particularly in the North Sound. It would leave me free of any assumption or rumour, because it would be open and the entire Cayman Islands would understand where the Government is coming from, and whether or not they want to approve a licence. As representatives of the people we have an obligation because the general public does not run to Executive Council over matters dealing with dredging, they run to their representatives in this Parliament—but our hands are tied.

I ask the Government to reconsider and maybe come up with some amendment that can be accepted by it and the Backbench. As stated in the original motion, this is an environmental issue, and the Honourable Minister stated that he supports the environment. It is very important. I ask the Government to reconsider and see if it can come up with an amendment that can be accepted by both sides of this Parliament. Maybe that Honourable Minister would give us a reply to this suggestion.

The Speaker: Does any other Member wish to speak to the amendment?

The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to try to assist in getting a compromise, since I am aware of the reasons why the movers of this amendment have suggested a change, and that it is being said that there is a division of power. But we all understand the reason why there exists a division of power in the first place is so that people can allow governments to function democratically. For Government to function democratically, it has to consult the people and get a consensus so that the majority have a way of expressing their opinions and establishing their will.

The will of the people is the will that we are here to look after. If an issue comes up that causes so much public concern, and if the way in which it is traditionally handled no longer seems to be to the satisfaction of the general public because transparency is no longer obvious, it is important that we find a resolution to the situation we find ourselves in. All the amendment is saying is that the movers of the original motion are willing to compromise in order for this particular motion to become acceptable to the entire House.

It is important that we do not look at the question of the division of power from a totally rigid and legalistic point of view, but that we also look at it from a practical point of view and look at the intention that people had in mind when forming those divisions. As I say, democracy

is to protect the people, not the different branches abstractly and absolutely.

Because of the apparent conspiracies involved today because of the importance of this scarce material, we need to have a little bit more transparency in the decision-making process. There is no reason why the Parliament—which is, the ultimate body, not the Executive Council—there is no reason for anybody could say that it is not legally possible, or permissible, for Parliament to reserve certain decisions to be made in this Parliament rather than in Executive Council. The Parliament can, if it thinks the issues it is dealing with are important enough, ask that those decisions be made on the floor of the Parliament. It allows the general public to have access to the decision-making process, and transparency is possible; whereas in Executive Council you have a certain amount of secrecy. We in the Legislative Assembly never have access to the records or minutes of the Executive Council, and can never know upon what basis these decisions are made.

I think it is important that the Government Bench, in particular, understands the nature of the situation, understands the suspicions that surround the whole question of dredging, and come clean and give this motion the possibility of being fairly debated by making a compromise, at least, with regard to the whole definition of decision versus policy. We know what Government's executive branch is there, all we are saying is that we are all here to do the same thing—preserve the interests and rights of the people of the Cayman Islands. We feel that in regard to dredging, that interest and that right could be best preserved in the entire Parliament rather than segregated on a level in the Executive Council that would not give us access to any type of scrutiny.

I support this amendment.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I have a couple of questions and a few comments. This amendment calls for any decision in respect to dredging in the North Sound ... in the 1996 Throne Speech, the Governor made an announcement that there would be no more dredging in the North Sound. So, I do not see where Government would have a problem, in that if there is a change in policy in regard to dredging in the North Sound, then it should welcome it being discussed and debated by the Backbench or the whole House.

This particular amendment seems to beg the question in respect to applications for dredging in the North Sound as opposed to applications for dredging anywhere else on the island. I do not know, Mr. Speaker. I think there should be one policy—either Executive Council retains the decision on applications for dredging, irrespective of where that dredging takes place; or we say, *'Let's give it to the Legislative Assembly to deal with.'* But I have no problem supporting this amendment because we have told our people in West Bay—and I thought it really hurt us in the last election as it was a very sensitive is-

sue—that we would not support any application in regard to dredging in the North Sound.

I think those are the questions that need to be answered: Whether or not we are going to have one set of rules for applications to dredge in the North Sound, and then another one for dredging in other parts of the country. I believe that we should have one. This issue of dredging is such a national issue, such a sensitive national issue that I believe that we as legislators have to be very careful in how we deal with the issue.

On the other hand, I respect . . . and I can only go by how I am advised, but if Constitutionally the issue of dredging is a policy made by Executive Council, and if you are saying that we do not dabble in the responsibilities of Executive Council like we do not dabble in the responsibilities of the Courts, then I can appreciate that position.

I do support the amendment, but I reserve my right to speak on the general motion.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I am happy there are persons on the Backbench the calibre of which I have listened to this morning. It gives me great pleasure to witness the eloquent and convincing arguments offered by every person on the Backbench thus far commenting on this amendment. It also shows that there are persons on the Backbench willing to compromise, and willing to co-operate and exercise ultimate responsibility in the business of looking after the will of our constituents and the country.

Based on the position, as laid out by the Leader of Government Business, the Honourable Minister for Education, Aviation and Planning, I cannot see how the Government is now trying to avoid its responsibility in supporting this amendment, and trying to abnegate its responsibility when this amendment complies and addresses the concerns that the Government laid out as per the debate of the Honourable Leader of Government Business. I hope that the interested public—because this is, indeed, a sensitive issue—realises that the responsibility lay not with the Government but with the Backbench, because this amendment has met the criterion the Government said it would be willing to consider and accommodate.

I will not attempt to rehash all of the eloquent arguments put forward by my colleagues. I have but one final point to make. Being a good school teacher, I like to do a lot of research. I would like to remind the Honourable Leader of Government Business of a statement he made as recorded in our *Hansards* of 17 April, 1997. I hope that after I read this, his old iceberg heart will be melted. On page 202, that Honourable Minister said, commenting on The Governor Vesting of Lands (Amendment) (Dispositions) Bill, 1997: **“The Bill, while short, is a milestone. For the first time the Executive Council has said that they are prepared to take power from Executive Council and put it into the Legislative Assembly.”**

Mr. Speaker, I crave your indulgence to read that again. The Minister said, **“The Bill, while short, is a milestone. For the first time the Executive Council has said that they are prepared to take power from Executive Council and put it into the Legislative Assembly.”** He goes on, Mr. Speaker, **“That shows the public clearly that this Executive Council is by no means power hungry; they are stable (as is the full Legislative Assembly) and prepared in instances which are extremely important, such as this....”** He goes on and says, **“It shows that this is an open Government.”**

I rest my case, and I want to see how that Minister instructs his colleagues to vote, seeing that he said this is an ‘open Government.’

The Speaker: Does any other Member wish to speak on the amendment? Does the mover wish to reply?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: There is not much left to be said. In summary, the intent of this amendment is based on the sensitivity of the issue; it is an attempt to assure the public of this country, because of the sensitivity of the issue, that all matters dealing with the specific issue of dredging in the North Sound are dealt with openly, that the public can be totally satisfied as to the decision-making process.

It is by no means any attempt to cross-tread any of the Government’s authority or the accepted separation of powers. Without looking to fuss or fight I would, again, ask the Government, in the interest of the people of this country and in the interest of ‘transparency’—the word to which the Leader of Government Business has started to cling. . . he used the word six times in his substantive debate. So in an attempt to see transparency occur in the process of Government, I humbly ask the Government to accept this amendment in the good faith in which it was brought so that we can move on.

The last thing I have to say is that if the Government is so minded to not accept the amendment in the spirit in which it is made, I can promise—and I am not threatening like others do—that the Backbench can deal with the issue properly so that the public of this country will be forever knowledgeable of the issue we are dealing with now.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I was wondering if we could have a short adjournment to discuss this matter. I think that would be better because the amendment actually came—at least I saw it just before we came in here.

The Speaker: Certainly. Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 12.15 PM

PROCEEDINGS RESUMED AT 3.19 PM

The Speaker: Please be seated. Proceedings are resumed.

The First Elected Member for George Town.

**MOTION TO WITHDRAW AMENDMENT
TO PRIVATE MEMBER'S MOTION NO. 2/98
Standing Order 25(6)**

Mr. D. Kurt Tibbetts: Mr. Speaker, after a few marathon sessions, under Standing Order 35(6) I beg to withdraw the amendment that was moved earlier this morning.

Mrs. Edna M. Moyle: I beg to second that motion.

The Speaker: The motion has been made and seconded. The question is that the amendment be withdrawn. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

**AGREED. AMENDMENT TO PRIVATE MEMBER'S
MOTION NO. 2/98 WITHDRAWN.**

The Speaker: The Honourable Minister for Education, Aviation and Planning.

**AMENDMENT (NO. 2)
TO PRIVATE MEMBER'S MOTION NO. 2/98
Standing Order 25(1)**

Hon. Truman M. Boddén: I thank you for waiving the notice in relation to this amendment which I will now read. It is notice of Amendment (No. 2) to Private Member's Motion No. 2/98, Change of Dredging Policy.

"In accordance with the provisions of Standing Order 25, I, the Hon. Minister for Education, Aviation and Planning, seek to move to amend Private Member's Motion No. 2/98 by the deletion of the two Resolve sections and to substitute therefor the following:

"BE IT NOW THEREFORE RESOLVED THAT all applications for dredging in the North Sound, other than minor applications such as seawalls, wharves and jetties:

"(1) shall be published in a newspaper once per week for four weeks, giving notice of the application and stating that written objections and representations may be made to the Permanent Secretary, Ministry of Environment, within at

least four weeks from the date of the last notice and copies of which shall be made available to Members of the Legislative Assembly; and "(2) shall be moved, debated and finally voted upon in the Legislative Assembly."

The Speaker: The amendment has been duly moved. Do you wish to speak to it?

Hon. Truman M. Boddén: After meetings and consultation with all Members of this Honourable House, this is the final version of what we believe will achieve two objectives: First, the notice in relation to dredging, other than minor applications, will be published in the newspaper once per week for four weeks. That will give sufficient time for the public to send within the next four weeks representations and objections in relation to it. Copies of these objections and representations will be made available to Members of the Legislative Assembly. Then there will be a motion which will be debated and finally voted upon in the Legislative Assembly. In effect, the public will now have full input and also the Legislature will have the benefit of that, and there will then be a voting on it by Members of this Honourable House. That, I think, is what the full Legislature feels will be in the best interest of the country.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I would like to thank the Honourable Minister for Education, Aviation and Planning for moving this amendment. I read the amendment and the process seems clear except that it does not say what will happen as regards to Executive Council. The application will be made with objections to the Permanent Secretary, the Ministry of the Environment, and then made available to Members of the Legislative Assembly which shall then be moved, debated and voted upon in the House. Where does Executive Council come in? It does not say.

The Speaker: Unfortunately, this is not Question Time.

Mr. W. McKeeva Bush: I was hoping that the Honourable Minister for Education, Aviation and Planning would clarify it. It is not clear to me what the process is.

The Speaker: [Addressing the Honourable Minister for Education, Aviation and Planning.] Would you care to rise on a point of clarification?

(Pause)

Mr. W. McKeeva Bush: Well, if nobody wants to clarify it, I am left to say that Executive Council will not have any input into the matter because it goes to the Ministry, then to the Legislative Assembly to be voted upon. Will the Legislative Assembly get the benefit of Executive Council's input?

The Speaker: The Honourable Minister for Education, Aviation and Planning can you elucidate?

Hon. Truman M. Bodden: All I can say is that we will have to try to work out the finer parts of the process after. You will appreciate that this was dealt with in the last hour, hour and a half. I cannot answer all of your questions.

Mr. W. McKeeva Bush: I appreciate the Minister rising to clarify that, but the truth is that the House is being asked to vote upon a process which, as is now said, will be clarified afterwards. The amendment does not say what input Executive Council has. That is what I am trying to determine.

Thank you.

The Speaker: You have completed your debate?

Mr. W. McKeeva Bush: Yes.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to thank the Honourable Minister for Education, Aviation and Planning for moving this amendment and for accepting in principle (by way of this amendment) that Parliament is indeed the supreme body in this country, and that it is the intent of the sitting Government to make Government as transparent as possible, especially when we are dealing with issues that are of a sensitive, and let us say emotional, nature. The environment is an emotional issue to many people.

The question of dredging and dredging permits has been widely questioned and debated in this country outside this Parliament. People are listening and taking notes. People are expecting that they should be involved as much as possible in the decision-making process, especially when it deals with issues such as dredging.

I support this amendment because I believe that in the interest of good Government and securing a country that is bound together by way of its Legislative Assembly, the best means to do that is by the direct representatives of the people rather than the persons the representatives themselves elect. In this House, the people do not elect the Government. The Legislative Assembly is elected by the people, but the Legislative Assembly then turns around and elects the Government. Therefore, from that point of view, I continue to stress that the final decision should be made here when of national importance. Since we elected that Government in the first place, we are asking it to collectively make those types of decisions with us. It is not an attempt to invade the separation of powers, to take away from Executive Council the role, or infringe upon the role it plays. There is no intent to infringe upon the role the Governor plays in this country. But it is certainly to boost the role of the Parliament in this country in terms of making decisions that are of national importance.

I would like to compliment the Honourable Minister for Education, Aviation and Planning again on the spirit of compromise in which he has, with his team, formulated and accepted this amendment to this very important piece of legislation.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: As the mover of the substantive motion I crave the indulgence of the House to make a few observations on this amendment.

The first and most important observation I would like to make is that what has transpired with the moving and accepting of this amendment is that the Government will be the benefactor and will earn the trust of the general public, in that the Government has showed itself so considerate and flexible to have adopted a position which I am sure the public will be pleased over. I want to say, however, that that position did not come easy—it came as a result of a painful and excruciating negotiation process.

While I would like to commend the Honourable Leader of Government Business for shepherding his Government to that position, I will not give him all of the credit. I would like to single out my colleague and good friend, the Third Elected Member for George Town; my colleague and good friend, the Fourth Elected Member for George Town; and, of course, that old stalwart, my colleague and good friend, the First Elected Member for George Town. I would like to say that those Honourable gentlemen are much better off than I am. Of course, they could not have done that without the moral support and guidance of the lady Member for North Side.

I have to commend all of those I have listed because they exhibited qualities that I do not have. I have to be the first to admit that in these situations I am likely to be hard-line. I had to tell my colleague, the Third Elected Member for George Town, that he is as good as Kofi Annan in negotiations.

I believe in transparency, and I do not see this as a trespass on powers of the Executive Council. I do not see this as any erosion or any greying of the area involved in the separation of powers. This is an issue close to the heart of every one of our constituents. I am sure that we will begin to see public expression next week on the relief and satisfaction that the matter has been handled in this way.

I want to say something about negotiations, because I know that the Leader of Government Business takes his responsibility seriously and jealously guards his position. But in these kinds of negotiations I like to believe in what the Japanese talk about. I like to give people a face-saving way out. A face-saving way has been arrived at, and that is a credit to many people.

I think that I stand up this afternoon to commend all Honourable Members of this Legislative Assembly and the *Hansards* will serve to record that the people's Representatives and the Official Members are not only responsible but sensible.

After being beat up so many times, after having lost so many times, I feel proud this evening to have played a minor part in delivering to the people what I believe to be a wise, sound, and sensible decision. It is a testimony to transparency and sunshine in the relationship in our country as far as dredging and dredging applications are concerned.

We have still left Executive Council with some responsibility (as a Member queried), because this amendment says that it will not be concerned with minor applications such as seawalls, wharves and jetties. It also says that representations and objections could be made to the Permanent Secretary. That does not preclude Executive Council as a collective body from making their representation, recommendations or objections to the Permanent Secretary—indeed, they could be brought down here as the position of the Executive Council and considered in debate.

This is an exercise in democracy at its finest. Believe you me, Pericles in his days in Athens had not crafted a better decision. Thank you.

The Speaker: It is good to hear that spoken. Does any other Member wish to speak?

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. The mover of this substantive motion who just spoke (the Third Elected Member for Bodden Town) has certainly expressed the majority of the views of the Backbench. I, too, wish to commend the Government on its ability to be flexible and understanding enough to read the intent of the motion, actually being able to get the matter resolved to the satisfaction of us all. There was only one question raised during the debate on this amendment, and I wish to take a minute to walk through these procedures, to ensure there is nothing we have missed in agreeing to the amendments.

The new amendment moved by the Government states, **“BE IT NOW THEREFORE RESOLVED that (1) all applications for dredging in the North Sound, other than minor applications such as sea walls, wharves and jetties, shall be published in the newspaper once per week for four weeks, giving notice of the application and stating that written objections and representations may be made to the Permanent Secretary, Ministry of Environment, within at least four weeks from the date of the last notice, and copies of which shall be made available to Members of the Legislative Assembly; and (2) shall be moved, debated, and finally voted upon in the Legislative Assembly.”**

While the Minister for Education stated in his reply to the question that the minor details will have to be worked out, my understanding of the amendment is that after the process of the application and the newspaper publications go through the time period, and the objections and representations are received, if there are any, the Government (from the Ministry). . . the application will have to go to Executive Council, and Executive Council will then

bring a motion to this Honourable Legislative Assembly for it to be debated and finally voted upon.

There are other Members on the Government Bench, and I would wish for someone to reply to that so that the Backbench can be sure that that is the process which is going to take place.

There is another point I wish to make. In the original motion there was mention of Crown lands, and from the legal resources we have in this Honourable House we will notice that there is no mention of Crown lands in the two amendments being brought by the Government. The reason is that to include Crown lands in the way these amendments were crafted would possibly disenfranchise the public from any appeal process, if there is anything being done with Crown lands. I do not think any Member here wishes to prevent any member of the public from being able to lodge any appeal because of any dissatisfaction. That is just to clear that issue of why Crown lands are not mentioned in these amendments.

Perhaps, before the vote is taken on the two amendments the Leader of Government Business has brought forward, we could hear from the Government Bench if the process taking place with these dredging applications will be as I have stated it. Thank you.

The Speaker: Does any other Member wish to speak on the amendment? If no other Member wishes to speak, does the proposer wish to reply?

Hon. Truman M. Bodden: Mr. Speaker, I would like to thank Members for supporting the amendment, and I really can add nothing further to it. I think the amendment is very clear, and it states that there has to be a motion, debate, and a vote in the Legislative Assembly—a final vote. I can add no more to it, Sir.

The Speaker: For the clarity of the listening public and for the House, the question is that Private Member's Motion No. 2/98 be amended as per the notice provided to Members. I shall now put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The amendment has carried.

AGREED: THAT THE AMENDMENT BE MADE.

The Speaker: Private Member's Motion No. 2/98, as amended, is now open to debate. Does any other Member wish to speak? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I think we are back to where we should have been, and I will continue my debate on the motion as amended.

The Speaker: That is correct.

Mr. D. Kurt Tibbetts: For the love of me, I fail to understand why, even when we come to an agreement, the Government is not prepared to clarify certain situations. Perhaps an explanation will be forthcoming outside this forum, and I will give it that opportunity, but I think it is important that we understand that the Backbench, having agreed to the two amendments Government has brought, has agreed to those amendments on the understanding that the process, as I tried to explain it, will be the process that will take place.

I say this to make it very clear that if it is discovered that the process is going to be different, we will bring another motion to deal with it. We are trying to be straightforward. I do not want to think for a second this evening that there is something hidden that we do not understand. But I promise the Government that if there is, it will not end here. That is all I have to say about that matter.

Going on with my contribution to the debate, when we closed off yesterday I was referring to a letter which was dealt with in February of 1996, but before I actually go on dealing with the letter I wish to clear up two small matters. I think I may have made a mistake when I spoke of the Governor's Throne Speech, and I may have said '1997.' If that is the case, because I have not seen the transcripts from yesterday's debate, I wish to make it clear that I was referring to when His Excellency the Governor announced no more dredging in the North Sound in his Throne Speech of 1996.

I also wish to explain that the letter I had referred to before (and will be referring to again), was a letter which was written to Mr. Heber Arch, c/o Arch & Godfrey (Cayman) Ltd. regarding an application which had been made.

Mr. Speaker, when I referred to that letter, one of the problems which prompted the mover and I to seek passage of the motion we brought was that with the issue of that letter we were convinced that neither we nor the public were totally satisfied with the process being used. I will go on further to state that I remember when this letter was circulated, and it came to light in the public. There was a report in the *Caymanian Compass* that two Members of Executive Council had stated they did not know about the said application. If two Members of Executive Council did not know about the application, and such a letter was written from the Ministry outlining approval in principle to the application, it is obvious that the public at large will wonder what process took place with that specific application, and how else other applications were being dealt with.

I will now to refer to a few areas in the contribution to the motion made by the Leader of Government Business yesterday. Let me make it clear that I understand, Mr. Speaker, that the motion has been amended, and what the Leader of Government Business spoke on yesterday was the original motion. So any points I draw will not be trying to deal with the situation that has changed. I do understand that certain things have changed because of the amendments, but I think there are a few items which need to be addressed.

One might wish to say that since the amendments have been brought forward by Government, and seemingly unanimously passed, it makes no sense to go any further with the motion. I am not going to subscribe to that, because I think there are certain issues which need to be aired publicly, even after passage of the motion, so everyone will be clear in their minds as to where we need to go in the future, and what should be done to bring about the best results.

First of all, in the contribution of the Minister for Education, he mentioned (and I am quoting from the unedited *Hansard*) that the cost of the 1.8 miles of the Harquail **"for fill was \$3.8 million, nearly \$3.9 million; trucking was \$720,000, which came over a lot of road, from a long distance away."** He went on to say: **"Looking at it from an economic point of view, if Government has fill on Government's land that could be purchased at one-fifth of that price, it means that four and a half million would probably only have cost \$700,000. Think of how much road could have been done with the savings of nearly \$4 million."**

Mr. Speaker, I refer to what the Minister said to make the point that the terrain over which the Harquail Bypass was constructed was wetlands. The type of fill used in the road construction was not marl—and it would have been ludicrous to make any attempt to use marl on that road as the base. So, while the Minister was making that comparison specifically about the Harquail Bypass, I need to make it very clear that the principle he was trying to apply may work in other areas, but it would not have worked with the Harquail Bypass. Let us be very clear that when we talk about marl, marl is not the type of fill that can be used for road construction at all times. It has a lot to do with the type of terrain over which the road is being constructed.

If I understand what the Minister was referring to in savings, then I think the Minister was trying to suggest that Government may well need to be looking into using its own resources to mine marl, to be able to make use of marl for road construction more cost-effective. While I do not see where in his delivery he spelled that out, I think it is certainly fair to draw the conclusion from the comparisons he was trying to make. I mention that because I wonder if the Government is mindful of dealing with the mining of marl in that fashion, whether it be from Crown land or from the seabed. It is not something I am passing an opinion on. I have not really thought about it before. But I think, if any other Member of the Government Bench is going to speak on the motion, we should be able to get the matter clear, whether there is an intention to pursue that or not.

As I was speaking yesterday about the terms of reference for some type of study, and the two-year span that has gone on—and we have not heard anything about these terms of reference or a study—I think it is important for the people of the country to understand our position regarding this situation. First of all, we on the Backbench are not taking the position that there should be no dredging whatsoever. We are not equipped to make a state-

ment like that, as my colleague just mentioned, nor are we disposed to make a statement like that.

The Minister referred, on a few occasions during his discourse, to the fact that we need to be able to provide fill to keep construction going, that we need to try to be as cost-effective as possible to keep the cost of construction down, and we are in total agreement with that. We do not have a problem with that. Our position is simply this: While this motion does not address any type of study (and I think I am safe in saying that I can speak for the rest of us on the Backbench), we contend that if dredging of any magnitude is to be allowed in the North Sound, the Government must be in a position with facts, to be able to allow what can reasonably be done with the minimal effect.

The fact is that during the debate of 1995, when the then Second Elected Member for Cayman Brac and Little Cayman moved the motion regarding an environmental impact study being made, the Minister responsible at that time stated that terms of reference were being drawn up. I mentioned all of that before. But he also stated that the Government's position on any study to be done was that any applicant making an application to dredge marl from the North Sound should be the person, persons, or group of people, to pay for any study that had to be done.

Let me explain why we do not subscribe to that belief. Any applicant who has to provide an environmental impact study on the effects of any proposed dredging they might wish to do will certainly, at best, limit that study to the dredging proposed. We wish, so Government finds itself in the right position, for Government to have an environmental impact study done on the entire North Sound, with a view to coming up with answers as to how much dredging can sensibly be done, where it can be done, and over what time period it should be done. The Minister for Education mentioned the Wickstead Report. The Wickstead Report is nearly twenty-four years old, and while there is still a lot of merit to what was stated in that report, there have been many changes since that time. There have been several dredging licences issued at various locations since that time. There have been numerous canals dredged on the mangrove fringe of the North Sound since that time, and certainly there must be a lot of different effects that have taken place since then which the Wickstead Report could not address because these things had not occurred at that time.

So while the Wickstead Report will have its merits, we subscribe to the belief that Government, out of necessity to deal with any future dredging applications sensibly, acquire this environmental impact study so it will know. If the terms of reference are really being drawn up, that process should be completed as speedily as possible, and let the Government get on with commissioning the study to be done.

One might come back and say, *'Why spend the type of money you will spend on it?'* I know that all Members here will join me in concert in saying that the North Sound is as important to all of us here as any other natural resource, the few there are, in this country. It is a livelihood

for many people. It needs to be dealt with in a way that it can be sustained and used—but not abused. I believe the Government needs to be equipped to know how this can be done, if there is any tampering attempted with this.

The Speaker: May I interrupt for a moment? Is it agreeable to the House that we continue sitting, and anyone needing a break can just go out? Is that the wish of the House?

Can we make it short then? We shall suspend for five minutes.

PROCEEDINGS SUSPENDED AT 4.04 PM

PROCEEDINGS RESUMED AT 4.22 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues with the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. When we took the break, I was dealing with the position that we take regarding the Government dealing with commissioning an environmental impact study. I would like to mention a few areas of the Wickstead Report which the Honourable Minister for Education referred to in his delivery yesterday.

In the Report, Dr. Wickstead said, "The prime consideration has been that which, in my opinion, forms the main concept of conservation. This is not to say that nothing should ever be touched or removed, but to identify natural resources and, if exploitable, then to recommend how to exploit these resources fully without destroying the environmental and ecological framework of the whole." That statement simply reinforces our position. We are not subscribing to the belief that dredging cannot be done; we are simply saying that if it is to be done it should be with knowledge, not by way of who makes an application and who should be given permission.

In reference to that, one of the concerns we have with the whole idea of dredging is the fact that marl is a very precious commodity in this country, and that the demand almost always exceeds the supply of marl. It is only fair to believe that there will be people who will seek commercially to make money from acquiring and selling marl. There have been a few established companies in the country, some which have dealt with inland mining of marl, and a few which have dealt with dredging the seabed to get marl. We are not suggesting for a minute that this type of activity should not be allowed within reason. We understand that realistically we are going to need a certain amount of it, and that there will be some price to pay for development in this country to continue.

But you will continually hear rumours that a certain individual wishes to acquire a dredging licence to be able to barter with other individuals or conglomerates who wish to do huge reclamation projects. The point is that while commercially we understand a certain amount of it has to be done, we fear a serious rape case of the North Sound if certain situations are allowed to prevail. I

do not want to go into details, because I do not know for a fact anything I could be specific about. But it is sensible for us, even if it is only rumour at present, to ensure that we are able to do the right thing before the wrong thing happens. That is really all we are saying. That is all we wish to achieve. I believe that every one of us here thinks that is the way it should be done. So I do not think we have any problems philosophically with the thought process of conservation issues, and the fact that we should not allow certain things to occur which will permanently damage the environment.

I mention the fears we have and, without trying to be too repetitious, come back to a letter mentioned earlier. I wish to say that while that issue is now a seemingly dead issue, it is my firm belief that had not enough storm been raised by the people of this country, that could well have become a reality. And I do not believe that any one of us can fathom the damage that might have occurred if that had been allowed to happen. The mere fact that an approval in principle was given—more so with two Members of Executive Council stating through the media that they did not know of the approval in principle—is frightening! It is very frightening! And we must have fears and trepidation about the issue. We also understand that the constituents are fearful, and the North Sound is very precious to one and all here.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of 4.30. I would entertain a motion for the adjournment. The Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

ADJOURNMENT

Hon. Anthony S. Eden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Monday.

The Speaker: The question is that this House do now adjourn until 10.00 AM Monday, 16 March 1998. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until Monday, 16 March 1998 at 10.00 AM.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 16 MARCH 1998.

**EDITED
MONDAY
16 MARCH 1998
10.09 AM**

The Speaker: Prayers by the Second Elected Member for Bodden Town.

PRAYERS

Miss Heather D. Bodden: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Government Business, Bills, Third Readings.

GOVERNMENT BUSINESS

BILLS

THIRD READING S

**THE MONETARY AUTHORITY (AMENDMENT)
(RESERVES) BILL, 1998**

The Deputy Clerk: The Monetary Authority (Amendment) (Reserves) Bill, 1998.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move that a Bill entitled The Monetary Authority

(Amendment) (Reserves) Bill, 1998 be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled The Monetary Authority (Amendment) (Reserves) Bill, 1998 be given a Third Reading and do pass. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED: THE MONETARY AUTHORITY (AMENDMENT) (RESERVES) BILL, 1998 GIVEN A THIRD READING AND PASSED.

The Speaker: Item number 4, Other Business, Private Member's Motion 2/98, Change of Dredging Policy. Debate continues with the First Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

**PRIVATE MEMBER'S MOTION NO. 2/98
(as amended)**

CHANGE OF DREDGING POLICY

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. When we broke on Friday, I had been dealing with the position I think most of us on the Back Bench have taken regarding Government doing an environmental impact study on the effects of dredging in the North Sound. I would like to quickly cap that off. I have a couple areas to quote to reinforce the point. As has been said before, we take this position simply because, while the Wickstead Report, mentioned prior to this, was very useful when it was done, a lot of activity has taken place in the North Sound since then regarding dredging and development taking place on the coastline of the North Sound, with many canals. So we believe that what prevailed at that time might well be different now because of all this activity.

Outside of the Wickstead Report in 1975, there was also a document floating around in Executive Council at that time, referring to a natural resources study. Just to prove the point, with your permission, Mr. Speaker, I would like to quote a few areas of that document so we may well understand why some of us are taking this position. The document starts off, "**Although these studies are planned to cover all basic marine parameters,**

emphasis should be placed on those primarily concerned with or affected by the practical needs of development in the Cayman Islands, for example, fill and sand by dredging or other means. Therefore it is expedient at this early date for the Executive Council to consider and enumerate the future development needs affecting the sea bottom, coastline, and littoral swamps in order that the marine study can solve or minimise the detrimental side effects of such development activity, or advise where an area can only be protected by leaving it in its virgin state." The document goes on to quote some major examples:

"A. Sand

There is an urgent need for building purposes. This can be obtained from the beach ridges or from the sounds. Investigations should be made with the object of answering the following questions:

- (1) which is the most expedient ecologically?**
- (2) If the Sounds are, and in particular North Sound, the study should predict, on the basis of current turbidity, wave slope and depth of sediment, which area could be exploited with the least environmental damage.**

B. Marl Fill by Hydraulic Dredging

Fill is essential to development in the Cayman Islands. It can be obtained by dredging and/or drag-lining in the open sea, or by encapsulation, thus

- (1) which method is the most expedient for the least environmental damage?**
- (2) Which localities in the sounds could be worked to create the least damage through turbidity and/or sedimentation?**

C. Coral Reefs

Skin-diving, glass-bottom boating, etc., are an important attraction for tourism. It is believed that the Cayman Islands are fortunate enough to have flourishing reef ecosystems and these should be protected. Therefore-

- (1) Which areas are the worthiest of total protection by the creation of underwater parks?**
 - (2) Are there other areas where licensed removal of the flora and fauna could be allowed?**
- And-**
- (3) What would be the quantitative index needed to control this?**

D. Removal of Mangrove and Reclamation

Mangrove can be divided into littoral mangrove and deep swamps removed from the sea.

- (1) How much of this could be safely removed?**
- (2) Would large reclamation's of the deep swamps be more desirable than fringe filling along the North Sound?**

It is recommended that the natural resources study team be requested to give special attention, during their studies, to the subjects mentioned in paragraph (3) of this submission, and where possible, to provide this Government with answers to the questions posed therein.

Mr. Speaker, that document is approaching twenty-three years old, so it is obvious to all concerned that our concern in bringing this Motion is not something new. The point of reading that document is to reinforce that we are convinced at this time that the study we are mentioning should be done. While the Motion addresses dredging only, we think it is important for Government to look along these lines so any future decisions needing to be made regarding dredging can be made from an informed position.

There is one more area which I wish to mention. It refers to one of the statements made by the Minister for Education in his contribution to this debate. He said, **"Some solution has to be found to producing fill. Whether it is better to destroy the land and leave the seabed, or to dredge the seabed and leave the land, or to import fill which has its other risks in what may be imported with it, I do not know the answer, and I am being honest."**

The part of this I wish to address is where he says, **"or to import fill which has its other risks in what may be imported with it."** Before I go on, let me make it very clear that what I am about to discuss is not a position that I, or any other of us on the Back Bench—if I may take that chance to speak for some of us—this is not a position any one of us is taking, but we feel it is important that this situation be aired openly so it can be clearly understood that Government should seriously be looking at other options which people are making attempts to provide, regarding acquisition of fill and aggregate.

When we talk about dredging in the North Sound, just about the only type of fill you will get from that exercise is marl. While marl is commonly used for many purposes, the truth is there are other types of fill which, in some instances, actually serve the purpose better. The other types of fill I am talking about can be had from various sources. To go on, in June of 1997, there was an application from Caribbean Stone Products for permission to import quarry materials. The application—and I will not bore the House by reading it—entailed the purpose for which it was intended; it outlined the method by which this aggregate would be imported; and the application addressed two things: Caribbean Stone Products wished to ship quarry materials into the country, but they would need permission from Government to put down a basic facility on the base of the Pedro Bluff, so that the ship bringing in this fill would be able to tie up properly. I am sure you are well aware of ships, Mr. Speaker, and this system would be by conveyor belt, enclosed, and all the safety concerns were taken into consideration.

The second question addressed with it was the duty concessions they might ask for because, I think the way the Law reads presently, any type of material of that na-

ture imported into the country warrants a 20% duty on the importation costs.

These people have gone to great lengths to satisfy the concerns Government quite rightly should have when they are hearing about an application of this nature, but what has gone on with it thus far is where we see a problem. It is not for me to stand here and say that their application should be given favourable consideration, or that it should not. While I keep hearing from the Government in other instances that these things take time to make proper decisions, I do not think an impression should be given by Government that it is trying to avoid dealing with the application because the communication between both parties is always at a level of stress, where the applicant continually tries to contact individuals in the Government and they cannot get to see them or talk to them, and they have to seek means through other avenues to get to people, and that should not be the case. If it is a situation where transparency exists, then regardless of wherever Government is within the decision-making process, it should be an easy flow of information so people will know where they are. If it is going to take some time, fine! But at least the people should know where they stand, and Government should be able to walk them through the situation so they know.

I am not suggesting that Government should stop what they are doing and only concentrate on the one application. Not for a minute! I am not saying that! But I do believe that communication could be a lot better.

After this application was made in June, presentations were made to Executive Council, and questions raised were addressed and answers given. Finally, in October of 1997, a letter was received by the applicants from the Ministry responsible, and it reads,

“Dear Sir:

“I am directed by the Honourable Minister to advise you that your application for permission to import quarry materials into Grand Cayman is currently with Executive Council. Before putting the matter to Council, this Ministry sought the input of a number of Government Departments and the last comment we received was dated 7th October, 1997.

“Please be assured that as soon as we have something further to communicate that I will contact your office. Thank you very much for your patience.”

So we have an application in June, and we have a response in writing on 28 October, one the beginning of June and one the end of October, so nearly five months have transpired. We are in the latter part of March at present, and in October the application was in front of Executive Council. Another five months have passed, and the application has been deferred and is still pending.

The people making this application are business people. They recognise the problems the country faces with aggregate and fill; and they are also very cognisant of how sensitive the situation with dredging for fill is, so they have sought an alternative to either inland excavation or seabed dredging, to provide some type of aggregate.

Now none of this aggregate, which these people have applied for permission to import, is marl. None of it is marl. It various types of other aggregate, basically made from rock, and the process is one in which you cut it into different sizes for different purposes. One of the major uses for this type of material would be road building. There are also certain areas in the construction industry which use that type of material rather than marl because of compaction and other reasons.

The whole point of this scenario is—and I mean, let's just be frank and open with the whole situation. The country now sits with basically two suppliers of this type of material, but in actual fact, it is only one, because there is only one supplier who has a licence to blast and operate a quarry. The people making this application are, as far as I am concerned, as honest as the day is long. These people are as good citizens of this country as we will ever know. I do not want to call names, and I am not here to defend them. They do not vote for me, so let's get that one out of the bag!

In their efforts to provide an alternative—and the other key point here is, even if Government does not allow them a concession in the rate of duty, which they would only pass on to their customers, they can still import this material and sell it, do it safely and sell it to the people of this country for less than it is being done here. If we want to look at the broad spectrum, the immediate reaction would be, Why allow someone to import a product to compete with one being created locally? As far as I am concerned, this is the exception to the rule. While the norm is that will prevail—and I would subscribe to the belief that one should not be allowed to import a product to compete with a local enterprise—the difference is that very soon we will not be able to meet the demand, if the growth rate in the country continues. That is not an opinion, that is a fact!

We are not a country with mountains and high levels of land. Basically there is a very limited area in which quarrying can be done. Besides that, if it is a matter of competition with another enterprise, that other enterprise, I am sure, can do the same thing by importing the products if there is a disadvantage. You will want also to mention the local people hired by the person doing the quarrying here, but on the other hand, the local people this other entity will employ, once they have the product to sell. There is trucking, and making it into different levels.

From those types of arguments, as far as I am concerned, there is a balance struck from both sides. So I do not think there is any disadvantage being sought by anyone. Besides that, I am also convinced that these people making the application for importation of aggregate are straightforward enough, and these are old-time Caymanians who still believe a shake of the hand, my word is my bond. I do not think for a minute they would have a problem dealing with any other party concerned regarding allowing them access to information they might have, or whatever. So I do not think that is the problem.

One of the major concerns aired regarding the application is organisms being imported with the product, organisms being larvae of insects and various types of

pests, and even snake eggs, I keep hearing. So the world will know, the applicants are intending to import this material from a place in Mexico. And presently, and for many, many years, this aggregate that is hoped to be imported from Mexico, has been exported to Galveston, Houston, New Orleans, Tampa, and the aggregate has continually, by spot-checks, met United States Department of Agriculture specifications. If you do not have any understanding, when you hear about the fear of these insects and larvae and snakes, you would immediately start to get frightened. But there is a simple explanation for it. This material is mined from sixty or seventy feet below the ground. That is not my imagination, that is a fact! That is simply how it is. Which insect or snake is going to lay eggs down in that hard rock? It is ludicrous! It does not make any sense!

Besides that, when the rock is mined, it goes through a myriad of processes to get it down to the various sizes, and there is literally nothing that would survive, if you even stretched your imagination to allow the thought to go there. Nothing would survive like that! On top of that, you have the USDA approval because it is being exported to four or five different ports on a regular basis, and being checked regularly.

In bringing that argument, I will even allow the possibility that the fear might still exist. But I happen to know also that the Department of Agriculture here has checked the situation, and while I cannot call them to witness, I also happen to know they are satisfied. We will leave it at that.

The point in all this is, if we recognise that there is a problem, and we recognise that we have to find a solution, and there are interested parties, whether it be for commercial purposes or not, who are prepared to work along with the Government to satisfy their questions and their trepidation about any situation, but they wish to provide a solution to the problem without any ill effects to the country, then a year later, nearly, not far off—not quite a year, but nearly a year later, you should be able to do something about them, to tell them whether they should go ahead wasting their money pursuing these avenues, or whether they cannot do it! You should be able to do that! I am not here to make the decision. I can promise you, if I was part and parcel of the decision-making process, it would be made!

But that all comes back to transparency, which the Minister or Education kept quoting in his contribution. (part of tape missing) transparent, then let everyone know where you stand! If you cannot do that, whether it is so or not, people begin to wonder if there is some reason underneath that certain questions are not answered, certain applications kept pending.

The last thing I have to say on that matter is that the applicants—and I only found this out by chance yesterday—have just gone to two other countries to seek the possibility of the importation of this type of aggregate. As they had done before, they contacted the Department of Agriculture and the person in charge said, *Listen, in order for you to have a full understanding of what we would like to do, we are inviting you to accompany us to the loca-*

tion, so that you can see for yourself how this is done, what the end product is. There will be no cost to you, no cost to Government. We just want you to see so you can have a firsthand look at what prevails, when we make an application. You will be able to know what questions you need to ask to satisfy your mind, or what answers we have to provide to satisfy you. So here is an open invitation at no cost to you or Government. It will only take you two days, maybe three at most.

Of course, the Department has to check with the Ministry, and the answer from the Ministry is, because the application is deferred and still pending, you cannot go to look at this thing. Now I want someone to tell me the logic in that! You would swear it was something sinister, covert, or something like that! Mr. Speaker, that is not the way any government must operate. And I am not standing here today to be jumping at Government, to be telling them that they are doing all kinds of evil things. That is not the exercise. I am simply saying that if we are going to look the way we should as a Government, in the eyes of the country...

Hon. John B. McLean: Mr. Speaker, if the Member would give me a chance...

The Speaker: Do you have a point of order, or do you want to make an explanation?

POINT OF ORDER (Misleading)

Hon. John B. McLean: Yes, because I think what he is saying is misleading the House. The fact remains, the Ministry can only act on the decision of Executive Council, and in this case, it was not the Ministry that did not want to go on the trip. The case was that it was put on hold by Executive Council and we had no authority to do anything else. That is the point I would like to make.

The Speaker: Okay, I accept that.

Mr. D. Kurt Tibbetts: Mr. Speaker, I understand what the Honourable Minister has just said, but he is saying exactly what I said, and I only wish to take one minute—because I understand what he is saying, and I am not here to look an argument.

The Speaker: Do you accept that what he is saying is...

Mr. D. Kurt Tibbetts: The point is, and it is not a point of order, Mr. Speaker, because I am saying—and I am not questioning whether the Ministry has the authority or not to allow the person from the Department to accompany these people on a trip. If they do not, they do not! All I am saying is, that is the wrong way to do business! That is what I am saying! That is the point I am making. Because there is nothing sinister about it, but if that is the way the system is, or if that is the way the cookie crumbles, then it needs to change! Because these people are open with what they are doing, and all they are simply

doing is trying to seek a solution. So I am not suggesting that the Ministry did something that was wrong. I am saying, the way it works, in my opinion, is not the way it should work. That is all I am saying. I hear what the Minister is saying, but...

Hon. John B. McLean: Mr. Speaker, if that is it, I understand it. The point I was trying to make to him is that we did not take a decision from the Ministry. It was at the level of Executive Council, which I am not privy to discuss in here. It was not my Ministry. I can only put up a paper to Executive Council, and try to deal with it from that point of view.

The Speaker: I would ask the Honourable Member to accept that, I mean he is making a statement that it is an Executive Council decision.

Mr. D. Kurt Tibbetts: Mr. Speaker, I have no problem with that, Sir, but once we get it clear that there was no point of order, I do not have a problem with the explanation.

The Speaker: Really, it is a point of explanation. He is explaining the fact that...

Mr. D. Kurt Tibbetts: That is fine, Sir, I do not have a problem with that.

The Speaker: Please continue.

Mr. D. Kurt Tibbetts: Thank you very much. To continue, and to sum up the situation, I bring this situation to the Honourable Legislative Assembly with only one point in mind: If we are genuinely seeking solutions to a problem we know existed, then I think we should be looking more strenuously to find these solutions, and not be seen by the public to be couched in our decision-making process, and almost hidden with the process. It may not be intended, but that is the way it appears. That is the point regarding this situation.

I am going to sum up now, Mr. Speaker, with my contribution to this debate, and in doing so, I wish to remind us, as I just did, about the way things seem to be handled as of now. I mentioned earlier a letter, which I quoted from the *Hansards*. I mentioned that I distinctly remembered seeing in the newspaper that two Ministers of Government publicly stated that they had no knowledge of the approval in principle which the letter I am talking about gave; and that is the type of situation which drives rumour, it causes concern, the community gets stirred up, everyone gets fearful of the worst happening, and when that happens, perception becomes reality, and you have no good result, no matter which way you go. I am saying, we need to take all of that into consideration, and we need to deal with this and other matters in a different way, so we can get better results, so we can prove transparency, so we can look to be accountable for our decision-making process, and so the public can feel more at ease with the process, rather than to concentrate on

the bad end-result that must happen because they disapprove of the process. That is basically what I am saying.

In a book entitled, *Your Right to Know*, dealing with freedom of information, and it is from the UK, in a short sentence, one of the people who contributed to this publication says, "**Openness is fundamental to the political health of any modern state.**" In the introduction to the book, the very first paragraph reads—it is not long, Mr. Speaker, and with your permission, I would like to read it: "**Unnecessary secrecy in government leads to arrogance in governance and defective decision-making. The perception of excessive secrecy has become a corrosive influence in the decline of public confidence in government. Moreover, the climate of public opinion has changed: people expect much greater openness and accountability from government than they used to.**"

Mr. Speaker, that is my point regarding the examples I just used. Again, let me say that it is good that we have reached a compromise in this Motion the Back Bench has brought to Government. I still have questions in my mind regarding the Motion being accepted as amended, and Government fully explaining the process by which any applications for dredging will be handled, but if no one again wishes to deal with that, so be it, we will watch and see.

While the Motion is not as it has been brought, and it has been amended, it has been amended to our satisfaction, and I would just, one more time, like to commend the Motion to this Honourable House, and I do trust that all Members will support it. Thank you.

The Speaker: Private Member's Motion 2/98 as amended has been moved. Does any other Member wish to speak to it? The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I rise to give my support to this amendment to Private Member's Motion 2/98, and I want to say that I am very happy to see that Government and Back Bench could get together and thrash this thing out to a fair understanding, because it was needed. This is something that should be done more often. It would save a lot of time and fighting across the floor with both parties. Thank you.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I rise to offer a few comments on the Private Member's Motion concerning dredging, to say that dredging is a very sensitive issue in this country, and it makes me more comfortable with the situation at which we have arrived, whereby any major future application for dredging will at least come to this House for consideration, debate and a vote, because I know in my own district of West Bay, our people are very sensitive and very concerned about dredging, in particular, dredging of the North Sound. A lot of our West Bay people depend on the North Sound for their livelihood, that is, fishing, snorkel

trips, Stingray City trips, and they are very concerned that we do not do anything to disturb the ecology in that area that would affect their way of life.

I am also pleased to see that Government and the Back Bench, or the whole House, was able to get together and reach a reasonable and acceptable compromise on this very important issue, because it is an issue with which our people are greatly concerned. As representatives, I see no reason why, with such a sensitive issue, we should not have some input and say in any decision made on an application for dredging in this country.

So I do support the Motion, and I thank you, Sir.

The Speaker: Does any other Member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I am pleased by the considerations being made regarding the very important issue of dredging. I believe the process of decision-making is best executed on the floor of the Legislative Assembly, since the issue of dredging is a sensitive and emotional issue of national importance. Nevertheless, it is important that Members do not assume they are experts regarding these very important issues, in that a certain amount of scientific knowledge or background is necessary if we are to have sensible, sustainable development.

I must comment, both from the side of Government by way of the Leader of Government Business' attempt to connect dredging with the need for road improvement, and that he mentioned it might be possible to get fill, if Government got involved in dredging itself, at some \$4 or \$4+ per cubic yard. When listened to by the general public, that might be considered a realistic figure, when in fact, if viewed by experts in this area, we might find there might be some disagreement.

On the side of the Back Bench, from the point of view of the First Elected Member for George Town, I would like also to comment that I felt there was a whole attempt here to bring in additional information regarding this particular issue that might not necessarily, when we look at it, be reasonable from a scientific point of view. So it is very important that if we are to make the applications for dredging licences to come before the Legislative Assembly, we try to be as scientific and specific as possible about the types of information we allow to enter into the debate process.

The question of marl, the question of aggregate, does not really have a political nature; it has a physical nature, and it is important that, when we are discussing these issues, we stay as much as possible with the objective, physical nature of these discussions, in the sense that they will involve us having to rely very heavily, not on our belief, not on our opinions, but on the expert opinions of people who are qualified in these areas. We know that common sense allows us to make certain types of conclusions when we say there is a difference between structural aggregate or materials and mass fill. Dredging usually has to do with the collection of decomposed material, in the form of limestone marl.

We know we have to have a sensible position regarding creating a balance between the physical environment and, let's say, the social environment, in that the social environment needs the physical environment to continue to prosper and remain stable. If we came to a position whereby we could not mould our physical environment in such a way as to enrich the quality of life of the Caymanian, if we could not drain the swamps, fill the swamps, and reclaim the swamps, and make them liveable, inhabitable for the Caymanian people at a reasonable price, then we would of course be getting into very, very difficult areas. The world is here for mankind. He must be reasonable in terms of what he takes, and what he replaces with what he takes, but life itself is based upon taking and giving. We find that in our birth, and we find that in our death, and as it is said, "from the earth we come, to the earth we return."

There is a giving and taking in-built in nature, and we do not have to become so ideological, in terms of our premises about sustainable development, and the vision of preserving the planet, that we forget it was not ideology that created the universe, but the will of God, and that He was very much aware of the fact that He put man here to have dominion over all other forms of life. Therefore, human life must be considered first and foremost.

I am saying that my position regarding dredging is not that we should not dredge, but that we should dredge when it is necessary to sustain a liveable and acceptable life form for the Caymanian people.

Sometimes it is quite shocking when you go by some of these developments, and you see that a certain amount of inland dredging and a certain amount of off-shore dredging have occurred, and that the lots of land cost like \$300,000 and \$100,000, and \$200,000. And all of this dredging is happening. All this land is being filled. But the land could never be used by the people of these Islands, because the people of these Islands could never afford to buy those lots, and to live on those lands.

One reason I would like to see the question of dredging debated in the House of the Legislative Assembly is that it is a question of what we consider to be necessary. What we consider to be necessary has a lot to do with our political opinions, with the people's political opinions, with what the people believe is necessary to sustain and improve their standard of living. Sometimes, when we look at the number of swamps being reclaimed, they are not being reclaimed for the people of the Cayman Islands, because the people of the Cayman Islands cannot afford the \$150,000 or the \$60,000 or the \$300,000 for a lot in these areas.

We know that type of dredging is not going to satisfy the demand we have as a people in this country. The little man will need his areas to be filled, and that fill, that mass fill, must come from someplace. He cannot clock into one of these areas and do inland dredging. The dredging, the marl that is going to fill the yards in Windsor Park, that flood, the areas in the Swamp in George Town that flood, are not going to come from any canal system. It is going to have to come from the North Sound, someplace in the North Sound.

We want to make sure that when dredging occurs, when it seems to be necessary, when permission is given, it is not a group of rich people coming in here and gaining a monopoly to develop land that will be beyond what the Cayman Islands people can afford. We want to make sure this is balanced in such a way that it will also be used to fill the areas like the Swamp in George Town, and perhaps areas in Bodden Town that are lowlands. The Planning Department requires that the person build their land up a certain number of feet above sea level. This always means that there has to be additional fill for people to be able to construct homes.

We know, on one hand, there is a need for marl. But the marl, like I said, is not necessarily totally necessary, because we consider the fact that we need to build roads. The marl is said to be necessary because people need it to continue to fill their homes.

I feel that when we come to the question of importing aggregate, from the information I heard from the First Elected Member for George Town, I am not in a position to totally make a decision regarding whether Executive Council was correct in their position regarding this. I would be very careful in how I stick this type of information into the debate at the moment, because we do not want to give the impression or opinion that when we come to making decisions on policies for dredging or importation, it is somehow decided as a result of the political opinions, or so-called common sense opinions of legislators, but in fact, decided from a scientific and engineering point of view.

I have therefore tried to confine my arguments to the question of the separation of power and the power of Parliament, saying that a decision like this is logical, expedient, and in favour of the people and the people's democracy, and the people will welcome such a decision. In fact what Parliament is doing is not eroding the separation of power, but making that separation more workable, by giving the Executive Council the possibility, in carrying out its role as implementers of policy, to give the kind of transparency we need to have at the moment.

We should not believe that at the end of the day transparency simply means debate. We have to realise that regardless of how objective we all pretend to be, we all have friends out there, we all have interests out there, that we come here to represent, to act for interests. We know we are not supposed to act for this person more than we act for the other person, but we are human beings, so we have to be very careful that we are not just moving a decision-making process from one position to the other position, and when moving it from one branch of Government to the other branch of Government, basically what we are doing is including more people in the decision-making process and saying that because more people are involved in the decision-making process, it is better. It could be worse. We have to make sure that we make decisions based upon scientific information available. Until we have the basis for making those types of sensible decisions, we be careful what we say. We be careful what positions we advocate, because the general public is listening, and the general public is making con-

clusions, and sometimes when we say things like fill being able to be acquired for \$4 or something like that, we might give them the impression that the problem we are trying to solve is a little bit more solvable than it really is. It is a very difficult problem we are attempting to solve. It is a balancing act, and hopefully we will rely on our objective instincts rather than our subjective opinions.

I support this amendment to this Motion, and support this Motion, and recommend it to the House, and say lastly that I compliment the Leader of Government Business and the Government in making this compromise possible.

The Speaker: Does any other Member wish to speak? The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

The Mover and Seconder of this Motion have given a very detailed presentation to this Honourable House. My contribution will be relatively brief. However, I believe this is such an important Motion, that each Member of this Honourable House should give this their support, directly or indirectly. By directly, I mean they should speak publicly on it, or at least support it so that it passes unanimously.

In the first Preamble, the Motion refers to the Throne Speech delivered by His Excellency the Governor on 16 February 1997, wherein the Governor specifically stated that there would be no further dredging in the North Sound except an approval granted to Caymarl to excavate the balance of material under a licence granted in 1988. I mention here that I was the Minister responsible for granting that licence in 1988. It was against the background of the report prepared by Mr. J. H. Wickstead, and other recommendations received from the Environmental Department.

Previous speakers have stated it is necessary that a certain level of dredging be carried out if we are to continue with our development in the Cayman Islands. I believe it would be somewhat foolhardy if we dismiss the detailed report prepared by Mr. Wickstead. There is no other such detailed report prepared by the Government since that was carried out some twenty years ago. This is primarily why various candidates, even in the last election, mentioned the need for a detailed environmental impact study on the North Sound and throughout the Cayman Islands. The Wickstead Report specifically stated that approximately 12 million cubic yards of fill could be taken out of the North Sound. But to carry on that level of dredging would be, in my opinion, contrary to the wishes of the people of the Cayman Islands, and would no doubt destroy many areas of our marine life in the North Sound.

If we are to continue the development in the Cayman Islands such as road building, public buildings, private buildings, etc., considering that this country is flat and that marl is needed for much of this development, we will have to be sensible and understand that a certain amount of dredging is necessary. We will have to ensure that a happy medium is drawn, where the least pos-

sible negative impact occurs on our marine life. But if we are to continue with development, we cannot bury our heads in the sand and pretend that no problems surround us: we must face the problem of obtaining the necessary aggregate for future development of these Islands.

The group I was (and am still) associated with in the last election felt so strongly about the need to protect the environment...I would hate for anybody to get the impression that I am not very concerned about the sensitivity of the marine environment. I am very concerned and I have demonstrated this in my public as well as my private life. We stated specifically in our Manifesto, **“We undertake to commission an independent environmental assessment of the North Sound with terms of reference to include the impact of dredging with the Cayman Islands.”** That is how important we feel this whole question of dredging is.

I am pleased that the Motion was amended, because had it not been amended, we would have lost a golden opportunity to deal with this most important issue. I am amazed that so few of our Honourable Members realise that the whole question of politics is compromise. If you compare the objectives of any Member of this House, regardless of political leaning, you will find that we have one central objective in mind: offering our people the very best representation possible. We have no distinct and separate ideologies in the Cayman Islands; we have no distinct and separate political leanings. When one is elected for a particular constituency, it is mostly a matter of likes and dislikes.

So, against that background, there is no reason why we cannot meet as reasonable men and solve our problems within this House without there having to be lines drawn, or anyone feeling that their position is not properly recognised.

I was happy when the Honourable Minister for Education, Aviation and Planning decided to bring a Government Motion which basically covered the wishes of the Backbench. That Motion states:

“BE IT NOW THEREFORE RESOLVED THAT all applications for dredging in the North Sound, other than minor applications such as seawalls, wharves and jetties:

“(1) shall be published in a newspaper once per week for four weeks, giving notice of the application and stating that written objections and representations may be made to the Permanent Secretary, Ministry of Environment, within at least four weeks from the date of the last notice and copies of which shall be made available to Members of the Legislative Assembly; and

“(2) shall be moved, debated and finally voted upon in the Legislative Assembly.”

The word “finally” gives no doubt at all that the final decision on any application for any form of major dredging

will be brought and decided upon by this House. That is the way it should be within the Cayman Islands.

The Speaker: May I interrupt for a moment? You said that Government brought a Government Motion. That was actually an amendment to Private Member’s Motion No. 2/98.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

The amendment was brought by the Honourable Minister for Education, Aviation and Planning to amend the substantive Motion which was brought by the Third Elected Member for Bodden Town and seconded by the First Elected Member for George Town. I hope I have cleared up that particular point satisfactorily.

The Speaker: Thank you.

Mr. Linford A. Pierson: This Motion will ensure that the Legislative Assembly, which is the supreme body within the Cayman Islands, will make the final decision on any matter of this magnitude. This is a matter of national importance. We have heard much talk about the separation of powers.

I will not go into those details because I think that most of us understand that there are three basic areas within the separation of powers, namely, the executive, the legislative and the judicial. I believe, strictly speaking, that no Member of this House intended to interfere with those functions. In my opinion, reference to this was somewhat unnecessary. Nevertheless, it has shown that the Legislative Assembly of this country is supreme and does not take second position to any other body of powers within our democracy.

This Motion guarantees that there will be complete transparency on the issue of dredging. We have known that the whole question of dredging, whether it be inland or offshore, or mining, has created major controversy in the past years. I recall when the development was being conducted at the SafeHaven area, there was much controversy about that development—it was going to destroy the Cayman Islands. I believe, perhaps, that it was the best thing to happen on that West Bay Road areas. It has produced the only proper golf course within the Cayman Islands; it has reduced the mosquito problem we had in that area. Some of the questions raised regarding the fishing areas around where the dredging was being done, we found to be a lot of nonsense. If one examines those areas at this point, one will find that the fish life is much better than it was before the dredging was carried out.

I am just drawing a line where we are being fair to ourselves, to developers, and to the people of this country. No one loves the Cayman Islands better than I, but we must be realistic. I am not here to play politics with this issue. There are some people listening to me who feel that I am not as conservative on the issue as I should be. I am trying to be as realistic on this issue as I feel is necessary.

This Motion does not say—and I want to make this point abundantly clear—that there be no more dredging

in the Cayman Islands. If it had said that, I could not support the Motion because I would be doing something that would not be in the best interest of these Islands. We have heard that most of the material used in the building of the Harquail Bypass was material from the quarry, and not marl. Be that as it may, we know from experience that 90% of the roads built in the Cayman Islands are built from the extraction of marl.

If we are unable to obtain marl locally, if we are unable to obtain the building materials locally, where are we going to obtain this material? I am totally opposed to land mining of marl. To me, that is one of the most destructive means of obtaining marl. One only has to look around and see the devastation that has been caused by inland mining of marl. That is the area that we must be very careful in putting controls on. But there are certain other controls that must be put in place where we must use our best judgement and common sense. The Cayman Islands will not continue to develop as it has over the past five to ten years if we do not put the proper controls in place.

With all that has been said, all the planning we do for roads and physical development must now fit within the Ten-Year Development Plan announced by His Excellency the Governor for the year 2008. I take this opportunity to congratulate the Governor on his foresight in bringing such a development plan. Whether the Backbench, or anyone else, may have given thought to this is beside the point. The important issue here is that we have commissioned—His Excellency the Governor, the head of our country, has commissioned such a plan. I trust that we will give it our full support.

Another good thing he has done is the re-engineering of Government. Hopefully this will dovetail and integrate with the Ten-Year Development Plan for the year 2008. I am happy to also learn that this will be a revolving plan that will go on from year to year after that. I mention that because any initiatives that we bring to this Honourable House for development, dredging or anything else should fit within that Ten-Year Development Plan.

We cannot continue to move from year to year like we have in the past—one day at a time is not good enough. We cannot manage by crisis, we must have a plan so that when the year 1999, the year 2000, and so on comes around, we know precisely where we are going. We will know what our revenue position is and we will know what we can spend within the ambit of that revenue. That is the sort of vision we have been asking for on this Backbench. It is good to see that His Excellency the Governor has now put this in place. I, for one, will be giving it my full support.

One Member said that several initiatives had been made, letters had been written to Government seeking permission to import aggregate. I share Government's concern in not wishing to see any poisonous insects or snakes or reptiles come into these Islands. That is one of the beauties of living in the Cayman Islands—you can walk around without fear of that situation.

I think we need to be realistic about this. I have no doubt in my mind that what was previously mentioned regarding the possibility of importing aggregate from places like Mexico can be attained. I also understand that there are individuals on this Island who have written to Government about this matter who have shown they have the wherewithal to carry out their project, and that the aggregate would indeed be cheaper than what we are now paying in the Cayman Islands. I trust that the Honourable Minister with responsibility for this subject will clear up this point. If, indeed, this matter has been pushed into a drawer, or on the shelf for many years, this is a most unsatisfactory situation.

We must do what is in the best interests of these Islands. I take the point that we must be very careful with what we do, but if the United States of America has been importing from Mexico and the same source for a number of years (as we heard), then I think we can safely assume that there is very little problem we would experience if we carried out a similar exercise.

That is not to say that there are not problems with inspections carried out in the United States. I happen to know, as the former Minister for Agriculture, that we have found insects in flowers and other agricultural products that were supposed to have been inspected by the United States Agricultural Department, and which had received proper certification. Yet, they came here with infestation. So, the only point I wish to make here is that we cannot totally rely on the certification of the United States, but will have to ensure that if this matter is seriously considered, there will also be satisfactory inspections carried out on the local scene.

As I mentioned when I started, my contribution would be brief. I would like to stress that a sensible balance is necessary between the negative impact of development and the benefits that will accrue for the people of these Islands. I also want to make the point that we cannot say 'no more dredging in the North Sound' on the one hand, and say that we want to maintain a certain level of economic and physical development in these Islands on the other hand; one will not work without the other. We cannot ask the country to provide the necessary roads in these Islands, and then not allow the materials required to develop these roads.

This Motion is not saying that. All this Motion is calling for is that in the future, because of the sensitive nature of the dredging of the North Sound, any applications for major dredging in the North Sound should first come to the Legislative Assembly, and that those applications should be made public knowledge so that there is absolute transparency in all that we do.

I want to commend the Mover and Seconder of the Motion. I think they have done this country a major service in bringing this Motion. I also wish to commend the Government Bench which, in bringing the amendment to this Motion, has indicated its support of this Motion. I trust it will receive the full support of all Members of this Honourable House.

The Speaker: Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.37 AM

PROCEEDINGS RESUMED AT 12.15 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 2/98. Does any other Member wish to speak?

The First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you, Mr. Speaker.

There has been quite a bit said on the Motion, and I do not propose to be long, but there is at least one point I wish to raise.

There is nothing more emotive in West Bay than the subject of dredging when it pertains to the North Sound. I have listened to the debate from both sides of the House, and some very solid points have been raised, environmental and developmental, in relation to dredging the seabed and the need for fill material.

Whenever the question of dredging is put to Government in the form of an application, a very reasoned and informed decision needs to be given, based on proper factual environmental studies. In saying that, whenever the question of dredging comes up, there is always a lot of discussion on it, sometimes very emotional. One thing we do know is that we have to maintain a balance in the ecological system, and in planning the future, we have to make sure that development can take place with proper consideration to the balance of natural forces, to continue to enhance the quality of everyday life. Certainly, this means that properly controlled development can continue in this country. That is where I stand as Member of this House. Good development with the right environmental balance can only enhance our quality of life, not only today, but in the future.

As I said, it is an emotional subject, and we must bear in mind that there are people who do not support Government, be it this Government or any other; whenever it comes to dredging there are people who jump into the fray and, more particularly, people who do not support Government, who are usually stumbling blocks when it comes to dredging. They would do anything to put stumbling blocks in the way, in the form of environmental concern, not based on proper scientific research.

Development means too much to this country, and the ecological balance means too much to the country for misinformation, which only serves to rile people up unnecessarily by letters and other misinformed actions. I certainly would like, whenever I have to make a decision, to be given factual information based on scientific study. I heard that the breeding ground for marine life is actually in what is now known as the central wetlands. This poses a big question to the country: Can that area be preserved? Can Government pay for it? Because the land (most of it, I guess) is privately owned. These are the questions the country is faced with.

The matter of whether it comes to this House or goes to Executive Council is still not clear. I am one of those Members who maintains that the Motion is not clear enough for me to say what role Executive Council has in the matter. But I certainly believe it would be good to have the House deliberate upon the subject.

Bearing in mind the situation I got into as a Member of Executive Council in the matter raised by the First Elected Member for George Town, and bearing in mind the feeling of the vast majority of my constituents, I can see no harm in bringing the matter to the House. I took the position while in Executive Council, that the fee paid as royalties to Government for dredging was much too low compared to the cost of production and subsequent sale price.

When you consider that once an area is dredged, Government would not receive anything further from it—the seabed is an asset that belongs to Government. The fee for royalties in 1992 when I entered Executive Council was something like 25 cents per cubic yard. We managed to get it raised to \$1.00 per cubic yard. I believe that still stands today. I remember my arguments for that. When you now consider that the Government only gets \$1.00 per cubic yard as royalties for dredged material, compared to \$12.50 to \$18.00 per cubic yard (depending upon where you live in the country and how you are going to get it) for the sale of dredged material, the question must be raised: Is \$1.00 per cubic yard of fill all the Cayman Islands can get for that asset?

Now, I posed that question in Executive Council and, as I said, we did get it raised. But I believe this is still too little. If a licence is given for five million yards of material, then at \$12.50 per yard, that comes to \$62.5 million in sales. At \$1.00, Government would receive something like 8% of that, or \$5 million. If the same five million cubic yards are sold for \$18.00 per cubic yards, that amounts to \$90 million. Government would get less than 5.6%, or still only \$5 million.

Can anyone tell me if that makes good economic sense when Government owns the asset? The asset belongs to the people of this country! When you give it out, there is the monopoly situation, so who is thinking about Government? What has been going on in this country as far as the fee for royalties does not make good economic sense.

Whether the House has the say in the granting of a licence, or whether it is Executive Council that has the say, as I said, I am still not sure who has the say, at least I am not sure as to what role Executive Council will play, but regardless of who has the say, I do hope that the \$1.00 fee goes out the door for something more realistic. Once a cubic yard of fill is removed from the seabed, Government loses its asset, never again to get anything from it. The businessmen get the big bucks, and the country is left without that asset.

Many people have gone into the whys, wherefores and why nots of dredging. They mentioned the need for fill material and whether it must be dredged here, inland mining, or brought from abroad. I have to disagree with those persons who said that it is no different to import it. I

am one who has always (and this is my personal opinion) been worried about the importation of things foreign, of organisms foreign to our country. Certainly, when it comes to snakes and other insects, I would be very much concerned about it.

I think in December, the Honourable Minister responsible for Agriculture, Environment, Communications and Works made some points about the importation of these things, and I had to agree with him. We have to wonder then what the cost of importation will be, and what will be the cost passed on to the public. Then we have to weigh that against any possible damage to the environment.

Every one of us is conscious of and concerned about the impact on the environment, but we have to be (as someone has already said) realistic because where else are we going to get the material to carry on the developments? Amongst other issues, this is one of the main issues Government has to deal with or this country is going to grind to a halt. That is a fact. From the figures given in Planning, there are over one million cubic yards needed. That is just ordinary fill. Then we have other fill to consider, whether it be roads, or a commercial building. These are factors we have to face.

While the Government made a U-turn in two days—and I am glad they did—I have to wonder where they are headed (I must say that) in their leadership, because one day they gave a major policy, and the next day they made a U-turn. I have to be concerned about that. I repeat for emphasis: I want to know what role Executive Council will play now in the granting of a licence as per the amendment moved by the Government.

Some people argue that we have enough development. That is why I am saying we need the right kind of studies put before us when it comes to the environment. While they say on the one hand, *'Oh, we have enough development, so we can stop.'* They are the same ones who run into you and say, *'We want a new school. We need to continue the Hospital. We want more roads.'* Where in the world is this country going to get, not just the fill, but the money to do the development, if we do not continue development? Where will we get the funds to do the needed infrastructure if we do not continue development? I am saying that this issue hinges seriously on development. If we do not do something about it we are going to grind to a halt, and the Government will be in a bad position, because it will not have the funds to continue with the needs of the people.

We can preach, and draw all kinds of conclusions from things that Members have said, but let no one misconstrue what the House is trying to say. As I said, I have to be concerned about the North Sound, but I do not want every man who thinks he knows something about it to be the one making the decision—it has to be a reasoned, environmental, scientific study. We are told now, from people in environmental study, that certain things can go on in certain areas. Well, if this is true, let Government bring that and put it on the Table and say, *'This is where we are going, this is what we can do.'*

I have to be concerned about the reefs. I have to be concerned about the beach, the sand bar. We have to be concerned whether mass dredging will affect that. From the time I was growing up, I always heard it would affect it. Now, there is some new train of thought that we can do certain things in certain areas and it will not affect that. The people in West Bay, my constituents, are very concerned, because I have been getting calls since the Motion was brought as to what exactly is planned. Do you know what is not being said? Planning is passing projects, but no one is saying, *This is what we need in fill.* We have to come to grips with it.

I will not prolong debate on the matter except to say that I, too, am happy about the consensus we have arrived at, but I am concerned over the wording of the amendment to the Motion. I am concerned about where Government is headed.

The Speaker: Does any other Member wish to speak? If not, would the Mover wish to exercise his right of reply? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker.

I was prepared to offer some technical arguments to substantiate the position laid out in this Private Member's Motion. But, in light of what my colleagues on the Back-bench have said, and in the interest of saving the time of the House, I will defer.

Much of what I would have been offering is really material used in 1996 in the Private Member's Motion moved by the former Second Elected Member for Cayman Brac and Little Cayman and seconded by me. I think it is clear from the tenor of Honourable Members' debates that what is needed at this point—and I like how the First Elected Member for West Bay and the Fourth Elected Member for George Town expressed it—is a proper environmental impact study, a proper, scientific study. As the Fourth Elected Member for George Town said, we all hold positions, and we can argue and articulate from a political perspective, but we cannot make an educated and informed decision on this matter until we have hard, cold scientific data to use as a base and to extrapolate information from.

This is a very emotional subject for all Honourable Members in this House. We know that emotion may win arguments, but emotion may not necessarily provide the best solution, particularly when every man on the street and every Honourable Member in this Parliament has a position when it comes to dredging .

My disappointment has to lie with the Government, because on 23 February 1996, according to the *Hansards* of this Honourable House, when Private Member's Motion No. 2/96 was being debated, I want to quote what the Minister with responsibility for the Environment said (on page 41): **"My department is presently working on terms of reference for the North Sound, something which was given to them long before this Motion came before the House."** What we are looking at here is a case of intransigence on the part of the Government. The Government failed to deliver.

I do not know what the state of the terms of reference is. There has certainly been no public announcement in the news media; there has been no reference to the development of such terms of reference in this Honourable House. What is the state of the terms of reference which, up to 23 February 1996, as quoted, had been given long before to develop? Had we been in possession of the terms of reference, we would have been able to take a much more informed decision now.

I want to say something else about the terms of reference in that study. Let me tell you what I am a firm believer in. There is an old adage that says, "He who pays the piper calls the tune." If we have a proposition and my recommendation is, in order to carry out the decision as to whether we go ahead with this proposition, I tell you that you must bear the expense of certain investigations, well, I am laying myself open. I am not saying that anything untoward may happen, but if you have to pay to get something done, how can I be assured that it is not skewed in your interest? I would rather see this study undertaken and done by someone other than the applicant.

Now, this material, and the base from which this material is going to be extracted belongs to the Government and, by inference, the people. So the Government must be able to say, *'Well, we cannot stop you, Mr. Applicant, from doing a study. But, you understand, this is my study. What I am prepared to do is compare notes, or studies. We may strike a happy medium, but I am certainly not subjecting myself to the position where I, the owner, have to go by what is in your study exclusively. Oh no.'* So I want to say here and now that I, for one, would be happy to see any such study. We cannot prevent applicants from doing studies, but I am saying that the Government must be in a position to have their own study.

That is what smart people do. That is how negotiations are made, because if I do not have any study except yours upon which to go, how can I be negotiating from a point of strength? And what is there to negotiate? It is only the matter of what is contained in your study.

I would have been happy, at this point, to have been able to say how much such a study would cost. That would determine when, and if, the Government will be in a position to afford it. It is common in jurisdictions such as this that the Government have at its disposal, not only a valuation of its natural resources, but some kind of quantification, particularly when it is a matter from which we derive royalties.

If we take the jurisdiction where bauxite is mined, who do you think does the survey? The bauxite company does the survey, but I bet you the Government does a survey also. They want to know what is removed and how much is left. They need to be in a position to levy something reasonable because, as the First Elected Member for West Bay remarked, when that material is gone, it is not going to be replaced—it is gone, like Frenchie used to talk about, Mr. Speaker, *'Fe-yeva.'*

The Honourable Minister mentioned that as far as he was concerned, it is not going to be a cheap exercise. Well, that was two years ago. I am sure the cost of doing

business has risen since that. Let us look about getting this done—the sooner, the better.

The Honourable Minister for Education, Aviation and Planning, the Leader of Government Business, drew some reference to road-building, and said it was necessary to have this material because we are building roads and doing all kinds of development. Let it not be misconstrued that marl is the only fill used in road-building, or, for that matter, that marl is the best for all roads. It is my understanding that on the Harquail Bypass, marl could not be used. So I want to make it clear that marl is not the only type of material that can be used. I recognise that people should have alternatives and it spells good business sense, but marl, according to scientific studies and the experts...there is a certain way of measuring and laboratory techniques derived. The most common is called the California Bearing Ratio. If you compare marl to aggregate from mined quarry, you use twice as much marl in many instances as you do quarry rock, crusher run, because if the base contains too much moisture and is swampy, well, you cannot put marl there at all. You have to use a different sub-base. So, if anyone is trying to frighten people by making them believe that they must have access to marl for every occasion, whether it be construction or building roads, that is not accurate, and not an exact in many cases.

There is also the economic argument. The same Minister said that marl can be produced at \$5.00 per cubic yard...

The Speaker: May I just interrupt you for a moment? I do not suppose that you will be finishing in the near future, can we suspend at this time for lunch?

Mr. Roy Bodden: Yes, Mr. Speaker.

The Speaker: Proceedings are suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.50 PM

The Speaker: Please be seated. Proceedings are resumed, the Third Elected Member for Bodden Town continuing.

Mr. Roy Bodden: When we took the luncheon suspension, I was answering the matters raised by the Leader of Government Business, where he brought in the adage of a penny saved is a penny earned; and saying that it was necessary and relevant to lay the understanding that Government does not necessarily accrue a lot of financial advantage under the existing system. I am reminded again of Private Member's Motion No. 2/96 when it was brought and debated, we referred at length to what the Auditor General had to say in his pertinent report of that time. The Auditor General basically made three recommendations, the first being that there should be a thorough independent review of all aspects of marl dredging

; that there is need for comprehensive legislation to regulate dredging activities; and that the Marine Conservation Laws should be extended to encompass dredging.

Significantly too, he found reason to lament the existing arrangement—or lack thereof—regarding the Government and the royalties situation, since the Auditor General drew readers' attention to the fact that the Government had no organised means of attaining for itself the amount of marl taken. The system, as it exists, did not include the Government measuring what was taken up. In other words, the Government abided wholly and solely on what information the dredger gave it. So while it is true that there is merit to the old adage that a penny saved is a penny earned, unless the Government gets more control of the system, it is bound to lose some pennies.

I do not have much more to say except that when we were debating the Motion in 1996, not surprisingly, when it came to the vote, all three Members stood out, being the Mover, the then Second Elected Member for Cayman Brac and Little Cayman, the present First Elected Member for George Town and I. What concerns me with the amendment which was accepted, as moved, by the Leader of Government Business, is that I read in the paper something to the effect that the Government reserves the right, or it is left to the Government to work out the intricacies of the amendment. I heard Honourable Members raise the issue as to what is going to happen. The First Elected Member for West Bay was one such Member, and there were others. I also pose the question.

I do so because this whole business of dredging, if the past is an example, is very lucrative to licence-holders. What the decision this Motion brings will do is that mentioned by others—bring sunshine and transparency. I would hate to see ownership of a dredging licence be like ownership of a liquor licence was some years ago when the mere possession of a licence in one's pocket could be parlayed into literally hundreds of thousands of dollars.

What we are dealing with here are the resources of the state and by inference, the country. Private ownership should never extend, or invade, or preclude the state's responsibility to preserve the state's resources and assets in the best interest of the general populace. So I would think that having the matter discussed, debated and finally resolved in Parliament is the appropriate place to resolve such issues. It would certainly take them away from the power politics and what goes on behind the closed doors of the west conference room on the fourth floor of the Glass House.

I reiterate that time is of the essence, and we need that environmental impact study for our own sensible decision-making. I think it is accurate and fair to remark that the country is interested in this very sensitive issue, and would be happy to listen to the elected representatives of the people discuss this issue, especially if they were doing so with the advantage of some kind of environmental impact study. While it is true that there should be some access to marl, and that marl should be available, there is

no empirical data to suggest that in all cases marl is exclusively the best material.

Mr. Speaker, other Honourable Members mentioned the amendment, and circumstances surrounding the amendment, and were very liberal in the expressions of graciousness toward the Government and the compromise worked out. I will not be a spoilsport and be ungracious. However, I will not be as liberal as other Honourable Members, because I am reminded that the amendment did not come easily—it was wrung from the Government after much excruciating and painful debate. Nevertheless, I am happy to remind the Government that we have all arrived at a position of compromise. What comes into question now is what the old families talk about, honour. It is now entirely up to the Government as to the extent of how honourable they will be in embracing the arrangements that were made. I can say no more.

I thank all Honourable Members for their responsible and serious positions in the debate, and would like to conclude by saying that it is good we can recognise there are some issues where bargaining, compromise and consensus play an important role. We, on the Backbench, have done our duty and have carried out our responsibilities seriously. We now await the intentions of the Government, and might I say that there are those of us who will be very disappointed if there is any attempt to play any games, semantic or otherwise, with the procedure we think should ensue.

The Speaker: I shall now put the question on Private Member's Motion No. 2/98 as amended. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 2/98, AS AMENDED, PASSED UNANIMOUSLY.

The Speaker: Private Member's Motion No. 3/98, Establishment of a Standing Select Committee of Privileges. The First Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 3/98

ESTABLISHMENT OF A STANDING SELECT COMMITTEE OF PRIVILEGES

Mr. D. Kurt Tibbetts: I beg to move Private Member's Motion No. 3/98, Establishment of a Standing Select Committee of Privileges, which reads:

"WHEREAS Standing Order 79 provides that the House may appoint other standing select committees as required from among its Members;

"BE IT NOW THEREFORE RESOLVED THAT this Honourable Legislative Assembly appoint a Standing

Select Committee of Privileges to consider and report on any matter affecting the privileges of this Honourable House;

“AND BE IT FURTHER RESOLVED THAT the Committee shall be comprised of eight Members and a Chairman elected from among the Committee Members;

“AND BE IT FURTHER RESOLVED THAT:

“(a) The Committee shall elect a Deputy Chairman from among the Committee Members who shall act as Chairman of the Committee during the absence of the Chairman;

“(b) The Committee shall have powers to appoint sub-committees consisting of three or more of its Members and to refer to the sub-committee any matters which the Committee is empowered to examine;

“(c) The Committee shall appoint the Chairman of each sub-committee who shall have a casting vote only;

“(d) The Committee or sub-committee shall have the power to consider and make use of records and evidence available to it and to make recommendations to the Legislative Assembly;

“AND BE IT FURTHER RESOLVED THAT the Legislative Assembly enact legislation regarding Parliamentary Privileges at the earliest convenience.”

The Speaker: Is there a seconder? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I respectfully beg to second the Motion.

STANDING ORDERS 36 and 39

The Speaker: Private Member’s Motion No. 3/98 has been duly moved and seconded. Before calling on the First Elected Member for George Town to make his presentation to the Motion, I refer all Honourable Members to Standing Order 36(1), which states that **“debate shall be relevant to the matter of question before the House.”** I ask all Honourable Members to observe this rule and to keep debate on Private Member’s Motion No. 3/98 relevant.

I also ask Honourable Members to observe Standing Order 39(c) by maintaining silence while other Members are speaking and not interrupting except in accordance with Standing Orders.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

I am sure that all Honourable Members will take note of what you have just said.

In bringing this Motion to Parliament, I will simply outline to Members the intent of the Motion. I will leave it

up to Members to add their contributions after that. But being the Mover of the Motion, I will not deal with too much detail at the beginning, so I may conclude the debate with the benefit of hearing what other Members have to say.

In the initial stages of my contribution, to explain and give examples of what the Motion wishes to accomplish, I will have to quote from certain documents. But so you will know, I will interact with the Clerk afterward and ensure that copies are available and laid on the Table.

The Speaker: I thank you.

Mr. D. Kurt Tibbetts: The first document from which I am going to quote—and I start with a quotation because I think it relevant—is *The House of Representatives Practice*, the second edition, from the Australian Parliament. The first section from which I wish to is the section under Parliamentary Privilege. There is a definition: **“The word privilege has in modern times acquired a meaning wholly different from its traditional Parliamentary connotation. In consequence, its use could convey to the generally the false impression that Members are and desire to be a privileged class. It is out of keeping with modern ideas of Parliament as a place of work and of the status of its Members as citizens who have been elected to do within the place of work their duty as representatives of those who elected them.”**

Erskine May defines Parliamentary privilege as **“The sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.”**

Those two quotations are simply used to bring to light the fact that the concept of Parliamentary privilege has evolved over the years. Initially, as *Erskine May* defines Parliamentary privilege, what I call the flip side of the coin was not very important, but as time goes on we have come to understand that Parliamentary privilege carries with it as much a responsibility on the part of Members of Parliament as is expected from members of the public. In other words, while Parliamentary privilege is considered a necessary part of good government, it is also incumbent upon those who enjoy those privileges to not abuse them.

If we go on to page 725 of the Australian document, where it addresses a Committee of Privileges, it says: **“In order to assist the House in its examination of issues of privilege, the House appoints at the commencement of each Parliament a Committee of Privileges. The Committee’s purpose is to enquire into and report on complaints of alleged breaches of privilege or contempt, or occasionally on other matters referred to it by the House.”** So that basically is a synopsis of the purpose of the Committee of Privileges.

To show that it is the norm in most other countries to have a Committee of Privileges, I will quote two lines from the New Zealand Standing Orders of the House of Representatives. In chapter 8 of the Standing Orders, page 83, under Parliamentary Privilege it states: **"The House appoints a Privileges Committee at the commencement of each Parliament. The Committee considers and reports on any matters referred to it by the House relating to or concerning Parliamentary Privilege."** In essence, we are probably one of the few countries in the position we are in today that does not have such a committee.

I will quickly move on to a few other areas to reinforce what I consider the need for such a committee. In the same Australian document, page 685, there is a section that says: "Further comment on the nature of privilege." Its sub-head says, "Its meaning and necessity." I quote: **"Parliamentary Privileges relate to the special rights and immunities which belong to the Parliament, the Members and others which are considered essential for the operation of the Parliament. These rights and immunities allow the Parliament to meet and carry out its proper constitutional role, for Members to discharge their responsibilities to their constituents, and for others properly involved in the Parliamentary process to carry out their duties and responsibilities without obstruction or fear of prosecution."**

"Privileges are not the prerogative of Members in their personal capacities. It has been stated insofar as the House claims and Members enjoy those rights and immunities which are grouped under the general description of privileges, they are claimed and enjoyed by the House in its corporate capacity and by its Members on behalf of the citizens whom they represent."

"When any of these rights and immunities, both of the Members individually and of the Assembly in its collective capacity are disregarded or attacked by any individual or authority, the offence is called a breach of privilege, and is punishable under the law of Parliament."

Going on with the last section I wish to read, Mr. Speaker, it says: **"Despite the immunity from prosecution which Members have in respect of what they say in the Parliament in carrying out their duties [and this is very important] they are still accountable to the House itself in respect of their statements and actions. It is within the power of the House to take action to punish or penalise Members, for example, for some form of extreme obstruction of the business of the House."** We can see that while Parliamentary privilege is deemed a necessary function of Parliament, it carries along with it a certain degree of responsibility on the part of Members.

To reinforce that point, on page 688 of that document, under "Freedom of speech," one paragraph states: **"Members are absolutely privileged from suit or prosecution only in respect of anything they might**

say in the course of proceedings in Parliament. Members may state whatever they think fit in debate in the Parliament, however offensive or injurious to the character of individuals and provided it is in accord with the ordinary rules and practices of the House. It is, however, incumbent upon Members not to abuse the privilege. The House itself, by its rules of debate and disciplinary powers, has the duty to prevent abuse."

As *Erskine May* puts it, **"It becomes the duty of each Member to refrain from any course of action prejudicial to the privilege which he enjoys."** So, that is an outline of the way I perceive the privilege of Parliament to work. It has its own connotation regarding what it allows Members of Parliament to do in their functions, but it also carries with it the very serious responsibility of each Member, while enjoying that privilege, not to go beyond what is considered the norm within the ambits of the privilege and not to abuse it.

Another reference I wish to quickly make is to a few documents which are concerned with the Nolan Committee. That committee was put into place in the United Kingdom to bring a report, and its purpose was to stamp out what the English called 'sleaze.' In a newspaper clipping reporting on that Committee, it quotes the Committee's report and I wish to read a small section: **"The erosion of public confidence in the holders of public office is a serious matter. Insofar as a culture of moral vagueness, a culture of sleaze has developed, we seek to put an end to it. Experience warns elsewhere that unless the strictest standards are maintained and, where necessary, restored, corruption and malpractice can become part of the way of life. The threat at the moment is not great, but action needs to be taken before it becomes so."**

Another paragraph from the newspaper regarding the Committee's report reads: **"Financial misbehaviour, in particular, matters to us all because it strikes at the very heart of that confidence which people must have in Ministers, and the motive behind their decisions."** So you see, Mr. Speaker, in other countries there are great concerns regarding the actions of people who are in Parliament, and the way the public perceives their actions.

These last two quotations may seem to be slightly off the track, but I contend that a Committee of Privileges, once the Motion before the House is accepted, will certainly be able to deal with its own in many areas, including the areas I quoted where people in other countries have concerns about the actions of Parliament.

To go on, there is a document from the first report of the Committee on Standards in Public Life (which is the same Nolan Committee). Section 91 of that first report refers specifically to Parliamentary privilege. It says: **"Parliamentary privilege is designed to ensure the proper working of Parliament and is an essential Constitutional safeguard. In the recent report on the Cash for Questions case, the Committee of Privileges helpfully defined both its role and the concept of**

privilege." While I quoted a few definitions before, I think this area being addressed by the Nolan Committee is worth hearing.

The definition reads as follows: **"It may be helpful to the wider public to describe briefly the role of this Committee [that is the Committee of Privileges]. Having been directed to examine a matter by the House, our essential function is to take evidence on its behalf in order to advise Members generally on whether and to what extent there appears to have been a breach of the privileges of the House, any action amounting to a contempt, and to make recommendations to the House. It is for the House in all cases to take the final decision. Partly through precedent and partly by statute, the House has over the years obtained certain rights known as privileges. Their purpose is not to protect individual Members of Parliament, but to provide the necessary framework in which the House in its corporate capacity and its Members as individuals can fulfil their responsibilities to the citizens whom they represent. Parliament defends its privileges by the Law of Contempt. One of the consequences of privilege is, therefore, that the House regulates the activities of its Members itself. Where Parliamentary business is concerned, they are answerable to the House and not to the Courts. Because Parliamentary privilege is important for reasons entirely unconnected with the standards of conduct of individual Members of Parliament, we believe it would be highly desirable for self-regulation to continue."**

While the Nolan Committee takes that position, and I think it will probably hold in our Parliament, there are matters we will have to consider as to where we exercise limitations. What I consider the most important part of this Report, and the last thing I wish to read at present from this Report is a section that refers to the seven principles of public life. I think when we hear them, and if we applied ourselves to them, there would probably not need to be a Committee such as we are talking about.

The first principle is **"Selflessness. Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends."**

Second: **"Integrity. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties."**

"Objectivity. In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices purely on merit."

"Accountability. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office."

The fifth one is **"Openness. Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands."**

Next is **"Honesty. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest."**

The last one is **"Leadership. Holders of public office should promote and support these principles by leadership and by example."**

Those quotations were used in an attempt to shore up the argument that this House does need a Committee of Privileges. There are other arguments which I have to bring forth, but as Mover of this Motion, I took the opportunity, in opening debate, to explain to the House, my concept of such a Committee and its functions. I hope that the entire Legislative Assembly will support the Motion.

I will now hear from others before I conclude. Depending upon what is said, and how it is said, we will see how long the debate lasts.

The Speaker: Does any other Member wish to speak? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, there is an amendment to this Motion and I am wondering whether it might not be easier to speak on it and on the amendment, or whether we are going to speak on this Motion and then on the amendment.

The Speaker: I had hoped that the Mover of the amendment would have moved the amendment.

The First Elected Member for West Bay.

Mr. W. McKeever Bush: I do not know why we are constantly changing the rules, because I was prepared to move the amendment when I rose to debate. Now, if we are going to keep changing the rules in this House, somebody needs to sit us down, as Members, and say this is what we are doing. We cannot play hop-scotch in here with the rules. In other words, they cannot apply to me, one thing, and...

The Speaker: Would you let me have a word please? Please sit down.

I am following the Standing Orders of this House. It says the question can be put at any time. In my opinion, the proper procedure is not to duplicate matters. If you are going to have to debate the Motion as it has been presented, consider one and come back again, it deprives the Members who have spoken of speaking on the amendment. To me this is the most democratic way.

Read your Standing Orders.

Mr. W. McKeeva Bush: From what I see in the Standing Orders, any time an amendment is moved, anyone can speak on it, even if that person spoke on the substantive Motion. This is the way we have been going for the four terms that I have been in here, and I am sure for the time you have been in here.

Now, I do not want to get into any friction with the Speaker, but all I am saying is you cannot change this to suit Government every time we need any 'fum-fum.' What I am saying is that is what is now happening.

The Speaker: Does any other Member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: The Motion that is before the House, without the amendment, seeks to appoint a Committee of eight Members and a Chairman, and then to give the Committee the power to appoint sub-committees consisting of three of more of its Members.

To be frank, I would be prepared to support the amendment which has gone in, when read with this. But to actually relegate the rights of this House down to three or more Members, I do not think is correct.

So I am speaking on the Motion as it will be amended which...

The Speaker: That is what I am saying—it makes conflict in the debate. But if that is the way you want it, it is all right with me.

Mr. W. McKeeva Bush: Can I make an enquiry, Mr. Speaker?

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: If I move this amendment now, what happens to the substantive Motion regarding my debate?

The Speaker: The Motion will be amended and then, if this amendment carries, you will debate the Motion as amended.

Mr. W. McKeeva Bush: Mr. Speaker, while I have disagreed with Speakers, I have abided by their rulings. What is your ruling? What do you want me to do, Sir?

The Speaker: I will go either way. It does not matter to me. I only thought that was the proper procedure. If you are going to amend the Motion, if the amendment is defeated at this time, then the substantive Motion will be debated and that is what we will finally put the vote on. If the amendment is going to be passed, then the vote we will put will be on the Motion as amended.

Mr. W. McKeeva Bush: Really, what happened on the Motion (and I am speaking about procedure here, now), when we debated the Motion to create awards for Customs and Immigration, an amendment came. What happened to that amendment? It was moved just before the

Mover wound up the debate. That was the change I complained about then. Now we are moving it back another way.

All I am saying, Mr. Speaker, is that we have to be careful that we are seen to be doing the right thing. If you want me to move the amendment now, I will, if that is what you want, Sir.

The Speaker: If you wish to speak, I will recognise you. I will put it that way. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Now, I just want to make sure that I am not losing my right to debate the substantive Motion.

The Speaker: No, you are not. Move your amendment.

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 3/98

Mr. W. McKeeva Bush: In accordance with the provisions of Standing Order 25, I, the First Elected Member for West Bay, seek to move to amend Private Member's Motion No. 3/98 by deleting: "**AND BE IT FURTHER RESOLVED THAT the Committee shall be comprised of eight Members and a Chairman elected from among the Committee Members;**" and substituting therefor: "**AND BE IT FURTHER RESOLVED THAT the Committee comprise all Honourable Members of this Legislative Assembly; the Chairman being elected from among the Committee Members;**".

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: I wish to second the amendment.

The Speaker: An amendment to Private Member's Motion No. 3/98 has been duly moved and seconded. Does the Mover wish to speak to it?

Mr. W. McKeeva Bush: Briefly. I believe that the House, being a small House, we can go into the setting up of this Privileges Committee, and I do not think it would be cumbersome if all of us as Members are on that Committee. I did speak to the Mover and Seconder of the substantive Motion and they found they could offer some support to it.

I could have said in the resolution that the Chairman be the Speaker, but in this instance I do not believe that the Honourable Speaker should be Chairman, because the Speaker, being Chairman of the Committee, if a matter is referred from the Committee to the Speaker, he, then, would not only have to preside in the Committee, but then have to come back to the House and preside as Speaker also. Therefore, I saw some duplication and thought, out of an abundance of caution for the Speaker's sake, to leave the Speaker as an ordinary Member.

I believe this is the way we should go. As I said, I did talk to the Mover and Seconder and they saw some merit in it. Thank you, Mr. Speaker.

The Speaker: Does any Member wish to speak to the amendment? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. As the Sec-
 onder of the substantive Motion on this occasion, and as
 the Mover of the Motion as it came to the Parliament the
 first time, I give my wholehearted support to the amend-
 ment as moved by the Honourable First Elected Member
 for West Bay, and seconded by the Honourable lady
 Member for North Side.

I accept the amendment because I have an over-
 whelming responsibility to the Parliament, to the constitu-
 ency which I represent, and on the broader spectrum, to
 the country. I believe in the Committee of Privileges. I
 hope we can eventually extend it into some kind of Stan-
 dards Bureau or Council, because I think this is neces-
 sary. And like the Mover of the amendment, I believe the
 position of chairmanship of the Committee should not be
 occupied by the Honourable Speaker, the reason being
 simple: I think the Speaker should be removed from the
 cut and thrust of debates which ensue in these kinds of
 matters. Matters that come before the Privilege Commit-
 tee are indeed serious, and it will unquestionably be the
 case that whatever decision is arrived at will have to
 come to the Parliament, and by inference, the Honour-
 able Speaker in the Chair, to rule upon.

Consequently, I think the Speaker should be pro-
 tected, sheltered and sequestered from the fray and from
 the discussions that ensue in the Privileges Committee.
 They will be controversial, involved, and I do not want to
 see any encroachment on the dignity and impartiality of
 the Chair. I believe the Chair's role in these matters can
 best be served by the Honourable Speaker being a kind
 of 'court of last resort.' In supporting the amendment, I
 did not find, in many modern jurisdictions, that the
 Speaker is put in such a position. I would like to reiterate
 that I am fully supportive of the amendment and, quite
 frankly, I do not see that it, in any way, detracts from the
 substantive Motion, although I like the system which the
 substantive Motion entailed.

But in the art of compromise and well-meaning, the
 amendment has my wholehearted support.

The Speaker: Does any other Member wish to speak to
 the amendment? The Honourable Minister for Education,
 Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I was really
 rising to ask—we are getting near to an adjournment
 stage. I believe it may save the time of this Honourable
 House if we took an adjournment now to perhaps discuss
 some of the details of the Motion.

The Speaker: We will take the afternoon break now. Is
 that what you are saying?

Hon. Truman M. Bodden: I am sorry, Sir. Could we
 maybe take the afternoon break now?

The Speaker: We shall suspend for fifteen minutes.

AT 3.45 PM PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 4.32 PM

The Speaker: Please be seated. Proceedings are re-
 sumed. We have reached the hour of 4.30. I would enter-
 tain a Motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the
 adjournment of this Honourable House until Wednesday
 morning at 10 o'clock.

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

AYES.

The Speaker: The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
 10.00 AM WEDNESDAY, 18 MARCH 1998.**

**EDITED
WEDNESDAY
18 MARCH 1998
10.35 AM**

The Speaker: Prayers by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

PRAYERS

Hon. Anthony S. Eden: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: We have apologies for absence from the Honourable First Official Member responsible for Internal and External Affairs and from the Honourable Second Official Member responsible for Legal Administration; and apologies for late attendance from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Administration of Oath of Allegiance to Mr. Kearney Gomez to be the Acting Honourable First Official Member responsible for Internal and External Affairs. Mr. Gomez, would you please come forward to the Clerk's table?

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE

Mr. Kearney Gomez

Hon. Kearney Gomez: I, Kearney Gomez, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

The Speaker: Please take your seat. On behalf of this Honourable House I welcome you as the Acting Honourable First Official Member responsible for Internal and External Affairs.

Oath of Allegiance by Mr. Samuel Bulgin to be the Acting Honourable Second Official Member responsible for Legal Affairs.

Mr. Bulgin, please come forward to the Clerk's table.

OATH OF ALLEGIANCE

Mr. Samuel Bulgin

Hon. Samuel Bulgin: I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

The Speaker: On behalf of this Honourable House, I welcome you as the Acting Honourable Second Official Member.

Item number 4, Presentation of Papers and Reports. The Royal Cayman Islands Annual Police Report 1997, The Honourable Acting First Official Member responsible for Internal and External Affairs.

PRESENTATION OF PAPERS AND REPORTS

THE ROYAL CAYMAN ISLANDS POLICE ANNUAL REPORT 1997

Hon. Kearney Gomez: Mr. Speaker, I beg to lay on the Table of this Honourable House the Royal Cayman Islands Police Annual Report 1997.

The Speaker: So ordered. Do you wish to speak to it?

Hon. Kearney Gomez: No, Mr. Speaker.

The Speaker: Item number 5, Questions to Honourable Members/Ministers. Deferred Question 35, standing in

the name of the Third Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

DEFERRED QUESTION 35 (deferred Monday, 9 March 1998)

No. 35: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development to state the annual amounts by which the contingency liabilities have increased since 1993.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

DEFERMENT OF QUESTION 35 Standing Order 23(5)

Hon. George A. McCarthy: Mr. Speaker, a short while ago I discovered that there is a discrepancy in the answer prepared to be given to Honourable Members. Therefore, in accordance with Standing Order 23(5) I seek the indulgence of this Honourable House to defer the answer to Question No. 35 until Thursday, 19 March.

The Speaker: In accordance with Standing Order 23(5) I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 35 DEFERRED (A SECOND TIME) UNTIL 19 MARCH 1998.

The Speaker: Question 46 is standing in the name of the First Elected Member for George Town.

QUESTION 46

No. 46: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation for the projected annual operational cost of the new George Town Hospital upon completion.

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

Hon. Anthony S. Eden: The projected annual operational cost of the George Town Hospital upon final completion is CI\$29,188,216. It should be noted that this figure covers the operation of the whole Hospital, not just the newly constructed part. It should also be noted that the figure given does not represent the total operational cost of the Health Services Department, which would have to include costs for the school clinics, prison clinic

and district health centres, and those for Cayman Brac and Little Cayman. A sum of CI\$3,383,057 would have to be added to the answer given, which would result in the total projected operational cost for the Health Services Department being CI\$32,571,273.

The Ministry and Health Services Department will, in the near future, be hiring the services of short-term consultants specialising in strategic financial planning in health systems. Part of the consultancy process will involve a review and refinement of these projections.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: What is the present cost of running the existing hospital, and will the sum of \$3,383,000 be consistent this year with the operation of the other aspects of the Health Services Department?

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

Hon. Anthony S. Eden: The budget for 1998 was \$26,959,271. That included Cayman Brac and Little Cayman, and the district health centres.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Taking into consideration that we are not only dealing with expenditure, but there should be some projection for revenue, I wonder if the Minister can tell us what the projected revenue of the new hospital is, and if Government will have to continue to subsidise the Health Services?

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

Hon. Anthony S. Eden: In 1996 the Economics and Statistics Office estimated that the revenue collected in the year 2000 would amount to almost \$25 million. I have a feeling that with the introduction of health insurance later this year, we will see a significant increase in revenue. In the past, we were only collecting a quarter or a third of actual costs, which is something we must address. We cannot continue going forward giving away services.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if it is correct to say (given the answers received so far) that the total projected cost of operation for the Health Services Department would be \$32.5 million, and the figure in the budget for 1998 was some \$26 million, I think? Is the additional cost to operate the Health Services Department when the hospital will be completed

some \$7 million, or, although the budgeted figure is \$26 million, it will actually be more at the end of the day, if that is known and this figure is not as much as \$7 million for the new hospital when it is completed?

I am not so sure you understand what I am saying. Let me go over it again.

What I am trying to determine is the actual operational cost of the hospital as it is on an annual basis, compared to the projected \$32.5 million when the new hospital is completed. While I know what was in the budget (\$26 million), I am asking for actual operational cost because we know by now, with no disrespect to those who prepare the budget, that the figures in the budget are not necessarily the figures that prevail. So is the difference \$7 million? Or is it more, or less?

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

Hon. Anthony S. Eden: I do not think we will need any more than that. As you know, we are continuously adding staff and we try to pro-rate that as we need them. New services will be provided later on this year, when the cardiologist comes on line.

We are hoping that everything will be there. It depends upon a lot of things, but I do not anticipate a problem that will go beyond that \$7 million.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if, in arriving at this annual operational cost, any formula was involved in the construction? If so, can he say what that formula might be?

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

Hon. Anthony S. Eden: It was looked at from the aspect of a cost analysis where the staff and the services to be provided were brought together to arrive at this figure.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Can the Honourable Minister confirm that one of the objectives of the reinvention of Government as it relates to the Health Services is to more objectively assess the cost of providing services, rather than Government continuing to do what it now does, which is subsidise the service substantially?

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

Hon. Anthony S. Eden: Yes, that is a good point. As we remember, in the introduction of the reinvention of Government, two of the departments within the Health Services had already taken this initiative and one of the

significant improvements, specifically in regard to the dental clinic, was that we moved from approximately 700 clients per month to over 1500; and we also noticed that the record-keeping and revenue has improved significantly. We intend to continue to do this with Government's assistance through the reinvention process.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if the figures quoted in the substantive answer include the cost to Government for referred cases to overseas facilities?

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

Hon. Anthony S. Eden: No. This comes under a separate vote in which \$2 million per year is provided. That does not come under this heading.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is it anticipated that the figure in the Budget this year to cover overseas referrals will suffice?

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

Hon. Anthony S. Eden: Because of the variability and depending on what type of case we have to refer overseas, be it cancer, brain tumour, or serious accident, it goes up and down until we get closer to September. But we always put in a provisional figure. I feel, because of the way the hospital is coming on line, a lot of the diagnostic services we now have to do overseas will bring this figure down significantly.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: To clarify that point, is it safe to say that once that new hospital is fully in service, the cost to Government for overseas referrals will decrease dramatically?

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

Hon. Anthony S. Eden: I would not go out on a limb and say 'dramatically.' I have asked the consultants to specifically address how we can reduce the figure on overseas referrals.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In a supplementary, the Honourable Minister stated that through the Statistics Department there was a projected income for the Health Services Department in the year 2000 of some \$25 million. Perhaps this may be going a little bit further, but I seek the Minister's answer to it. Can the Honourable Minister enlighten the House as to what method was used to arrive at these projected figures? In so doing, can he also state if there was an accompanying projected figure for the operational cost of the Health Services Department in the year 2000?

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

Hon. Anthony S. Eden: There were a number of assumptions made in arriving at this approximately \$25 million in revenue for the year 2001, for example, paying patients would increase by 4% per annum, based on the rate of population increase in the Cayman Islands; increase in patient use of about 67% with the introduction of new services and increase in bed capacity; increased collection of fees to 90% brought about by implementation of the National Health Insurance; and a 50% increase in fees charged in the year 2001.

I should have corrected earlier that this was projected for the year 2001.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For purposes of clarity, in an earlier answer the Honourable Minister stated that the \$25 million projected should substantially increase because of the introduction of Health Insurance. But if I am correct in what I heard him say earlier, he also just said that a part of the process by which this figure was derived included health insurance being introduced. The two statements do not sound the same. I just want to be clear which method was used. Does it include health insurance or not?

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

Hon. Anthony S. Eden: I think the overall cost to Government is what I should have said, of Government having to subsidise the hospital. I do not know if that is what the Member is indicating. This could be more on the conservative side because of certain further services we are now providing.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am not trying to get everything muddled here, but I think if I recall correctly, the Honourable Minister stated that part of the process through which this projected figure was arrived at was based on the assumption that the increased collection of fees

would rise to 90% and this was due to the introduction of health insurance. Is that correct?

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

Hon. Anthony S. Eden: This was one of the assumptions provided by the Economic and Statistics Office.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: That is cleared up. But just to get another point clear, can the Honourable Minister state if there are any projections of the operational cost of the Health Services Department in the year 2001 compared to the projected income of \$25 million?

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

Hon. Anthony S. Eden: I do not have the exact figure here, but it was fairly close to what I have indicated here in the substantive answer.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So that means that three years from now the projected operational cost of the Health Services Department should not dramatically exceed this \$32.5 million. Perhaps a safe assumption could be somewhere in the region of \$35 million, roughly. I know we are guessing here.

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

Hon. Anthony S. Eden: Yes, with all things being equal, I am certain with the help of God that it will work out that way.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So, assuming all works well with the answers given, it can be a fair assumption that the subsidy expected from central Government for the Health Services Department by the year 2001 would be less than what it is now and be down to about \$10 million?

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

Hon. Anthony S. Eden: I would not quote a figure, but I am looking forward to a significant decrease.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Before you tell me I must sit, I wish you all the best, Sir. Thank you.

The Speaker: At this time I will entertain a motion for the suspension of Standing Order 23(7) and (8) to enable Question Time to go beyond 11 o'clock.

The Third Elected Member for George Town.

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

Mr. Linford A. Pierson: Mr. Speaker, I so move.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I beg to second that.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED.

The Speaker: The next question is 47, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 47

No. 47: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what the annual recurrent staff cost to the Government will be upon the completion of the new George Town Hospital.

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

Hon. Anthony S. Eden: The annual recurrent staff cost to the Government upon the completion of the new George Town Hospital is projected to be CI\$20,431,751.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what the annual recurrent staff cost was prior to the new George Town Hospital coming on line?

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

Hon. Anthony S. Eden: The figure for this year was projected at \$16,880,583.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister provide a breakdown of the \$32.5 million which he gave as the operational cost in answer to the previous question?

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

Hon. Anthony S. Eden: For the sake of accuracy, I would prefer to give this in writing. I would not want to mix up the figures.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Just for purposes of clarity, I wanted to ascertain and ensure that the annual recurrent staff costs were indeed included in the \$32.5 million he gave in answer to the previous question.

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

Hon. Anthony S. Eden: I would venture a yes on that. Because if we have to add staff to that, we are in big trouble!

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I would like to ask the Honourable Minister if there are projections for any increase in the annual recurrent staff costs during the first five years of the operation of the new George Town Hospital beyond what he has given?

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

Hon. Anthony S. Eden: No, we do not anticipate adding any more staff through that five-year period of time, unless it is something most unusual and the country demands it.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I have one final supplementary, and this is based on my objective to completely clarify this matter.

This figure of \$20.4 million is exclusively for the new George Town Hospital and does not include, as the Minister mentioned previously, the health services, that is, the clinics, and the services offered to the Prison. Is the \$3 million he mentioned earlier included in the staff cost which was also mentioned?

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

Hon. Anthony S. Eden: For the benefit of the House, for the other clinics, the staffing cost is approximately \$997,019. For Cayman Brac and Little Cayman, which would be Faith Hospital and the services provided on Little Cayman, the staffing there is approximately \$1,744,864.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if what he just detailed is included in the \$3 million which he mentioned earlier?

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

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

The Speaker: If there are no further supplementaries that concludes Question Time for this morning.

Item 6 on today's Order Paper, Other Business, Private Member's Motion No. 3/98, Establishment of a Standing Select Committee on Privileges. Debate continues. Does any other Member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 3/98

ESTABLISHMENT OF A STANDING SELECT COMMITTEE OF PRIVILEGES

(Continuation of debate on amendment to Private Member's Motion No. 3/98)

Mr. D. Kurt Tibbetts: Mr. Speaker, if I may.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I think all of us just wish to ensure that we all understand where we have reached with the motion. From the *Hansards*, just to make it clear, I think we are still in the middle of the debate on the amendment brought by the First Elected Member for West Bay. We have to complete the debate on that first amendment and then we will have to deal with another amendment and then we can move on to the debate on the substantive motion. I think that is in accordance with your wishes, Sir.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I really do not want to have to speak three times. I would rather speak once. I think it would save the time of this Honourable House. I would just like to speak on the motion as amended because all operative parts, the "Resolved" parts, have now been amended.

I believe it would be better if all the amendments could be dealt with and then if I could just speak on the amended motion it would save a lot of time, unless Members are opposed to that, in which case there will have to be a vote taken on one amendment, and then on the second amendment, and then we move on with the motion as amended and that is really what I would like to speak on, if I could.

The Speaker: I am completely in the hands of the House. If it would be convenient, we could take a suspension in order to get this matter cleared up and then we could come back in, if that is the wish of the House.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I do not think the Backbench has any problem with that. But I wish to say, and perhaps we will be guided by your ruling, we do not have a problem dealing with both amendments and getting them out of the way. What I think we are not quite sure of is whether the amendments have to be voted on separately, or whether they can be dealt with together. Once we get that cleared up, I think we can move on. At that point, once the two amendments are taken care of one way or the other, all other Members can speak on the motion.

The Speaker: My ruling would be that the amendments would take place as they appear in the substantive motion. If one amendment is an amendment to an amendment, then we should establish that. But I would like to get on with this thing. I would rather clear one [amendment] at a time.

Would any other Member like to speak to the amendment to Private Member's Motion No. 3/98 before the House?

If not, I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT MADE.

AMENDMENT (NO. 2) TO PRIVATE MEMBER'S MOTION NO. 3/98

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In accordance with the provision of Standing Order 25(1), I, the First Elected Member for George Town, seek to move to amend Private Member's Motion No. 3/98 as follows:

By deleting the third "Resolved" and substituting therefor the following: **"AND BE IT FURTHER RESOLVED THAT the Committee shall elect a Deputy Chairman from among the Committee Members who shall act as Chairman of the Committee during the absence of the Chairman."**

And further by deleting the last "Resolved" and substituting therefor the following: **"AND BE IT FURTHER RESOLVED THAT the Legislative Assembly amend Standing Orders and the Legislative Assembly (Immunities, Powers and Privileges) Law (24 of 1965) (1996 Revision) where necessary, in compliance with section 45 of the Cayman Islands (Constitution) Order, to address all matters regarding parliamentary privileges at the earliest convenience."**

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I respectfully beg to second the motion.

The Speaker: Amendment No. 2 to Private Member's Motion No. 3/98 has been duly moved and seconded. Would the Mover care to speak to it?

Mr. D. Kurt Tibbetts: We took the afternoon break on Monday to discuss certain matters regarding the original motion. It appears that the Government is not satisfied, first of all, that the "Resolved" section in the original motion which allowed for sub-committees to be appointed by the main committee. Their view was that this could be done in an informal fashion rather than having it formally declared.

We on the Backbench will accept that position because it does not change the intent of the substantive motion. Thus, we have the amendment deleting sections which apply to the sub-committee.

The other amendment which was in the last "Resolved" section is simply brought to ensure that Standing Orders and the Legislative Assembly (Immunities, Powers and Privileges) Law are amended in compliance with section 45 of the Cayman Islands (Constitution) at the earliest possible convenience so that all matters related to privilege which will comply with our Constitution are put in place in those two statutes as soon as possible so that the Committee can function properly.

Just for clarity, the Legislative Assembly derives its privileges powers from section 45 of the Cayman Islands (Constitution) Order. So that everyone will be clear on it, I will just read what that states:

"A Law enacted under this Constitution may determine and regulate the privileges, immunities and powers of the Assembly and its Members" The important part is here, Sir: **"But no such privileges, immunities or powers shall exceed those of the**

Commons' House of Parliament of the United Kingdom or of the members thereof." Hence, the inclusion in the amendment where we say **"in compliance with section 45 of the Cayman Islands (Constitution) Order."**

I think if we include that, once the motion is passed in this form, then whatever else has to be done to bring everything else in line can easily be done without having to dabble with any more amendments to any Laws. That is the purpose of the amendments as we have brought them, Sir.

The Speaker: Does any other Member wish to speak? If no other Member wishes to speak, does the proposer wish to say anything further?

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: On the occasion that we brought this motion previously, certain Members on the Government Bench had some objections. We have had occasion to rework the motion and have done so. Arising out of some of the discussions on that, we have subsequently tailored the motion, taking into consideration concerns expressed by the Government Bench as laid out by their representative, the Leader of Government Business, the Honourable Minister for Education, Aviation and Planning.

This business of establishing a Committee of Privileges...

The Speaker: Are you speaking to the amendment?

Mr. Roy Bodden: Yes Sir. This is certainly an issue which all Honourable Members take seriously. I hope that this amendment as it has now been moved is acceptable to all Honourable Members as time is of the essence, as is also the notion of the establishment of a Committee of Privileges.

Having said that, I commend the amendment to Honourable Members and hope that they can find it within their expectations.

The Speaker: Does any other Member wish to speak? If not, would the mover like to reply? If not, I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT (NO. 2) BE MADE.

The Speaker: Would this be a convenient time to take the morning break? We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.19 AM

PROCEEDINGS RESUMED AT 11.54 AM

The Speaker: Please be seated. Proceedings are resumed. Private Member's Motion 3/98 as twice amended, Establishment of Standing Select Committee of Privileges, has been duly moved and seconded, and is open for debate. For clarity, I shall read the contents of the amended motion as twice amended:

“WHEREAS Standing Order 79 provides that the House may appoint other Standing Select Committees as required from amongst its Members;

“BE IT NOW THEREFORE RESOLVED that this Honourable Legislative Assembly appoint a Standing Select Committee of Privilege to consider and report on any matter affecting the privilege of this Honourable House;

“AND BE IT FURTHER RESOLVED that the Committee comprise all Honourable Members of this Legislative Assembly, the Chairman being elected from among the Committee Members;

“AND BE IT FURTHER RESOLVED that the Committee shall elect a Deputy Chairman from among the Committee Members, who shall act as Chairman of the Committee during the absence of the Chairman;

“AND BE IT FURTHER RESOLVED that the Legislative Assembly amend Standing Orders of the Legislative Assembly and the Legislative Assembly (Immunities, Powers and Privileges) Law, Law 24 of 1965 (1996 Revision) where necessary, in compliance with section 45 of the Cayman Islands Constitution Order, to address all matters regarding Parliamentary privilege at the earliest convenience.”

The Speaker: The motion as amended is now open to debate. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddin: Thank you, Mr. Speaker. I support the motion as twice amended and as you have read it. This motion is probably one of the most important motions that has been before this Honourable House for a long time, because it deals with the privileges of this Honourable House which, in effect, deal with rights and duties of persons from outside this House. I would like, before I begin my debate, to welcome the First Official Member and the Second Official Member, the Honourable Acting Chief Secretary and the Honourable Acting Attorney General, who have been recently sworn in.

This motion is one that goes back to the historical background of democracy and the early Parliaments of the United Kingdom. If I may read from the 21st edition of *May's* at page 70, the last paragraph states: **“At the commencement of every Parliament it has been the custom for the Speaker, in the name, and on behalf of the Commons, to lay claim by humble petition to their ancient and undoubted rights and privileges; particularly to freedom of speech in debate, freedom**

from arrest, freedom of access to Her Majesty whenever occasion shall require; and that the most favourable construction should be placed upon all their proceedings.” There is further reference to this at page 82, the last paragraph, going to page 83: **“Throughout the long history of parliamentary privilege, the need to balance two potentially conflicting principles—both first enunciated in the seventeenth century—has become clear. On the one hand, the privileges of Parliament are rights ‘absolutely necessary for the due execution of its powers’; and on the other, the privilege of Parliament granted in regard of public service ‘must not be used for the danger of the commonwealth.’”**

Further down on page 83 it states: **“In general, the House exercises such jurisdiction in any event as sparingly as possible and only when satisfied that to do so is essential in order to provide reasonable protection of the House, its Members or its officers from such improper obstruction or attempt at or threat of obstruction causing or likely to cause, substantial interference with the performance of their respective functions.”**

This touches not only the rights and privileges of this House, but those privileges also affect the public at large. The last area I would like to read is at page 135 of the 21st edition once again, in which it states in line five: **“[The] Committee made their recommendations following their examination of the Report of the Select Committee on Parliamentary Privilege 1966-67, in which it was suggested that in general the House should exercise its penal jurisdiction (i) in any event as sparingly as possible, and (ii) only when satisfied that to do so was essential in order to provide reasonable protection for the House”** as I read a bit earlier.

It goes on to say, **“The Speaker has discretion to decide whether or not the matter should have the precedence accorded to matters of privilege...If he decides that it should not, he informs the Member by letter. If he decides to allow precedence, he informs the Member when he proposes to announce his decision to the House. When the announcement has been made, the Member is entitled to table a motion for the following day formally calling attention to the matter, and either proposing that it be referred to the Committee of Privileges or making some other appropriate proposition.”**

The footnote to that states: **“It is not the practice for such letters to be made public...Members should not challenge the Speaker's decision in the House...The Speaker does not communicate an unfavourable outcome to the House or to other Members.”**

I read that to attempt to put privilege in its proper perspective, and the Mover of the motion, or the Mover of the amendment, because there were different movers, the First Elected Member for George Town, did read section 45 of the Constitution. Before doing that though,

I would first like to follow on from what is the practice in the Commons to what follows quite similarly from the Standing Orders of this Honourable House. Under privileges, Standing Order 28(1) states: **“A Member who wishes to raise a matter which he believes affects the privileges of the House shall do so at the first available sitting of the House. He shall inform the Presiding Officer of his intention,”**—and in this instance, it means the Speaker, for the public’s information—**“stating the matter which he proposes to raise. (2) When called by the Presiding Officer, the Member shall briefly state the grounds on which he believes that the matter he is raising affects the privileges of the House. (3) The Presiding Officer shall then state whether, in his opinion, the matter may or may not affect the privileges of the House.”**

So the first rule, Mr. Speaker, is very clear, that the decision of what is or is not privileges of this Honourable House rests with you. We know your decisions are not questionable in any Court. So this Committee is first subject to that rule.

The second rule the First Elected Member raised, quite rightly, is section 45 of the Constitution, which states that **“no...privileges, immunities or powers shall exceed those of the Commons’ House of Parliament of the United Kingdom or of the members thereof.”**

That, Mr. Speaker, is the second ambit of this. That statement is further reinforced in the Royal Instructions and we have also to look at section 39 of the Law, which states the seriousness of this motion. Section 39(2) states: **“When a Bill is presented to the Governor for his assent, he shall, subject to the provisions of this Constitution and of any Instructions addressed to him under Her Majesty’s Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses to assent, to it, or that he reserves the Bill for the signification of Her Majesty’s pleasure:**

“Provided that the Governor shall reserve for the signification of Her Majesty’s pleasure—

“(a) any Bill which is in any way repugnant to, or inconsistent with, the provisions of this Constitution; and

“(b) any Bill which determines or regulates the privileges, immunities or powers of the Assembly or of its members;

“unless he has been authorized by a Secretary of State to assent to it.”

The seriousness of this is, I think, borne out in the fact that the Constitution entrenches the passing, the ambit and even the assent of matters of privilege. Some matters of privilege are borne out in the Standing Orders, and that too has certain implications, because section 31 of the 1972 Constitution of the Cayman Islands states: **“(1) Subject to the provisions of this Constitution and of any Instructions under Her Majesty’s Sign Manual and Signet, the Assembly may from time to time make, amend and revoke Standing Or-**

ders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills and for the presentation thereof to the Governor for assent; but no such Standing Orders or amendment or revocation thereof shall have effect unless they have been approved by the Governor.” That is, the Governor acting in his discretion.

So I think the public first needs to be assured that the making of privileges for the Legislative Assembly is a serious matter looked at not only by this Honourable House, by you, Mr. Speaker, but also by the Governor and by the United Kingdom.

At present, there is the Legislative Assembly (Immunities, Powers and Privileges) Law, and this basically confirms, to a large extent, what I read earlier, and makes it very clear that what is being done is one that is of the utmost importance, and section 12 of that Law sets out certain rights in relation to committees and the power to hear witnesses, but it goes on to confirm, in the last part of it, that **“The question shall, subject to the foregoing provisions of this Law, and excepting so far as the express provision made in these provisions for determination that the question be determined in accordance with uses and practice of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland.”**

As I see it, whatever is done to this Law or the Standing Orders has to fall first within the Constitution, and second, within the Immunities Powers and Privileges of the House of Commons.

There are at present provided in the Immunities Powers and Privileges Law of the Legislative Assembly most of the rights and privileges. There is immunity from legal proceedings such as arrest for debt when going to attending at or returning from a meeting of the Assembly or of any Committee; power to procure witnesses in several sections on that; privileges of witnesses (because they, too, have rights). It also controls the right to enter the Legislative Assembly of strangers under 13; and the power of you, Mr. Speaker, in section 15 at any time to order any stranger to withdraw from the precincts of the Assembly.

Then it goes on to deal with other types of offences as set out in section 18, and these are subject to the court if committed, these are criminal offences, in fact, most of what this Law deals with are offences that a court would deal with under its criminal jurisdiction. I am reading from section 18(2):

“Whoever-

“(a) publishes any statement, whether in writing or otherwise, which falsely or scandalously defames the Assembly or any committee, or which reflects on the character of the President or chairman of a committee in the discharge of his duty as such;

“(b) publishes any writing containing a gross, wilful or scandalous misrepresentation of the proceedings of the Assembly or a committee or of the

speech of any member in the proceedings of the Assembly or Committee;

"(c) publishes any writing containing any false or scandalous libel on any member touching his conduct as a Member;

"(d) publishes any report or statement purporting to be a report of the proceedings of the Assembly in any case where such proceedings have been conducted after exclusion of the public by order of the Assembly,

"is guilty of an offence and liable on summary conviction to a fine not exceeding eight hundred dollars or to imprisonment for a term not exceeding twelve months, or both."

There are further sections that deal with disobeying orders under 18(1)(a) to produce papers and books, etc. Under (b) refusing to answer questions which are lawful and relevant. Under (c) relating to bribery. Under (d) assaults, obstructs or insults any Member coming to or going from the precincts of the Legislative Assembly who endeavours to compel any Member by force or insult or menace to declare himself in favour of or against, any proposition or matter pending or expecting to be brought before the Legislative Assembly. Under (e) use of assault and interference with the Clerk; "(f) creates or joins any disturbance which is likely to interrupt the proceedings of the Assembly while the Assembly is sitting." It goes on and on.

The effect of this is to ensure that freedom of speech within this Honourable House, while staying within the ambits of what is necessary to protect the House, goes no further than that which is necessary for that purpose and does not, as such, take away the rights of the public. So, the Constitution of the Cayman Islands, or this Legislative Assembly, is not sovereign, it is not unlimited as in the United Kingdom, and because we have a written Constitution, the supremacy of this Legislative Assembly, unlike that of the United Kingdom, falls squarely within the written Constitution of the Cayman Islands.

The cases that establish supremacy in independent countries, the United Kingdom, the famous New South Wales case and the Ellen Street Case [?]. . . the New South Wales case dealt with the Parliament of New South Wales in Australia, which provided that it was not possible to entrench within the Constitution rights which prohibited another Parliament from changing those rights, also prescribed that while the Constitution stood with entrenched rights, it had to be followed—if it was not followed, then even though future Parliaments may have had the power to change the Australian Constitution, the Legislation and Acts of it, in contravention of the Constitution would have been *ultra vires* and not have the force of law.

This was set out quite clearly in a short statement where it states, and this comes from page 61 of *Wade and Bradley on Constitutional Law*: "**Where the legislature is governed by written Constitution it is the Constitution which must be regarded as fundamen-**

tal." The derogation to this would be matters such as bills of rights or specific provisions in the Constitution, which give power to the courts to state whether matters are or are not constitutional.

This motion, and the two amendments to it, came about as a result of discussions with all Members of this Honourable House. It is one of the ways (the second time, in fact) where I believe that in matters as important as this, it is in the interest of Members to get together to sort out differences on it, and to come back to this Honourable House with Motions or Bills, whatever, which can pass through this House on major issues with the full agreement and consent of this Legislative Assembly. This is important because matters such as this motion, I think have to rise a long way above politics since it affects the rights of the public. But it is also an instance where we are looking at dealing with rights in this Legislative Assembly that do not exist with the normal person.

Therefore, as I read earlier, it has to be guarded very carefully. Whatever terms of reference—of which there are none at this stage—are drawn up to go into the Standing Orders in relation to privileges, or whatever amendments relating to immunities, powers and privileges that are coming to the 1965 Law, have to be such that are necessary for freedom of speech and the other freedoms within this Honourable House but have to be weighed very carefully against the fact that those powers may encroach upon the rights of the public at large.

I see this motion, and the motion now is, I think, the way it should be because this Committee, like the Standing Orders Committee which is comprised of the whole House, when you are dealing with privileges in the Legislative Assembly, it has to be done by all Members of the House.

I merely want to comment on the reasoning—and I think the First Elected Member may have commented on this—the reason we discussed not allowing sub-committees...because I think, firstly, the matter is too important to go to sub-committees, but it was made very clear in Standing Order 72(2), and I quote: "**(2) A select committee shall not have power to delegate any of its functions to its chairman.**" By implication, under the established rule of *delegatus non potest delegare*, you cannot delegate powers which have been delegated, as in this case, the full Assembly has delegated powers to a Select Committee. That basically was the reasoning, which we all accepted.

So, this motion establishes, in effect, a Select Committee that comprises all the Members of the House. It provides that the Standing Select Committee of Privilege is to consider and report on matters affecting the privileges of the House, and that is the extent of that Committee. The Committee itself does not have power or cannot have power to deal with discipline itself—that rests with you, Mr. Speaker, in this Honourable House. It establishes that consideration, and, if necessary, amendments, to the Legislative Assembly (Immunities Powers and Privileges) Law, and also the Standing Orders can be recommended, but at that stage, the normal procedure of the House kicks in, and the Law has to fol-

low the Constitution, pass through this House, get the assent for the disallowance (but directly this time of a Secretary of State of the United Kingdom), and if the Standing Orders are to be amended then the provisions for the Standing Orders have to be followed and those are set out at the end of the present Standing Order 87, which states in subsection (3), **“When the motion is reached, the mover shall move the motion, and after it has been seconded, the question shall be put forthwith that the motion be referred to the Standing Orders Committee, and if that question is agreed upon no further proceedings shall be taken on that motion until the Committee has reported thereon.”**

As I understand it, once the Standing Select Committee of Privileges looks at a matter, or considers these matters in the motion, then there would have to be whatever amendments are necessary to the Law or the Standing Orders to deal with it.

I would just like to mention one other thing while we are dealing with this: The references to Honourable Members in this House are clearly set out in Standing Orders. Under Standing Order 35, references to Members: **“(5) Members shall be referred to by the names of the electoral districts for which they have been elected.”** In subsection (2) and throughout, there is reference to “Member of the Government” means “Member of Executive Council,” and the address is “Minister for” in my instance, Education, Aviation and Planning. So, on strict construction that is the reference that should be used, and not “Leader of Government Business,” which is not in the Standing Orders of this House.

While we are on the question of the Standing Orders, we have to abide by them. I believe it would be better for the public, when we are looking at amending Standing Orders (because there is a Select Committee) to perhaps refer to Members by name, which may make it easier. But this is a matter for the full House. While it remains there, the reference has to be in accordance with the Standing Orders.

The motion as amended, in fact all of the clauses with the exception of one, have been amended, and the motion before the House is now one which I am happy to accept. I went into some detail on this because I think the public needs to know that while the powers of this House are very extensive, they have to be balanced against the rights and privileges of the public at large, being only what is necessary to ensure that the freedoms in this House are only those needed for the carrying on of the proper business of the House.

I am happy to support this, and I believe it is a motion that should be kept under high debate as it has so far, kept away from politics, and so should the Select Committee when it operates.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, after listening the Honourable Minister for Education, Aviation and Planning I am reminded of the first two lines of a very famous

poem, **“Why is the forum crowded? What means this stir in Rome?”**

I do not see how any debate in this Honourable House can be kept free of politics if this is the House of politics. I would like to say that what debates need to be kept free of is the rhetoric by those Members who, when they get up to speak, equate success with the accumulation of material possessions, and cast frowns upon people who are learned and educated, and claim to be intellectuals. Having established that, I would like to begin with this whole question of how the business of the Committee of Privileges evolved and why.

Those who have studied history will know that many years ago there was a confrontation and a way, some people call it the ‘Glorious Revolution,’ and it was Cromwell, that famous general who fought the King to establish the supremacy of Parliament. And Parliament is supreme unto itself. It has powers just like the courts because Parliament is a court. That there should be a privilege committee has to do with the fact that every fraternity has within it the means of bringing its members in line, disciplining them and sanctioning them.

Contrary to any notion that might be portrayed, I want to clearly state that one of the principal objectives in this Committee of Privileges Motion being brought before Parliament is as much to ensure that the players, the Honourable Members, have mechanism to discipline and, if necessary, sanction themselves as much as to protect themselves from any outside or external forces. That is of crucial importance.

All Members in here claim a certain responsibility. I crave the indulgence of the Chair, to quote from the first Committee on the Standards of Public Life chaired by Lord Nolan, under the section dealing with public perception. I want to quote the first two paragraphs because this is important in establishing the parameters of the debate I expect to lay down.

“The House of Commons is at the heart of our democracy, the standards of conduct observed by its Members is crucially important to the political well being of the nation. Those standards have always been self-imposed and self-regulated because Parliament is our supreme institution.

“It is vital for the quality of government, for the effective scrutiny of government and for its democratic process that Members of Parliament should maintain the highest standards of propriety in discharging their obligations to the public which elected them. It is also essential for public confidence that they should be seen to do so.”

I am saying that this motion is as much protecting ourselves from ourselves, as it is protecting us from outsiders. It would be foolhardy and undemocratic and unfair of me to come here and set up a bulwark to protect myself from outside forces if I were not also prepared to make myself accountable and transparent to those very forces and elements which elected me. I have to be accountable.

I want to clearly say that this is not only an internal matter, and I am sure that other Honourable Members,

certainly those I have spoken to, understand the implications and understand the parameters and the seriousness and significance of what we are asking. Might I remind Honourable Members that the mere fact that two amendments have been accepted unopposed must be clear and convincing reason of the efficacy and necessity of such a motion. Now, if Honourable Ministers or Members have a problem which they want to insulate themselves from...I do not know how they are going to escape once they have accepted what is put down here today.

I was glad that the Honourable Minister for Education, Aviation and Planning raised certain issues, because in the previous debate on this matter which I Moved and had to be aborted because of a number of pressing issues, including the fact that we had spent a long and significant time in the Parliament, there was an attempt to try to restrict and constrict this debate by interjecting certain notions into it.

I crave the Chair's indulgence to quote from a book entitled, *Parliament, Functions, Practice and Procedures*, by J. A. G. Griffith and Michael Ryle, from page 97, "Application of Privilege Today."

"The Committee of Privileges is appointed for a Parliament under Standing Order No. 121 [that would be Standing Order 121 for the House of Commons], but, exceptionally, it has no specified orders of reference." So, contrary to what the Honourable Minister for Education, Aviation and Planning was trying to intimate and insinuate, the Committee of Privileges has no specified terms of references.

The Committee of Privileges can investigate any matter brought before it deemed worthy of investigating. Otherwise, the Committee would have no use, no value and certainly no influence or power. That Minister who spoke certainly must have had a change of heart. He must also have taken leave of his senses. To suggest that the tried, practised and established procedure of referring to Honourable Members by their constituency and electoral district be substituted for their names, must be out of *Alice in Wonderland*.

I respectfully submit that players change, but constituencies and electoral districts for the most part remain the same. I would think that it borders on the personal to address someone by their name. It is more circumspect and respectful to address them by constituency, office or ministry. That is my personal and common-sense position. And that it must have some value is borne out by the traditions and practices of the House of Commons. I certainly anticipate that when it comes before the Select Committee on Standing Orders, no Honourable Member departs from what has been traditional and accepted.

That this motion is before the House at this time stems from the public's collapsing confidence in some of its elected officials. This collapse has reached a crisis point. It has done so at a time when things do not seem to be going well for elected public officials. I made this comment when I introduced the previous motion, and what is happening is that as a fraternity it is incumbent

upon all of us to rally together to show the public that we do not consider ourselves above the Law—the very Laws we are elected here to make.

I believe that in a democracy, as we hail to come from, we are sending the right message. I would like to see the rules crystal clear and public so that every citizen in the Cayman Islands knows what their elected representative must operate under. I would like that to be as well known as anything we have in this country. I had to look hard to see that the Honourable Minister for Education, Aviation and Planning did not choke when he mentioned the Bill of Rights, because he is the killer of the Bill of Rights!

We can pretend, or we can debate seriously, but I believe that with this motion we have an opportunity to clearly establish ourselves as a group of Honourable men and women, ladies and gentlemen, who are prepared to set a standard which needs to be set at this time. I am reminded of that famous line by Julius Caesar, that Caesar's wife must not only be above suspicion, but must be seen to be above suspicion.

I am tired of the grouping, all the unflattering remarks about 'them old politicians' and the adjectives that follow. In every serious fraternity, the legal fraternity has rules by which their members abide, the medical fraternity, the society of accountants, all of these. So what is wrong?

It goes a bit further: I would ideally like to see public standards of conduct for Members such as arose out of the Nolan Commission in England. In this country, politics is taking on increasing importance for many reasons. I think it behoves the players to know and to feel so committed and so proud of the vocation that they are prepared to set that up. It is unfortunate—and I have to comment on this because I noticed that ever since I have been here certain Honourable Members persist in using the faulty yardstick to arrive at the mistaken notion that success is only equated in material possessions. That is as far from the truth as east is from west.

It is exactly that same mistaken notion that is leading so many people to get into problems. I have to marvel at people who are in charge of moulding minds, of developing individuals, of developing (how should I put this?) the human capital in this country—if their sole criterion is that success comes from material wealth, they are misguiding the nation. I am happy to say that within this House there are Honourable Members who do not use such a faulty measuring stick as the only measuring stick for success.

I hope, by the time this debate is over, we do not have any Honourable Member misleading, talking about past persons, accusing them, when they occupied certain positions, of making drugs disappear from the Hospital. These are the kinds of things we are talking about; these are contempt; and these are abuses of privileges, too!

I see that we are approaching the lunch hour, Sir. I am just starting up.

The Speaker: If this is a convenient time, then we will take the luncheon break. Proceedings are suspended until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.30 PM

The Speaker: Please be seated. Proceedings are resumed. Debate on Private Member's Motion 3/98 continues with the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. When we took the luncheon suspension, I was at the point of lamenting the dangers in misconstruing the elements of debate, and misconstruing the construction of reality to the point where we are so narrow and insular that we equate success purely on the basis of what can be measured in terms of material wealth. I want to make the point, too, because I believe it is of critical importance that this point be made. The last person speaking made mention of the fact that debate was at a high level. Well, I certainly have no objection to high-level debates, but such platitudes and pristine asseverations come purely out of the convenience of the moment. I have been here long enough to know that is not the situation where those Members have occasion to wind up, or to come behind some people. As I lean here, I am leaning on statements in debates, and I am going to quote, where some of those Members who talk about high standard debates have accused other people, besmirched the character of other people, to the point where there were insinuations of such people, who were at one time Members of this Honourable House, as being thieves!

I want to lay clearly the impression that the person speaking is no angel, but I can say, and the *Hansards* of this Honourable House can bear me out, that I stop short of accusing anyone, be they Honourable Members inside this House or persons outside, of things that are damaging and defamatory to their reputations, characters and integrity. So it is all well for some people to get up, when they are in a position of vulnerability, to say we should have a high standard of debate. Mr. Speaker, the Parliament is certainly not a Sunday School.

Members also should not be referred to by name. I want to quote Erskine May's *Parliamentary Practise*, 22nd edition, page 386, under the heading, "Personal allusions and unparliamentary expressions": "**In order to guard against all appearance of personality in debate, no Member should refer to another by name. Each Member must be distinguished by the office he holds, by the place he represents or by other designations.**" That puts to rest any suggestion of a change in the practise and procedure established in our Parliament.

I want to move on to make what I consider a very prescient and important observation. The Third Elected Member for Bodden Town has been here long enough to see the drift, to see the direction of trends in this Parliament. I have been a witness to a number of things. One

of the things commonly experienced, not only among Honourable Members of this Parliament, but among members in many different vocations and professions, is that membership, and being successful, in terms of business or holding elected office, bring with it certain experiences which, if not interpreted carefully, can lead the membership into precarious positions.

That is not only unique to the business of parliament and economic enterprises, but what is more frightening about this, is when we adopt the belief and fail to understand the circumstances under which we labour. I am reminded of the position as discussed by the Austrian Jew, Victor Frankl, in his book, *Man's Search for Meaning*. Victor Frankl was an Austrian Jew who suffered under the Holocaust. He was imprisoned in one of the most notorious of the German concentration camps. Later, when he had occasion to reflect on his imprisonment, he wrote, "**In the concentration camp, every circumstance conspires to make the prisoner lose his hold.**"

So too, Mr. Speaker, in many vocations in life, under less trying circumstances, but perhaps the most profound point Frankl made is that man should not seek success, should not let the search for success be his primary motivation to do good, but success must ensue from other actions taken to bring good. That leads me to the question, What is the essence of public service? What is the essence of people putting themselves up for election to public office? If we believe in the ancient Greeks, who were the founders of democracy as we know it, that essence comes from man's desire and ability to do good, not limited to self-aggrandisement, but for the general will.

So I have to say, I am not a lawyer, but I have to take any argument which supposes that economic pretensions are the ultimate, and I would dismiss that by saying, these kinds of arguments demonstrate the poverty of such studies, be they legal or otherwise, which are uninformed by historical understanding and social consciousness. While I admit that I am a defunct school-teacher, I am happy to report that I am not such a blinded legal mind that I do not take into consideration historical understanding and social consciousness.

The motion before the House is a motion dealing with the business of privilege and, by inference, accountability. We have been talking about transparency and accountability. I hasten to add that no one proposes to take away or water down the privileges of the House. No one purports any greying of the area. I believe all Honourable Members in here are capable of understanding the strict separation. But what we purport and propose to do, by establishing such a Committee of Privileges, is to show that we are prepared to set rules and to abide by those rules.

This is a good point to say that while I agree with the amendment moved and accepted, that is not to say there are not going to be some problems with that amendment. I want to say that if that Privileges Committee is comprised of all the Members of the House, I pose the question, What is the procedure in the event of an

aggrieved party or parties making an appeal? Here is the danger: Eighteen Members comprise the Committee of Privileges. In the event of a recommendation that certain matters be referred to the Parliament for debate and decision, where is the clear-cut appellate body? Those same Members who are aggrieved have no clear-cut body to hear or overturn their grievance.

The only difference will be that Mr. Speaker will be occupying the Chair when the matter comes before the Parliament. That might not necessarily be the case with the Privileges Committee. So there is a fundamental weakness in the system as we have it. I just want to bring that to the attention of Honourable Members.

Or, let us suppose the matter concerns a Minister of Government who, by virtue of the fact that he is a Minister of Government, is put in a position of a built-in majority. When the matter comes to the full Parliament, tell me how, under those circumstances, a decision can be reversed or changed? Sometimes it is better to be more practical and less wise. Enough said on that matter.

I do not know how to express this as delicately as it needs to be expressed, because it is a delicate matter. I have to say that recent matters have led many of my constituents to come to me and express concern that we are not labouring under a system with double standards, or ambiguities. We used to call that, in my political sociology classes, "situational ethics." Most recently, people who study these kinds of things and write, call them "appearance ethics," for we now have situations which are begging for consistency. Perhaps if there is any essence to the establishment of a Committee of Privileges, it will be that it will give us that ability to avoid double standards and ambiguities. I do not often get irreverent, but I want to say now, at the risk of being accused of irreverence, that it does not matter to the Third Elected Member for Bodden Town, when there has been a breach of privilege—and Mr. Speaker, let me pause for a moment to dwell on this matter of a breach of privilege, and to say what I consider a breach of privilege.

It is one of the most awesome responsibilities to live up to, when citizens place their trust in you. It is frightening, second only to the call to be a "fisher of men." When that trust is betrayed, for whatever reason, I am saying that access must be had to the most ultimate of sanctions.

You know, Mr. Speaker, even in certain illegal organisations, they have these sanctions when members break the rules—even in the criminal subculture, when members break certain rules, they are sanctioned. So Mr. Speaker, if there is honour among the dishonourable, how much more so should there be honour among the honourable? I believe that we have to be prepared, because with the responsibility, with the opportunity to represent, must come the responsibility to be accountable, fair and just.

I remember very vividly one of the charges we received before passing out as qualified and trained teachers at the Mico, was from the Vice Principal, who charged us that if we led one of the youngsters in our charge astray, it would have been better for us that a

millstone be hung about our necks, and we be cast into the depths of the sea. Every graduate of the Mico was administered such a charge. It was not a threat! It was instilled in us that we were members of a privileged fraternity, and that we were duty-bound and honour-bound—because when we were delinquent and transgressed, it was not only a reflection upon the individual, it was a reflection upon the Institution.

The same thing obtains with the Honourable Membership here. The point is this: No Honourable Member of this House should seek to use their position for anything other than the benefit of their constituency and country. Again, in the 22nd edition of *Erskine May*, under the heading Ministerial Accountability to Parliament, page 63: **"Ministers have a duty to Parliament to account and be held to account for the policies, decisions and actions of their department and next steps agencies. It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister."** Mr. Speaker, we have no Prime Minister.

I want to read something else which I think is a corollary to that. It deals with suspension and expulsion. I have said that the Parliament is a court unto itself. *Erskine May*, pages 140-141, under the heading, Suspension: **"Although suspension from the service of the House of Commons is now prescribed under Standing Order No 44 for Members who have disregarded the authority of the Chair or abused the rules of the House..., such a disciplinary power existed under ancient usage long before the making of the Standing Order in 1880."**

It goes on to say, though **"most suspensions have been carried out in pursuance of that provision"** a number have not. Under the heading, Expulsion: **"The expulsion by the House of Commons of one of its Members may be regarded as an example of the House's power to regulate its own constitution, though it is, for convenience, treated here as one of the methods of punishment at the disposal of the House. Members have been expelled"** for a wide variety of causes.

I guess I am saying this: Any Committee of Privileges which seeks to secure for itself or its Members freedom and exclusion from certain sanctions will soon run afoul of convincing the public of its rectitude, efficiency and sincerity. Any fraternity views certain abuses as serious, and I would not like to know that I am party to any committee which says, *Oh yes, this is appropriate for outsiders, but we won't set this down as a sanction for the members of the fraternity.* I am saying that I hope there is not an attempt, when it comes to arriving at the finer points, to try to secure any advantage, because everyone knows I am for justice. I am for fair play and impartiality.

Henry Fielding, who is perhaps most famous for his novel *Tom Jones*, wrote something else, which is appropriate at this time. I do not know how many people have read *Tom Jones* or anything else written by Fielding, but in an essay, "On the knowledge of the characters of men," Henry Fielding had occasion to criticise situational ethics for nourishing both the corruption he saw in government and the crime he saw in the streets. He said it was **"no wonder that deceit should grow to that monstrous height to which we sometimes see it arrive, since the ethics of the day taught rather to conceal vices than to cultivate virtues. The lesson,"** he continued, **"is the very reverse of that doctrine of the Stoics, by which men were taught to consider themselves as fellow citizens of the world, and to labour jointly for the common good, without any private distinction of their own."**

Mr. Speaker, Henry Fielding must have been looking at us today. In a world of constantly changing values, in a world of constant flux in all areas, it becomes more and more important to know who one is and what one stands for. Shakespeare said nothing less when he said, **"To thine own self be true. And it shall follow as the night the day, thou canst not then be false to any man."**

When I debated this motion last, the Leader of Government Business, the Honourable Minister for Education, Aviation and Planning said that he would rather live a sermon than to hear one any day. Living begins with hearing. If you cannot hear it, you cannot live it. I want to say that the challenge is before us. I know the game well. Standing up here proclaiming that the motion is accepted, does not mean it will be carried out as it should be. There is still room for semantics and games. I want to say something else. If I understood correctly, the Minister responsible for Education, Aviation and Planning, when he was speaking, laid the impression that the motion had been willingly accepted by all Honourable Members. Not so, Mr. Speaker. Far be that! There had to be amendments, and another amendment. So now, that too involved some situational ethics, because had the motion not been amended, there were elements here who were prepared to vote it down! And I am not sure that the person proclaiming consensus was not one of those persons prepared to vote it down. It would be remiss of me if I would not say that I am happy, because I am a Member of the fraternity, that all Honourable Members see fit to accept the motion. I am this kind of person: I am prepared—because I have always been serious, and considered it a privilege and an honour to hold elected office—I am prepared to put in realistic sanctions because we need deterrents. And I do not want to be party to any double-standard system. That is why I am awaiting an outcome of a certain situation which all of us know about now.

I am no great authority on anything, but I pride myself on the fact that I know a little about many things, and perhaps it is appropriate to leave on this sobering note: Micah 6:8. I think it has more than a little relevance and appropriateness to this situation. **"He has showed you,**

O Man, what is good, to act justly, to love mercy, and to walk humbly with your God." We must be true to ourselves. We must show our constituents and the country that we are prepared to be accountable, because the offices we hold are offices of significance. I commend this motion to Honourable Members, and I make no apologies for any political debate because I am a political animal, and as long as I remain in here, I will be a political animal! Thank you.

The Speaker: Does any other Honourable Member wish to speak? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I rise to support the motion to Establish a Standing Select Committee of Privileges as provided for within the context of the motion. I believe that each and every one of us who has the distinct privilege of being a Member of this Legislative Assembly is not beyond the glare of the white light of scrutiny. We occupy this high office at the behest and the will of the Caymanian people, and we exist and function, not as powerful private legislators, but as public servants and representatives of the people.

Against this background, let us be reminded of the fact that our individual welfare is irreversibly intertwined with the welfare of all whom we serve; and that it behoves us, in light of our knowledge and, let us say some Members (because I think we can admit that there are Members in here who are more knowledgeable than others), in light of our considerable knowledge, talent and skills, at all times we endeavour to properly conduct the affairs of state and so strengthen the fabric of our common purpose as a people.

As leaders appointed by the people, elected by the people, we have an obligation to work to achieve their dreams, their ambitions, their goals, and their wishes. However, in order to do our job effectively, the time has come for us to institute proper privileges to allow for the unimpeded progress of our work on behalf of the people we represent. Some could say that this is a sad time for the country, but I believe it is a time that is needed.

History is a useful teacher and guide for us all, a useful guide for the path we embark upon for the present and the future. Some of our neighbours have Privileges Committees in their Parliaments. For instance, Jamaica in December 1945 passed (the Senate and the House of Representatives) the Powers and Privileges Act. I believe it was later amended in 1961.

Among major provisions from what I have seen in other Parliaments is to **"provide immunity from legal proceedings under which no civil or criminal proceedings may be instituted against any Member for words spoken before or written in a report to the House of which he is a Member, or Committee thereof, or any joint committee, or by any reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise."** This, in my opinion, has to be a fundamental privilege of any Member of this House, and this privilege will not only

protect the Member from people outside the House, but from Members within the House.

Another fundamental privilege enjoyed by Commonwealth Houses of Representatives or Legislatures is freedom of speech. This is enshrined in the 9th Article of the United Kingdom Bill of Rights of 1688, which declares that the freedom of speech in debate or proceedings in the House ought not to be impeached or questioned in any court or any place out of the House. That privilege has been described as **“a privilege essential to every free Council or Legislature and one which has always been regarded as most valuable and most essential, as the only privilege of substance enjoyed by members of legislatures probably would degenerate into polite, but ineffectual debating societies.”**

Unquestionably, then, freedom of speech is by far the most important privilege of Members. I am happy that this tradition is upheld in this House. What we must ensure is that we fiercely protect this chief of all privileges.

Let me crave the indulgence of the House to enumerate the principal powers, privileges and immunities drawn from the Laws and Customs of the House of Commons as at 1901, and I believe still outlined in the latest issue of *Erskine May*.

“The power to order the attendance at the bar of the House of persons whose conduct has been brought before the House on a matter of privilege.

“The power to order the arrest and imprisonment of persons guilty of contempt or breach of privilege.

“The power to arrest for breach of privilege by warrant of the Speaker.

“The power to issue such a warrant for arrest and imprisonment for contempt or breach of privilege without showing any particular grounds or causes thereof.

“The power to regulate its proceedings by standing rules and orders, having the force of Law.

“The power to suspend disorderly Members.

“The power to expel Members guilty of disgraceful and infamous conduct.

“The right of free speech in Parliament without liability to action or impeachment for anything spoken therein established by Article 9 of the Bill of Rights, 1688.

“The right of each House as a body to freedom of access to the Sovereign for the purpose of presenting and defending its views.

“Immunity of Members from legal proceedings for anything said by them in the course of Parliamentary debates.

“Immunity of Members from arrest and imprisonment for civil causes whilst attending Parliament and for 40 days after every prorogation, and for 40 days before the next appointed meeting.

“Immunity of Members from the obligation to serve on juries.

“Immunity of witnesses summoned to attend either House of Parliament from arrest for civil causes.

“Immunity of Parliamentary witnesses from being questioned or impeached, for evidence given before either House or its Committees.

“Immunity of officers of either House in immediate attendance in service of the House from arrest for civil causes.”

Quite a few, Mr. Speaker, matters that will have to be considered in the formation of the rules of the Committee or for any amendment to the Immunities and Privileges Law.

Let us not form a Committee of Privileges for the sake of forming a committee. Importantly, let us be careful that we are not forming a witch hunt committee, for that is not, and cannot be, the spirit or the intention of the Committee, or the terms of legislation to form a Privileges Committee. What we should consider should be aimed at upholding the dignity and decorum of this House—it should not be concerned with impugning or bringing into question the reputation of its Members without evidence. It should, rather, seek to clarify and exonerate.

Why do I say this? Let me say it again: It is important that we are not forming a witch hunt committee, for that is not, and cannot be, the spirit or the intention of forming a Privileges Committee. We should consider uppermost in our minds aiming at upholding the dignity and decorum of this House. It should not be concerned with impugning or bringing into question the reputation of its Members without evidence, but should rather seek to clarify and exonerate.

Again, I repeat myself: Why do I say this? I am a standing example of that. My own experience is good reason for me to say that. I will give you an example. Let us say a Minister of Executive Council went around with a censure motion in his pocket, making Members of the House, and others, believe that I had done wrong; and then frighten them to move against me to unseat me. What would actually happen is this: That Minister of Executive Council would have to come to this House to the Committee of Privileges, state his case with his trumped-up charge, put the evidence before everyone on the Committee so that I could answer the charges and be judged by the Committee. That is what would happen in that case.

Another good example of how the Committee could assist Members is the recent accusation on the Minister of Tourism regarding the crane. If a Member of the House felt so aggrieved to bring to the attention of the Committee the matter of the accusation on the Minister and the crane, then that Member would have to bring his evidence to the Committee so that it could be deliberated on, and the Minister would then be called upon to defend himself. He would either be found to have constituted a breach against the privilege of the House by using his office to obtain some personal gain, or he would be exonerated.

Those are examples, Mr. Speaker.

The Speaker: May I interrupt you for just a minute? I would ask you not to get into personal matters in this. Hypothetical situations could be accepted, but try not to get into personal situations.

Mr. W. McKeeva Bush: I thought that was what I was giving, Mr. Speaker—hypothetical cases.

The Speaker: Do not call the Ministers into question.

Mr. W. McKeeva Bush: Well, I was drawing the attention of the House to certain matters that exist. All I am saying is that this is one reason why we should have the Committee.

The Speaker: I have to watch this closely. Address it more in a broad sense.

Mr. W. McKeeva Bush: That is a very broad sense, Mr. Speaker, and I will leave it at that.

We are a small community. We must be careful how we deal with Members inside and outside of this House. While you are a Member, you do not have to be inside the House to be affected, or impugned for the Committee to deal with it, that is how far it goes. We must be careful of the signals we send to our community—not only our community, but the regional and international community. Above all, we must remember the people we lead.

For, as I said in opening, we are here to lead our people, and not to stage for their amusement and concern television-style soap operas of intrigue and cloak-and-dagger politics. We are not here to grab power by devious and insidious means of impugning a Member's reputation.

I will say no more. I see you looking, Mr. Speaker. I am glad that you are so alert this afternoon. At least you can smile, Mr. Speaker.

For this Assembly has a mandate from the people, a mandate to represent and to provide leadership. If we are called to question at any time, we can stand before the bar of judgement with our heads held high. We must ensure that we form a fit and proper Privileges Committee which will be a tribute to the honour and high esteem of this House. The terms of reference for this Committee must be clearly defined and subjected to objective and reasoned debate.

It is not a light Committee, and I do not think anybody is making it out to be. It is a very, very heavy-weight Committee. But it is needed because too often people's characters are smeared by slang and everyone takes a go at it at times, but we should know how far to go, and how far to carry a matter. But I fear for the future generation who, looking on, would say to themselves, '*I am going to take no part in trying for the legislature,*' while that person could be a good person, could be the kind of leader needed, but because of what obtains, they shy away. We must be able to stand before the bar of judgement at all times.

The people of the Cayman Islands expect and demand no less of its leadership. I believe that history will hold us in contempt if we fail to get it right.

I said that, in the amendment, I did not believe that the Speaker should be Chairman of the Committee. There is no disrespect to the Chair, but my thought was,

what happens if one, two or three Members of the Committee of Privileges bring the House into disrepute? And let us say it is a Committee of five. Who would deliberate and ensure that their rights and privileges as Members were protected? It would leave five Members to deliberate on a matter affecting their three colleagues. I believe it is good that we accepted the amendment and that it stands as it is.

I also believe it is fit and proper to open the Committee to embrace every Member, including Official Members. I believe this is a very important matter before the House. It is not light. I hope the Committee we get will be one formed not to witch hunt, but to clarify and exonerate.

Thank you, Mr. Speaker.

The Speaker: I think this will be a convenient time to take the afternoon break. Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.27 PM

PROCEEDINGS RESUMED AT 4.12 PM

The Speaker: Proceedings are resumed. Debate continues. Does any other Member wish to speak?

The Fourth Elected Member for George Town.

Dr. Frank McField: I rise in support of Private Member's Motion No. 3/98 to Establish a Standing Select Committee of Privileges. So that Members, as well as the listening public, do not misunderstand my intentions in debating this issue, in fact, debating this issue from a passionate position, I would like to say that in a dictionary I have before me it says, a politician is a "person actively engaged in politics, especially a full time, professional member of a deliberative assembly."

I always say to people that I am a full-time Member of the Legislative Assembly, I am a politician, I speak political language. My language is a language of politics which is a language of passion, a language of principle, a language of belief in morality and ethics. My language of politics, in fact, is the language of my soul. So that tradition I hope to bring to this House does not seem as if it is too early—because I think the people of this country have long desired to have the Members of the Legislative Assembly answerable to the people and not just accept the fact that the politicians have privileges, but the people have privileges too.

In fact, the privileges of the politicians, the privileges of Parliament, came about in order to preserve the privileges of the people and not the privileges of the Members of Parliament. We have to understand which came first—people came before Parliament. Parliament, as we understand the modern sense of the word, came about as a result of a tremendous quarrel between the absolute monarchs of Europe and the *bourgeoisie*, the enlightened people who knew that God had not put any man or any woman in this world to rule totally over sub-

jugated people without those people being protected by certain inalienable rights.

Rights and privileges can be intertwined. When we are talking about a privilege, we are really talking about a right, although from a sociological point of view we understand privileges sometimes as meaning that it is not deserved. A 'privileged' group, normally means a group that is better off than another group—*He is a member of a privileged group.*

We are talking about Parliament having privileges, or Members of Parliament being members of a privileged fraternity. We are not talking about it in a sociological way, we are talking about it in a political sense, in that all the rights Parliament has are rights considered to be essential for Parliament to exercise its collective responsibilities to the people—not to itself, but to the people. The difference between the non-reformed, absolute monarchy in Europe and the new Parliament, the people's Parliament, was that the Kings were absolute to themselves. Their privileges were absolute for themselves. It was for their self-indulgence and their selfishness, their egoism that their privileges were established and preserved, unlike the privileges of Parliament that are established and preserved to protect the rights of the people, not the Parliament.

Those of us who are scholars, in the evolution of the ideological debates, and ideological debate is no less than the attempt of people to come together and agree on social contracts, on codes of conduct that will govern their behaviour, and therefore make civilised society more feasible and more productive. We cannot look at the evolution of Parliament and the evolution of the rights which Parliament claims as its sovereign right abstractly, legalistically. We must look at these privileges within the context of an evolving society, where power and coercion were in the hands of an absolute monarch who could abolish Parliament, abolish the rule of law when he or she so felt it was proper.

We live today by the rule of law. That law is made in Parliament that law is absolute. It is by accepting this that we also accept that today we can better assist legislators in the Cayman Islands to fulfil their obligations to this House and to their constituents and the general public as a whole, by creating certain standards and codes by which the Members will be forced to live. It is time that we realise we are grown enough to understand that any contract must have two partners. When God made a contract with Abraham, God lived up to His part of the bargain, and Abraham had to live up to his part. But Almighty God, as powerful as He is, must live up to His part of that deal. Parliament, regardless of how powerful it is, must live up—or be seen to live up—to their part of the deal.

It is not just a question of us having privileges under the Immunities and Privileges Act, saying that we cannot be arrested, or we cannot be molested, we have to look at what this meant historically. No one is saying that we are going to change this, but we understand that is no longer as important. If we were in Nicaragua back in 1986, after the Sandinistas had come to power and had

more or less suspended Parliament, or had made Parliament into what they figured it should be, which is an institution of the people that did not necessarily listen to the wishes and consensus of the people.

I visited Nicaragua in 1986 because I had some family there, I was curious, I was unemployed and I had some time to visit the place. I met a cousin who was very dissatisfied with the situation regarding a group of people who had come into power and claimed absolute power without scrutiny. They had claimed absolute power without a stated responsibility, without a code of responsibility, without a moral and political reference system, in fact, that was democratic. My cousin proceeded to tell me a story about the Minister responsible for Fisheries and that the Minister had been involved in a situation where some of the citizens felt that he had come to acquire 200 turtle eggs in a manner in which my cousin (there in Nicaragua in 1986) felt the Minister had misused his office.

If that had happened in our country, we would be able to go and see that this would not only be an abuse of privilege, Mr. Speaker, it would also be an offence under our Common Law. For in the abuse of office, in the Penal Code (Law 12 of 1975) (1995 Revision) it says:

"Abuse of office. 93(1) Whoever, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another, is guilty of an offence and liable to imprisonment for two years.

"(2) If the act is done or directed to be done for purpose of gain such person is guilty of an offence and liable to imprisonment for three years.

"(3) A prosecution for an offence under this section, section 91 or 92 shall not be instituted except by or with the sanction of the Attorney-General."

Now, we are in a much better situation than my cousin was in Nicaragua in 1986 when the Minister responsible for Fisheries took 200 turtle eggs that he claimed belonged to him, although these eggs were being claimed by another party in that society—in that we can find in our Penal Code a way of addressing that. That should tell us that we do not have to worry, therefore, about Parliament dealing with such accusations in our country.

If you go to the Police Department today, or if we look at the Annual Police Report 1997, it says on page 41, "Complaints and discipline. Policy and Organisation. K. McCann, QPM, CPM, Deputy Commissioner." This is the person responsible for complaints—complaints against who? Complaints against the police. The police in this country have a code, and they have a body set up within the police to take complaints from the public to look into those complaints without relying on the courts to do this.

Of course, if the disciplinary committee of the Royal Cayman Islands Police Force was to find that some police officer had violated the rights of a citizen which that police officer had sworn to protect, then it is quite possible that as a result of that going before the committee, it would then further go before the court, because it is also

an offence under Common Law. It is also an offence under the codes, or as a result of the Code of Conduct of the Police Department.

That is what we are looking at here. We are looking at helping ourselves to stay honest. We are assisting one another to remain accountable, we are assisting each other to continue to have integrity.

As a new Member of this House, I must confess that this profession which I love so dearly, that I was so willing to sacrifice so much for, is worthwhile. It is a worthwhile profession. Without politics, society would not have the flexibility it needs to continue to be dynamic and to evolve; it would go backwards, break and be inflexible. So politicians serve an essential role in a society.

But, when you hear people saying, *'Oh, them dirty politicians. Oh yeah, now you're an MLA, look at the car you're driving! You got a house. You got this—unna all corrupt. Unna dare to do things for the people, and all unna doin' is tings for unnaself.'* I want to protect my fraternity, Mr. Speaker, because it is important, if I sacrificed so much to be here, that people understand that I am here to abide by a code of conduct that talks about accountability, honesty and integrity. It is important.

The Speaker: We have reached the hour of 4.30. I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until Thursday morning at 10 o'clock.

RAISING OF PUBLIC MATTER FOR WHICH THE GOVERNMENT HAS RESPONSIBILITY Standing Order 11(6)

The Speaker: Before I put the question, I have given permission to the Third Elected Member for George Town and the First Elected Member for West Bay to make brief statements under Standing Order 11(5), (6), and (7) which is to **"raise any public matter for which the Government has responsibility, in order to elicit a reply from a Member of the Government responsible for the matter."**

The Third Elected Member for George Town.

CAYMAN ISLANDS LAW SCHOOL

Mr. Linford A. Pierson: Mr. Speaker, in accordance with Standing Order 11(6) and (7), I wish to raise the following matter which I consider to be of public importance.

It will be recognised that the Cayman Islands Law School is providing a very useful service to the people of the Cayman Islands. Furthermore, the Law School has expanded its student base to include students from other countries. Indeed, the student body has grown from 7 in 1982 when it was established, to 70 in 1998, of which 40 are foreign students.

However, whilst the Law Degree awarded to Law School students by the University of Liverpool is recognised internationally, the Certificate in Cayman Law awarded by Queens University of Belfast to graduates of the postgraduate Professional Practice Course is only recognised locally.

In view of the consistent growth of the Law School (achieved without overseas advertising) Government is now considering the construction of a purpose-built facility for the School. As an indication of Government's commitment to this

expansion, provision has been made in the 1998 Budget at page 283 [Account Centre 36-250-1], in the amount of CI\$100,000.00, to cover the costs of the plan and design of the proposed facility, to be built near to the Community College compound.

The existing accommodation, which was adequate for the Law School's needs in its formative years when the student population was approximately half its current size, is unable to satisfactorily support the numbers of students now enrolling at the School. The inadequate size of existing classrooms and the library, and the absence of a student computer room are the areas of greatest concern. Due to constraints of space, the School is each year forced to reject qualified overseas students whose fee income would otherwise be available to assist the Law School toward its achievable goal of economic self-sufficiency.

According to the estimates based on figures provided by the Public Works Department a purpose-built Law School of 6500 square feet would be likely to require a total outlay of no more than \$1.3m. A building of this size would be able to meet the existing demand for places at the Law School, but would allow no room for expansion beyond a population of 90-100 students. It would also support the existing staff complement, consisting of the Director of Legal Studies, five lecturers and an Executive Officer. Any further expansion in terms of student numbers and/or courses would be predicated upon an increase in staff numbers with a consequent effect on square footage needs.

Tuition fees are structured as follows: (these are taken from the Fourth Schedule to The Miscellaneous Provisions (Fees and Duties) (Temporary) Law, 1997, as amended)-

Postgraduate: (Professional Practice Course): All students (generally Caymanians): \$2000 P.A.

Degree: Caymanian/spouse of Caymanian or legal resident of 10 years+: \$3000 P.A.; Non-Caymanian: \$7500.

Diploma in Legal Studies (part-time): Caymanian/spouse of Caymanian or legal resident of 10 years+" \$1500; Non-Caymanian: \$4500.

Accordingly, by way of illustration, 90 undergraduate and 10 postgraduate students may be expected to generate tuition fee income as follows:

Assuming: Ten postgraduate students; and 75 Degree students (50 overseas; 25 local); and 15 Diploma (part-time) students (local); fee income would be:

10 x \$2000	\$ 20,000.
50 x \$7500 +25 x \$3000	450,000.
15 x \$1500	<u>22,500.</u>
	\$ 492,500.

The Law School's fee earning capability will, of course, increase exponentially as does its capacity in terms of total student numbers.

Moreover, the relocation of the Law School would free up over 3000 square feet of valuable office space in the Tower Building, providing much needed accommodation for other government departments.

Mr. Speaker, I therefore call upon the Honourable Second Official Member responsible for Legal Administration:

- a) to open dialogue with UK Universities which would issue a Professional Practice Certificate similar to the Bar qualification offered in the UK, that would be recognised in the UK, the Caribbean and other Commonwealth countries;
- b) to take steps to ensure that the proposed new facilities of the Law School be configured, designed and equipped to comply with any recognition as aforesaid.

I trust that this will be given very urgent attention.
Thank you, Mr. Speaker.

The Speaker: The Honourable Acting Second Official Member responsible for Legal Affairs.

Hon. Samuel Bulgin: I wish to respond by reading a reply that was drafted by the Honourable Second Official Member responsible for Legal Affairs, the Attorney General.

"In accordance with Standing Order 11(6), I welcome the support of the Third Elected Member for George Town for the Cayman Islands Law School.

"The school has accomplished much since its inception in 1982, and is now a victim of its own success. The present premises in the Tower Building are not only too small for the present student body, but have other drawbacks as well.

"An office building in the centre of George Town housing busy government departments is not the right environment for a school of learning. Security in the Tower Building dictates that it is only open during normal office hours, which prevents students from gaining access to the Law Library during the evening when they often wish to study.

"A move to the Community College campus is most welcome and anticipated as is shown in the Community College budget for 1998. Public Works has already been instructed to commence design work on the new building and I can assure all Honourable Members that this new building will be purpose-built for the Law School students and of sufficient size to accommodate the present student body with enough capacity for some growth. In addition, the building will be designed so that it is capable of being extended in the future, should the number of applicants for the Law School continue to rise.

"Only last year I made contact with the Law Society in London over the issue of recognition of Caymanian Law qualifications in England. I am pleased to say that the Law Society was extremely positive for the Cayman Islands to be an eligible jurisdiction for the Qualified Lawyers Training Regulations. The application for the Cayman Islands to be added to that list of countries is being processed, and I acknowledge the assistance of the Cayman Islands Law Society which has also been pursuing this matter.

"The professional vocational course is now being offered in the United Kingdom by many universities. I have spoken at some length with the Third Elected Member for George Town concerning the possibility of offering one of these vocational courses through the Cayman Islands Law School. I will be pursuing this matter.

"Once again, I thank the Honourable Member for his support of the Law School."

The Speaker: The First Elected Member for West Bay.

STATUS OF ROADS AND OTHER CAPITAL WORKS IN THE DISTRICTS

Mr. W. McKeeva Bush: Thank you, Mr. Speaker.

I count it urgent enough to enquire of the Government at this particular time on the status of roads and other capital works in the districts.

Since 1995, that is, 1996 and 1997, we did not get any roadwork in West Bay. There is not a lot left to be done with respect to roads in West Bay; however, there are a few roads which need to be built and others needing repair. From early 1995 we talked about a link roadway existing between Powell-Smith Drive and Church Street which would open up that area. This is a 'long-time' roadway which we agreed to widen and build into a proper road since 1995, and it has not been done yet.

I have letters from constituents, as I believe other Members for West Bay have, asking that this road be built. So I would urge the Government to move quickly on that particular road. If the prioritising of projects is taking such a long time, I would ask that the exercise be brought to all of us here so that we can assist with it. I understand this delay in capital works, other than road works, is affecting employment in Cayman Brac. I believe it is also happening here. If Government is paying a truck driver, or heavy equipment operator to do common labour, that has to be unproductive and certainly not cost-effective.

Can the Government say how soon funds will be available to Public Works so they can get going with roads and other badly needed capital works, such as the West Bay Primary School Hall?

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

Hon. John B. McLean: The capital road projects are being prioritised presently by Executive Council. On April 2, each Member of this Honourable House will have an opportunity to vote for or against those projects, because they will be presented here.

The Speaker: The question is that this House do now adjourn until 10 o'clock Thursday morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.44 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 19 MARCH 1998.

**EDITED
THURSDAY
19 MARCH 1998
10.14 AM**

The Speaker: Prayers by the First Elected Member for West Bay.

PRAYERS

Mr. W. McKeeva Bush: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Questions to Honourable Members/Ministers, Deferred Question Number 35, standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 35
(deferred 9 March 1998)

No. 35: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic

Development to state the annual amounts by which the contingency liabilities have increased since 1993.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

DEFERMENT OF QUESTION NO. 35
Standing Order 23(5)

Hon. George A. McCarthy: Mr. Speaker, once again, in accordance with Standing Order 23(5), I will ask the indulgence of this Honourable House for this question to be deferred to a later sitting. I should point out briefly that the reason for this is it has been found, in looking at the figures, that there has been an understatement in contingent liabilities, going back to the figures as of 31 December 1993. This understatement runs through the period 1993 through 31 December 1995. So it is important that a proper statement be developed to give a clear position on this understatement. The answer is presently being worked on by the Accountant General-Designate, the Director of Internal Audit, both in consultation with the Auditor General. Thank you, Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I wish the *Hansards* to show my disappointment with the inability to provide the answer before this time, Sir. This is the third time the question has been deferred, and I note the Honourable Member's intention to provide the answer at a later sitting. My request is that the answer be deferred to a subsequent sitting, rather than given in writing.

The Speaker: I shall put the question, that Question Number 35 be deferred to a later sitting. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Question No. 35 has been deferred to a later sitting.

AGREED: QUESTION 35 DEFERRED.

The Speaker: That concludes Question Time for this morning.

Item number 3 on the Order Paper, Other Business, Private Members' Motions, continuation of debate on Private Member's Motion 3/98 as twice amended: Establishment of a Standing Select Committee of Privi-

leges, the Fourth Elected Member for George Town continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 3/98

ESTABLISHMENT OF A STANDING SELECT COMMITTEE OF PRIVILEGES

(Continuation of debate thereon)

Dr. Frank McField: Thank you, Mr. Speaker. I began my debate yesterday in an attempt to show that this exercise in establishing a Committee of Privileges within this Honourable House is a worthwhile exercise, and that debate on this issue is also relevant, not only to Members in this Honourable House, but to the public at large, a public that becomes more and more concerned with the functioning of the democratic institutions in this country.

I said that the issue of representative government, the issue of democracy, is a passionate issue to me. It is a "soul" issue. It is an issue of principle and ethics. It is my life, to come from a class within the society that has felt not always represented, and that those persons who have acted for them seem not to know them. To represent means to act, and to act means to study the character sufficiently to be able to project that character realistically. My position is that I am very fortunate to be in this position, and I take it seriously, because it is at this stage that assuring the public that the democratic institutions are worthwhile and functional, and fair, and are here for everyone—perhaps at this juncture in our development, it is even more important than it was yesterday.

It is important that we show that all our decisions are above-board, and it is for this reason that this Private Member's Motion was brought to this House. What I find odd is that somehow we get the feeling we are not supposed to discuss the concrete reasons for a motion of this kind being brought to this House, which should be accepted by this House, and will be accepted by this House. What makes it necessary now? Why was it not necessary four years ago, or eight years ago, or twelve years ago, or fourteen years ago? Why is it necessary to bring a motion dealing with establishment of a Committee of Privileges at this time in the development of democracy in the Cayman Islands? Why is it necessary?

The general public seems to have many concerns, but we are not discussing it from that viewpoint, because somehow I get the feeling that to mention concrete cases in point as to why this Committee is necessary, would be a violation of the very privileges within this House. So we must somehow convince the people that we are not just creating this Committee for the sake of creating another Committee. That is very difficult. It is

very difficult for us to show why this Committee is necessary, because if we really look at the law dealing with immunities and privileges of Members of the House, we see that the privileges of the House are very well protected by Standing Orders, by the Constitution, and by this particular Law. I think the Minister for Education, Aviation and Planning was suggesting that we have, in our Standing Orders, in this Law, in the Constitution, sufficient protection for the privileges of this Honourable House.

That Minister also made it clear that this House is not sovereign. In fact, he is saying that whatever we decide here still has to be agreed upon, assented to, by the Governor and by the Parliament in Britain or so forth. We are aware of that. Most Honourable Members are aware of that, and we know that if we make sensible decisions, the Governor assents to those decisions, and the Foreign Office, or the Parliament in Britain, would not interfere with our sovereignty.

It is also true, at this point, when we look at the evolving relationship between Great Britain and its Overseas Territories, what is evolving is that they are suggesting we take more of an active role in self-governing our country, in making the rules, regulations and codes that internally bind us together. We do not say that we do not need to exert more authority, we do not say that we do not need to create a Standing Committee because at the end of the day, it does not have the total power itself. We know that tradition has already indicated that as long as what we do is reasonable, it will be accepted by the Governor and by the colonial office.

So in going along with the whole idea that we should plan more for ourselves and be more dependent upon ourselves, I think it is only fair to say that those types of arguments are getting away from the real intention of this motion. The intention of the motion is not necessarily to erode the traditional concept of privileges. It is not to deal with the traditional concept, because as I have said, in legislation already, we have sufficient legislation to preserve and protect what the Parliament has traditionally claimed as being essential for that Parliament and its Members to carry out its duties as representatives of the people.

We are talking about, I think, in this motion—and this is one reason, Mr. Speaker, that when the Committee is formed, it should not become an inactive Committee, because there is a lot of work that Committee could be doing. This is one reason that we should be able to use some examples, to show exactly that that Committee would not be dysfunctional! That Committee would be very functional and very necessary! The Committee would not just be a Committee that would make sure that our freedom of expression is preserved, our freedom from arrest or molestation, while we are involved with the business of the House. The Committee will be dealing with exactly what the disciplinary committee at the Police Department will be dealing with. It will deal with complaints, genuine complaints and allegations made against Members. That is what this Committee would be dealing with.

If we do not think we should subject ourselves to this type of scrutiny, if we think this would be molesting us, if we think this would be an inconvenience to many of us, who claim these days to be so busy running our Ministries, if we feel that, then we should tell the people that. We should say, *We don't want this Committee*, and let the people interpret those positions the way I think they would.

To make it abundantly clear why I think this Committee is necessary, why I think the Committee will have a lot of work to do, I would like to return to the hypothetical situation I used yesterday regarding the Minister responsible for turtles in Nicaragua in 1986, where in doing so, I am showing, since I am not allowed to use local examples and situations, if I am allowed, I will rely upon my talent as a playwright to create a description that will paint a picture to allow us to see that in fact a Committee of Privilege could be very valuable.

I said that I visited Nicaragua in 1986. I said my cousin had explained to me that the Minister responsible for Fisheries had come into possession of 200 turtle eggs which another citizen of that country also jointly claimed. The strange thing about this was the fact that it was said by my cousin in Nicaragua that that Minister had come by those turtle eggs simply because he was in the position, as the Minister responsible for Fisheries, to have access to those eggs in the first place.

The interesting thing is that the other person claiming those 200 turtle eggs said that they had been laid by turtles which he could identify as belonging to his grandfather. This person was able to present documentation to prove that those turtles actually belonged to his grandfather. But when the decision was made as to who to award those 200 turtle eggs to, they were awarded to the Minister responsible for turtles and not to the citizen. Of course, the citizen felt his rights had been violated. It would have been a good thing if they had had a Select Committee of Privileges in Nicaragua in 1986, because that person would have been able to complain to that Select Committee regarding the behaviour of that Minister, saying that Minister had abused his office, and that Committee would have been able to look at the evidence, and would have been able to have at least reassured this person, without causing that person to go to court and spend the unnecessary money that the person did not have. That Committee might have been able to reassure the individual that in fact his rights had or had not been violated.

That is a case in point. It is far-fetched, and of course, a lot of people will say, *Well, why is the Fourth Elected Member for George Town talking about Nicaragua? What does that have to do with the Cayman Islands?* It only goes to show that democracy can become so eroded that Members of Government can use their privileged positions to gain unfair advantage over their citizens, and that is not tolerable. It should not be tolerable in Nicaragua, and it certainly should not be tolerable here in these Islands.

I believe that a Committee of Privileges would help us to reassure the people that all Members of this Honourable House are concerned that confidence in Government and the democratic institution of Government, as ancient as it is,

that confidence must be preserved, because only then can social order and justice be preserved. The Rule of Law, the law must apply to all of us. This is the reason this motion has been brought, to show that Members of this Honourable House have no fear of anyone questioning them, because as public figures, that is what we must expect, that all our actions are public actions. All the actions done in the name of our office are public actions, and therefore the public should have a right to know how we conduct our business.

Accountability is therefore important. It is important that Members are not only accountable to the public, but also to the Parliament as a collective body. I do not have very much more to say. I think the 200 turtle eggs have made the point for me. Again, it goes to show that the years I spent as a playwright in this country were not wasted, because I am quite sure that the general public knows we would not want this country to become like Nicaragua, where the Minister of Turtles can take away 200 turtle eggs, as precious as they are, from people without giving the people an answer as to what legitimate claim he had to them. Thank you very much.

The Speaker: Does any other Member wish to speak? The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. I will make my contribution rather brief. Personally, I have never had any problem with a motion of privilege. I believe, if you live your life by principle, by honesty, by integrity, and by ensuring that you do unto others as you would have them do unto you, a Committee of Privilege can find nothing wrong with the way in which you have conducted either your personal life or your business life. I think what is important, though, in all we do, as we move forward, whether it is a Committee of Privilege or some other committee of this House, or anywhere else, it is essential that the rule of innocence is carried out. A person is innocent until proven guilty. I have heard this from the very early days of my life in this country, and I hope now that none of us is seeking to depart from that old procedure, which has served us so well.

There can be all sorts of complaints, Mr. Speaker, and all sorts of allegations, but the fact is, is the person willing to put it in writing? Or are you just going to listen to verbal comments? I think if any committee in this country follows verbal comments—I mean, if you have not heard a rumour since you woke up this morning, you are probably going to hear one before you go to sleep tonight. I think it is important that the procedure to be followed by the Committee, and which will trigger the Committee coming into operation on any particular item, should be nailed down from the very beginning. I believe if you are going to make an allegation against anyone, be he or she a Member of this House, or anywhere else, let us put it in writing. Let us make sure it stands up to the scrutiny of this House of Privilege, or it stands up to the judicial process in this country. Then, I think, we have something to deal with, and to hopefully deal with it in the proper way.

With those few remarks, I am in full support of this motion.

The Speaker: Does any other Member wish to speak? The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. In offering my contribution to the debate in support of this motion, I would like to remind all Members—and I should not use the word “remind” because I am certain we are all well aware—the Oxford English Dictionary gives the meaning of the word “privilege” as “**a special right granted to a person or a group,**” and in my humble opinion, the privileges that have been given to the Members of this Parliament are special rights and should not be abused.

I support the motion in setting up a Standing Select Committee of Privileges for this Parliament, in that in the past, not even being a Member of this Legislative Assembly, I personally have listened to reports on the radio of the proceedings of this Parliament, where privileges have been abused by Members, by stating certain things against private citizens outside this Parliament, who have no recourse to protect their names, because no action can be taken.

As a Member of this Parliament, Mr. Speaker, I personally do not feel that type of behaviour should be a privilege. I feel that we as elected Members not only represent those people who gave us an “x” on election day, but we represent those who voted against us, and we should not be given the privilege to stand in this Parliament to degrade those opposition people who have no recourse. These are the types of privileges I have a problem with. I understand what the Honourable Minister for Tourism just said, that there must be proof, and I agree, and I will read from the Australian Standing Orders, which were just handed to us a little while ago, hoping that the Standing Select Committee on Standing Orders will meet shortly to offer certain amendments to the Standing Orders of this Parliament. It says, “**During a period when the House is not sitting and is not expected to meet for a further period of at least two weeks, a Member may bring to the attention of the Speaker a matter of privilege which has arisen since the House last met, and which he proposes should be referred to the Committee of Privileges. If the Speaker is satisfied that a *prima facie* case of breach of privilege has been made out, and the matter is one upon which urgent action should be taken, he shall refer it forthwith to the Committee of Privileges.**”

There is no such Standing Order in our Standing Orders at the time, Mr. Speaker. I have heard arguments put forward that privileges are within our Standing Orders, but I cannot find it. I find where a motion can be brought if the Speaker accepts it, but there are no terms as to what an abuse of a privilege is. These are the things I would like to see corrected. I feel that these things would be corrected by having a Select Committee to deal with privileges. We are all parents in this Parliament, I think, except two Honourable Members, and in raising our children, we have given them privileges. If those privileges were abused, they were taken away, or

the children were punished. I feel, as the representatives of the people of these Islands, and that is all people, we should be dealt with in a similar way, and in forming this Select Committee on Privileges we can achieve these sorts of things.

I believe, with a Select Committee to deal with privileges, there are tremendous amounts of rumours on the street, or allegations. If this Committee were in place, and the documentation is there to prove an abuse of privilege, and it is brought to you as the Honourable Speaker of this House, and you believe it is a case, this matter would go before a Select Committee, which would either find the Member guilty or not guilty, thereby removing all allegations from the public, and rumours against Members of this Parliament. With those few words, I give this motion my full support.

The Speaker: Does any other Member wish to speak? The Third Elected Member for George Town.

Mr. Linford A. Pierson: My contribution on this will be short, but I would not let this opportunity pass without giving this very important motion my full support.

It was not an easy process to have this motion in a form that was satisfactory to both sides of the House. The process of doing that is unimportant at this point, and irrelevant, as the most important objective was to have the motion in a form that was acceptable to those concerned.

I notice that too many times Members of this Honourable House tend to go back into history. History is good, in that it helps us to learn from our mistakes, but when we dwell too much on history, we take a retrograde step. In my opinion, this motion will only develop after the deliberations have been given a chance within the Select Committee being set up to deal with this matter. I do not see us at this stage making any meaningful contributions to the final results of those deliberations, as time will tell what Members’ input will be and what the final position will be on the motion.

To believe that the question of privileges is a novel idea would also be a mistake. Our Legislative Assembly (Immunities, Powers and Privileges) Law (1996 Revision), sections 3 and 4 speak loudly to the question of the privileges in the House. I believe the intention of the people who made the Law was that the privileges were to be enjoyed by Members of the House.

We know that Members of the House, as in other restricted areas, have what is known as absolute privilege. That absolute privilege is extended to the Honourable Members of the House. The other area of privileges is known under law as ‘qualified privileges.’ Section 3 of the Legislative Assembly (Immunities, Powers and Privileges) Law (1996 Revision) states: “**No civil or criminal proceedings may be instituted against any member for words spoken before, or written in a report to, the Assembly of which he is a member or to a committee thereof or by reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise, nor shall any such proceedings**

be instituted against any person in respect of such words broadcast or re-broadcast by any broadcasting station licensed under the Broadcasting Law, 1977, or wholly owned by the Government of the Islands."

Basically, this also says that while Members of the Legislative Assembly enjoy absolute privilege, the news media also enjoys a certain degree of privilege, albeit that privilege may be known as qualified privilege.

Section 4 of the same Law states, "**No member shall be liable for arrest for any civil debt except a debt the contraction of which constitutes a criminal offence...**" and so on.

The point in raising reference to this section of the Immunities and Privileges Law is to show that there is already a certain degree of privilege in the Law. Where we have a problem, is that so many times, even though this privilege is necessary for Honourable Members of this House to be able to transact business without the fear of prosecutions or legal proceedings being taken, too many times these privileges are abused. This is the basic problem we are having in this Honourable House.

This has gone on for a very long time. I am not going to go into the *Hansards* to try to prove who said what, because I think many of us have been guilty of the abuse of privilege. That is why I said we should try not to delve too much into the past because many of us have been guilty of this.

When I look at the *Hansards* of this House between 1992 and 1996, I cannot believe that a House that is supposed to be an Honourable House with Honourable Members could have said some of the things I saw in the *Hansards* during my absence from this Honourable House. If those things had been said on the outside, the Member saying it would have been sued for defamation, and would not have had a defence. But, because of their absolute privilege in the House, they say these things about people who cannot defend themselves.

What is also bad about this is that a Member can get up in this Honourable House under absolute privilege and defame someone on the outside. If that individual tried to answer it in the press, then that person can be sued for defamation. That is not right, Mr. Speaker. While I am the first to say that this absolute privilege is a good thing to protect Ministers and Members of this House, I feel that attention needs to be focused on the problem of abuse—not that the privilege should be curtailed, but that the abuse of this privilege should be curtailed.

Until we all get together and start respecting each other...that is what is lacking—respect for our fellow parliamentarian, respect for people we believe oppose us on the outside. I have heard Members attempt to destroy the character not only of male political opponents but of female political opponents, making certain remarks to suggest that those individuals are loose individuals. That is unparliamentary and should not be permitted in this Honourable House. That is where I would like to see this Committee put on some brakes, where Members are not allowed to destroy the character of other people.

I have read in the 1992 to 1996 *Hansards* that Honourable Members (if I may call them honourable) have gotten up in this House and abused people on the outside, accusing people like the First Elected Member for George Town and myself of illegally enriching ourselves with water. People, like Mr. Miller, had been accused of taking drugs. . .

The Speaker: Please do not bring names into the debate.

Mr. Linford A. Pierson: Mr. Speaker, the point is this: I believe that under Parliamentary Procedure, Members of the House should not be called by name, but I do not believe that there is anything in the Standing Orders to state that it is unparliamentary to refer to someone on the outside by name. But I bow to your ruling.

The Speaker: If you would give way to me for one moment please.

I am not talking about the name. I am talking about the procedure. We are debating the formation of a Committee of Privilege, not the function of a Privilege Committee. We will deal with that once the Committee is formed.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. I am surprised that these restrictions were not brought on other speakers, but, as I have done in the past I will do now, and that is to humbly bow to your ruling. I will move on.

The Speaker: May I interrupt you once more?

I would like you to show me from the *Hansard* where I have not dealt with other speakers as I am dealing with you. Please continue.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

The point I am making here, and I think you recognise, is that this motion is a very wide-ranging motion. It covers a wide range of debate. It is pretty difficult to restrict someone on a particular point, but I will continue to say that the major issue we have with this motion is not the curtailment of the privileges presently in the Law. The problem we have is allowing Members of this Honourable House to get up and defame each other and defame people on the outside. This is the issue before us. And whoever is involved—and I hope that the Chairman will insist on this—that the focus of attention will be on the question of the abuse of power.

The conduct of people on the outside of this House is no business of parliamentarians. Whether someone goes to church on Sunday, or how that person lives his life should not be brought up, and that person should not be ridiculed in this Honourable House.

I made reference a while ago (and this is in the *Hansards*) where Honourable Members accused...and we are talking about privileges here, Mr. Speaker. That is what this motion is about. This was an abuse of privilege! Honourable Members of this House accused oth-

ers of dishonesty. If that had been said—and this is the point I want to make—outside this Honourable House, it would have constituted defamation. I believe e would be doing an injustice, not only to the Mover and Seconder of this motion, but to everyone who supports it if these matters are not seriously addressed.

There are other areas where the *Hansards* will show that people have been wrongfully abused, mainly because they are unable to protect themselves. They are unable to speak up for themselves. I have seen the press attacked. I have seen citizens attacked because the Members have been able to shelter under the cloak of secrecy or immunities and privileges.

I had not intended to speak this long on this motion, but as I spoke, things came to mind. My main intention, and I do not want to get away from that, is to give this motion my full support, and in so doing to again remind this Honourable House that we would, indeed, be wasting time if the purpose of the Committee is not to try to correct the anomalies and the abuses of privilege that now exist within this Parliament.

Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause)

I know it is a bit early, but this may be a convenient time to take the morning suspension. Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.03 AM

PROCEEDINGS RESUMED AT 11.37 AM

The Speaker: Please be seated. Proceedings are resumed. Does any other Member wish to speak? If no other Member wishes to speak, would the mover wish to exercise his right of reply? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Several Members have discussed the motion and so far, it seems that even with varying opinions about certain specific matters, it is fairly obvious that a Committee of Privileges is sought by the membership here. First of all, while this has already been done, I think it is important, before we take the vote, to make sure everyone understands what the amended motion is. With your permission, I would like to quickly go through it, because it is not very long.

The Speaker: Please do.

Mr. D. Kurt Tibbetts: The motion now reads: **“WHEREAS Standing Order 79 provides that the House may appoint other Standing Select Committees as required from among its Members;**

“BE IT NOW THEREFORE RESOLVED that this Honourable Legislative Assembly appoint a Standing

Select Committee of Privileges to consider and report on any matter affecting the privileges of this Honourable House;

“AND BE IT FURTHER RESOLVED that the Committee comprise all Honourable Members of this Legislative Assembly, the Chairman being elected from among the Committee Members;

“AND BE IT FURTHER RESOLVED that the Committee shall elect a Deputy Chairman from among the Committee Members, who shall act as Chairman of the Committee during the absence of the Chairman; “AND BE IT FURTHER RESOLVED that the Legislative Assembly amend Standing Orders of the Legislative Assembly and the Legislative Assembly (Immunities, Powers and Privileges) Law, Law 24 of 1965 (1996 Revision) where necessary, in compliance with section 45 of the Cayman Islands Constitution Order, to address all matters regarding Parliamentary privilege at the earliest convenience.”

So, as has been said before, we have finally found the wording to the motion which from all appearances, seems to be acceptable to this entire House. There are a few areas which I think we need to ensure are very clear to all of us, and I need to reiterate that the main purpose of bringing this motion to this Honourable House was not to ensure protection of Members, but the purpose, more so than any other, is to ensure that privileges enjoyed by Members are not abused.

The seconder and I, and other Members of this Backbench, hold the view that in the public interest, transparency is important. How we go about the business of the country in this Legislative Assembly shall be seen to be transparent, and we believe firmly that this Committee of Privileges will assist in this regard.

We also believe that it is incumbent on all of us to be willing to be scrutinised as elected representatives. We believe it is incumbent on us to have no fear of being put to the test at any point in time. We also feel very strongly that if such a Committee exists, it will be one of the safeguards in preventing what might come to mind from time to time becoming a reality. Because in the business we are in, I am sure situations will arise from time to time where people on the outside seek some type of advantage, and sometimes the methods by which they would like to achieve that advantage are untoward. So it is not questioning our own characters, it is simply that we wish to be open with our dealings, and we wish to prevent or head off, as one might say, such actions that might lead toward the public's opinion of us being a little bit less than it should.

Some Members have used certain examples, and I have listened carefully to the way you have conducted the proceedings in the House, and I respect what I believe is the fact that safe passage of this motion is the most important thing to achieve, not so much what goes on around the debate. But having said that, I also believe it is important for us to come to grips with certain realities which might exist, to get a full understanding of

how important a Committee of Privileges will be for the smooth running of this Legislative Assembly.

One Member from the Government Bench mentioned rumours earlier. I, like everyone else here probably, have been on the receiving end of some of those rumours. If I were not in a peaceful frame of mind right now, I might put some of us to the test regarding rumours. I might even find myself, to satisfy certain rumours, asking certain Members facing me if they wish to call the police to do certain tests now before I get into the meat of my contribution. But that will not happen this morning.

The Speaker: I thank you for that.

Mr. D. Kurt Tibbetts: Without going into much detail about that, Mr. Speaker, I wish for those Members here who were party to that rumour, to know that I know one and all who they were and who they are.

The other statement I wish to make regarding that, and I will move on after I say that—God does not like ugly, because He did not make it. In the month of December, when a similar motion was brought here, one of the things I said was that that motion was spawned from a desire for truth. I wish to repeat that statement today, that this motion, like that one, is spawned from a fervent desire for truth to prevail in all dealings in this Honourable Legislative Assembly. There are people in this Legislative Assembly who, for one reason or another, or for one ability or the other, find themselves bending and twisting and twining the truth, when it comes to the very important business of this country.

Again, because we wish to see safe passage of this motion, I will not cite specific examples of this right now, but suffice it to say that those occasions when that has occurred in this Honourable House are known to myself and others, and there will be other opportune times when, not the twisted truth, but the real truth will be made known to the public of this country. That is not a challenge, that is a statement of fact. And it will happen, and there will be the right times.

I believe, as representatives of the people of this country, our first duty to the people is to tell the truth. I believe it is morally wrong to ask people, sometimes to beg people, to allow us to represent them in this Honourable House, and turn around and expect them to believe what is not the truth. Like the lawyers say, speaking generally, I have witnessed that in here, I have known the truth when I have heard what is not the truth in here, and with such a Committee existing, I believe there will be less of it, because I believe that Committee will function properly, and I believe Members will think twice before they go on their reckless escapades they have gone on in the past. If I sail too close, Mr. Speaker, please let me know. It is not my intention.

In his contribution earlier, one of the Members painted a little picture, the playwright that he is—and he is very good at it. If I remember correctly, the picture was about 200 turtle eggs. That, in my view, was a situation that, while not close to home, certainly proved the point

that matters like that can happen, and if situations like that occurred here at home, close to home, right here in this, our home, then a Committee of Privileges would certainly be able to deal with the matter, so that rumours would not abound, and the unwritten law of innocence accepted before guilt is proven, prevails.

I wish to make it very clear that I am not one who likes to jump up and down, making wild accusations and getting excited because it is good to talk about and it makes one's day. I am not one of those people. What I will say about any matter such as this is that while I do not subscribe to participating in rumour-mongering, I also do not wish to be tarnished with any brush that I did not buy the paint for, or the brush. So when instances like this arise, we need to clear the air. We need to clear the air with the truth. We need to be open, transparent, accountable, and if we apply those principles, the truth will prevail and the world will be at ease.

You know, Mr. Speaker, sometimes we have dreams. Sometimes we have aspirations. And sometimes we wake in the middle of the night, very frightened, because of what we dreamed. I have had those experiences. I would just like to tell a little story about one of those experiences, so people will understand how important the truth is. Again, because it is a very peaceful morning, I will try to forget dates and even times, but I cannot forget the dream, because it really frightened me.

I was dreaming about something else, and I was interrupted in my dream by this scenario: Elections were coming on, and being one of those who sought to be elected a few times, it is not strange I would be dreaming about an election. In my own little way, without even knowing it, I was frightening some people who had a stranglehold in a certain district, because for some reason or the other, it came to them that they might be losing the power base they had. I really could not understand the dream for quite some time, Mr. Speaker. It took me quite a while to really understand it.

But you see, those same people were not willing to accept the fact that the ultimate choice rests in the hands of the people, not them. They did not really understand that power does not lie with individuals. Real power lies with the people en masse. And when that stared them straight in the face, they did not know how to deal with it. They were running out of time because the election was very near, and they started to scramble, trying to figure how they could find a way to change the people's minds. They had meetings upon meetings. And it is funny how when you dream, you are not attending the meetings but you can see all that is happening in those meetings. It is good to dream sometimes.

And in those meetings, the think-tank finally came up and said, *There is only one way we can handle this situation. We have to remember that the only way we are going to change the people's minds is the old-time way we know so well to do: We have to attack his character.* And I was praying to God, Mr. Speaker, that I would awaken from this dream when I heard that, but I could not. I just had to sit and watch it all.

So they remembered a certain incident which had occurred about three years prior to that. They knew the facts. They knew that, for some ungodly reason, it could have appeared that I might have been a dishonest person. But you see, right there and then, the dream kind of stopped. I did not wake up, but that part of the dream went on hold; then I remembered what had transpired about that incident. While I was dreaming about that incident, I remembered a sequence of events. The sequence of events follow in chronological order like this: An individual, who was on a certain committee—in fact who chaired that committee—came to me and asked me if I was a partner or shareholder in a certain company. And I was—I still am—and of course, I said, *Yes, why do you ask? What is the problem?* So it was related to me that it could appear that certain benefits were received by my company which, if one were to look at it objectively, could appear to be not so right.

Unfortunately, he caught me flat-footed, because I knew nothing about it. But because I am a person who worries a lot, and because I fear greatly every day of my life any human being questioning my honesty, or testing my integrity, I decided to walk a trail to try to find out what the real circumstances were. I went to a certain Minister and asked about it. I asked an opinion. I got the opinion. I went to the Director of the Authority from which these benefits were supposedly received, and I wanted to find out what had happened. I really did not get too much information, but because the Auditor General himself was involved in the whole process, although inadvertently, I went to him also. Every reply I got said, *Listen, while it could appear this way, all documentation we have does not say anything whereby you could be responsible for any wrongdoing.*

But you see, Mr. Speaker, because I live and learn, I was not satisfied with that. So, after two sleepless nights I took it on my own and went and made sure that even if I was not responsible legally for any amount of money which might have been owing, I went and paid that money. I paid that money because I knew there were people who, at a future time, would be only too happy to hold that over my head in a political arena—like the Sword of Damocles. I realised that immediately.

I wrote a letter explaining why I was doing it. It was also very important to me that I bring a draft and not write a cheque, because even if they did not want to accept the money the draft would have been paid for. If they wanted to tear it up that was up to them, but I had paid for the draft.

You know, Mr. Speaker, when my wallets get a bit worn, usually my wife or someone has sympathy for me and buys me another. I still have an old wallet home with a copy of that draft in it. It is in the top drawer where I keep my socks.

So after all was said and done, Mr. Speaker, I said to myself, *God knows, I wish something like that had not happened.* Had I known about any such matter I would have dealt with it before it could have happened, because I know how life is in this beautiful, wonderful world we call politics.

My dream then switched right back to the election part of it. As I witnessed another meeting. . . and at that time I really was frightened. I did everything I possibly could to wake myself, but it just did not happen. It was like I was being told, *You have to witness this. You have to understand how these people think. You have to understand their MO [modus operandi], and you have to understand what they do. You will never understand why they do it, but you have to understand what they do.*

So I had to grin and bear it, and I witnessed another meeting. There was a certain document that was to be laid on the Table of this Honourable Legislative Assembly. The document was the report of a committee which had to meet to discuss another report and, legally speaking, that document and its contents are only supposed to refer to the document on which it is reporting, and whatever meetings and interviews that went on from that committee while dealing with the other document.

So that committee had met, and the report was given to the person who had to type it. The conscientious person that person is stayed and worked late that night to complete the document, because she was told it was going to be laid on the Table of the House the following morning. But, because God don' like ugly, I need to tell you what happened in the dream.

The document was conscientiously prepared, but during the night these serious power players figured out that they could stick some little thing in that document about that incident three years ago, and word it in such a way as to not mention anything about the payment that was made; not mention anything about the sequence of events, but they simply needed to stick that little thing in to, as my colleague, the Third Elected Member for Bodden Town in his famous words puts it, "besmirch" my character. They thought certain people would believe what they were trying to do, and would think that I was unworthy of being a representative of those people.

But by the time they got to do that, the document was completed, and two things happened quickly that morning: Although the document was already finished, the conscientious person who had prepared it was told, *Listen, we forgot to put this paragraph in.* And she, being the conscientious person she was, said, *But the committee signed off on the report.* And she was told, *No, no, no, we had another meeting consequent to that*—which never took place. The dream painted that whole thing out to me. That meeting did not take place! But she, being the conscientious person she is, had to take someone's word, so she put it in.

So they were very happy that day. They had scored a big deal—my friend just reminded me, something like a touchdown in football. They had scored a touchdown. Seven-nil the score was then.

Mr. Speaker, then something really funny happened. You see, that document, once tabled in this Honourable House, became a public document. When it was originally prepared by the very conscientious person, she passed it out to the outer office so by the time people would start clamouring for copies of this document,

the people who work in the outer office would have been able to prepare the documents and have it ready.

Now in this whole process—and that's why God don' like ugly, Mr. Speaker—in all of this whole process we ended up with two documents. By some wistful twist of fate we ended up with two documents—not one, but two documents! That is what the dream said. The public was getting one document, which did not have that paragraph that was stuck in illegally, but the document that was tabled in this House had the illegal paragraph in it. Still, no one realised anything about it, Mr. Speaker.

And I thought I was going to wake up then. I said, Okay, I got it all now, I understand all of this. But the dream went on. And Mr. Speaker, it is funny how little things can happen. I, bemoaning myself, had the document that was tabled, because I am a Member. I sat amongst colleagues and I said, *'You know'*—and I am still dreaming here now—I said, *'I really can't believe these people would stoop that low. Does it really mean that much to them, that that is the way they wish to play the game? Why can't they just be what we all should be? Whoever is elected is elected. Everyone remains friends, and we move on. Everyone gets on with their life.'*

Some of my colleagues had come to the front office to get copies of this document, and while I am talking about this thing, one of them is looking through to see where it is, and the person says, *'But I don't know what you are talking about! I don't see anything like this in the document.'* I said, *'Hold on a minute now.'* And in the dream, Mr. Speaker, I found myself being able to look at one document which did not have that paragraph, and another document, which I had possession of from the time it was laid on the Table of the House, which did! And I could not understand it! And I wondered. I really couldn't understand it—that is why I couldn't wake up. The dream had to go on, because I had to understand what happened.

Mr. Roy Borden: You musta' sleep all night, man!

Mr. D. Kurt Tibbetts: Took a long time for the dream to complete itself, Mr. Speaker. But after all that, and pondering and wondering how this could have happened, I trailed it back to its source. Because I am truthful, and because I am known to be truthful, I simply went to the ladies and said, *'Listen. I have this and I have this. And this is different from this. What could have happened?'* Then after everyone else pondered for a while, we finally understood what happened.

And me saying now, Mr. Speaker, that God don' like ugly, that is not original. That was what someone else said when they finally discovered what had happened.

What I ended up with in that dream was people directly involved in the process who were prepared to go to any lengths they believed they could get away with to seek advantage, without actually deserving it. And, Mr. Speaker, the Committee we are seeking to establish will let them think twice about such activities. But the dream

just couldn't quite end like that. It is getting near to the end now. But it just couldn't end like that.

So election day comes about, and they think they have it all sewed up. They figure they have probably put another six feet of cement around the power base, and everything is fine and they will be able to go on to continue with what they want to do—such as, keeping people at bay, keeping people intimidated, keeping people frightened, keeping people fearful of their livelihoods if they don't bow to their whims and fancies...

The Speaker: Please do not impute intentions.

Mr. D. Kurt Tibbetts: That was a dream, Mr. Speaker, I am sorry, I will take that part out of the dream. I was just getting lost relating the dream as it happened. I am sorry.

But anyway, election day comes around, and while everyone is going to their various locations to vote, every time you see one of these people all you see is smiles. Happy, happy, happy. There is poor little old me, nervous as ever, resigning myself to the fact, *Lord, if it is Your will that I be a representative of the people, then I ask you to guide me in the right way, that if I do become a representative, I will do the right things for them. But if it is Your will that I don't become one, I'll go home to my family, I'll walk the back yard, I'll go fishin' next day, clear my head, get on with it.*

Took a while for the results to come in. They were all laughing, Mr. Speaker, but it didn't take long to understand that in that dream the smiles were slowly disappearing. And when it was all over the lesson in the learning is: If you do right, right will follow; if you don't do right, don't look for it to follow you. And Mr. Speaker, I happily woke up then. The dream was ended.

You know, I really didn't mean to bore the Members here with that dream, but I thought to relate the dream so that we will understand that as we seek to represent the people of this country we must never, ever go to lengths that we would not like anyone to do to us, to seek an advantage. That old-time saying about "Do unto others as you would have them do unto you," if we all lived by that code life would be so much better. Many of us would be so much happier, and the country would be better off. Because you know what happens to us, Mr. Speaker? We find ourselves in the decision-making process of what the business of this House is, we find ourselves dealing with it in such a fashion that the best interests of the people get lost. And it becomes, *How do I make the other guy look bad? How do I work it around so that I can look the better person?* because, politically, that is expedient.

That too will stop one day, Mr. Speaker. And more and more, I see individuals coming out of the woodwork, taking part in the process, who I am satisfied will not partake in the process in that fashion, neither given the chance, will they allow it to prevail. So, just before I go on, that dream became a reality. While I was dreaming that dream, it was only a dream, but everything that I said about that dream became a reality, so I can stand

here today, having experienced it, Mr. Speaker, and say that the dream was true. Every bit of it, even the parts I haven't said. And I won't say them, don't worry, Mr. Speaker.

Just to get back to the motion—this motion is as important a motion as any other motion that has been brought to this House. It will determine in future the way the business of the country is handled. It will determine how well we perform as representatives. It will help to prevent rumours being spread that are only rumours. And as far as I am concerned, I think (and I cannot speak for all, but I can speak for those of us here on the Back Bench) that is the way we want it to be. We want to be good representatives of the people. We want to be satisfied that we are doing the job the way we should be; we want to be satisfied that we are transparent in our activities, that we are prepared to be accountable for our actions, and we, above all, would like the people we represent to be proud of us. The only way that can be achieved is by operating in such a way that we are totally open to scrutiny from all corners.

I commend the motion. Before I close, let me say it like this: If my dream changes the minds of Government, that is their problem. As far as we are concerned, they have accepted the intent of the motion. If they so choose, when we go to the vote, not to support the motion, they still lose, because what the motion wants to achieve is what the public of this country wants to achieve. So they now will have to decide whether they will do the wishes of the public, or whether they will go back to some of those old ways some of them have. Not all of them have it! I just hope it has not rubbed off too much. Mr. Speaker, I commend the motion, and I trust it will see safe passage. Thank you.

The Speaker: I shall now put the question on Private Member's Motion 3/98, the Establishment of a Standing Select Committee of Privileges, as twice amended. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 3/98 AS TWICE AMENDED PASSED.

The Speaker: That concludes the business on the Order Paper for today. I would entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Friday, March 27 at 10.00 AM. The reason for this, Mr. Speaker, there are several pieces of business left, but one of the main ones is the Pensions Law, which I understand a green paper would be circulated by that time, we would

be able to complete everything then. We are still taking input from the public at this stage.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I just crave your indulgence to raise a matter on a point of clarity, Sir. There is still some outstanding business left, according to the Leader of Government Business, but I do not recall that ever being—certainly it is not on today's Order Paper, and it has not been formally given to Honourable Members on the Back Bench.

The Speaker: There are some reports and other things pending. I shall put the question that this House do now adjourn until Friday, 27 March at 10.00 AM. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until Friday, 27 March at 10.00 AM.

AT 12.26 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 27 MARCH 1998.

**EDITED
FRIDAY
27 MARCH 1998
11. 07 AM**

The Speaker: Prayers by the Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Queen Elizabeth II, her heirs and successors according to law, so help me God.

PRAYERS

Hon. John B. McLean: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed.

Item number 2 on today's Order Paper, Administration of Oaths or Affirmations. The Oath of Allegiance to be taken by Mr. Samuel Bulgin to be the Honourable Acting Second Official Member responsible for Legal Administration.

Mr. Bulgin, would you come forward to the Clerk's table?

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE

Mr. Samuel Bulgin

Hon. Samuel Bulgin: I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty

The Speaker: Please take your seat as the Acting Second Official Member responsible for Legal Administration. You are welcomed to this Chamber for your period of service.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: We have apologies for absence from the Honourable Second Official Member responsible for Legal Administration who is overseas on official business.

Item number 4, Presentation of Papers and Reports. The Agricultural and Industrial Development Board Report for the year ending 31 December 1996. The Honourable Minister for Education, Aviation and Planning.

PRESENTATION OF PAPERS AND REPORTS

THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD REPORT FOR THE YEAR ENDING 31 DECEMBER 1996

Hon. Truman M. Bodden: I beg to lay on the Table of this Honourable House the Agricultural and Development Board Report for the year ending 31 December 1996.

The Speaker: So ordered. Do you wish to speak to it?

Hon. Truman M. Bodden: Just to say that the 1996 Report has set out in considerable detail the transactions and business of the Agricultural and Industrial Development Board (AIDB), and shows that it had a fairly active year, dealing with matters relating to loans that can properly be made under that Board. I would like to thank the staff who dealt with that, and all the members of the Board for their work during 1996, and continuing.

The Speaker: The draft Bill—The Health Practitioners Bill, 1998. The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

DRAFT BILL

THE HEALTH PRACTITIONERS BILL, 1998

Hon. Anthony S. Eden: I beg to lay on the Table of this Honourable House the Draft Bill for a Law to provide for the establishment of a Council for doctors and dentists,

nurses and midwives and professions allied with medicine; to provide for the registration of members of those professions and for regulating their professional education and conduct; to repeal the Health Practitioners Law (1995 Revision) also the Pharmacy Law, 1991, and for connected purposes.

The Speaker: So ordered. Do you wish to speak to it?

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

For ease of reference, I shall refer throughout this statement to the Draft Health Practitioners Bill, 1998, rather than using the lengthy title of the Bill itself. I also request Members of this Honourable House to note that what is tabled in this House today is a draft for discussion purposes, and that I intend, after today, to publish the Draft Bill to give the professional associations concerned an opportunity to comment and provide feedback on the contents. I also intend to present, at the next meeting of this Honourable House in June 1998, regulations to accompany the relevant aspects of this Bill.

Honourable Members are asked to give consideration to the Draft Health Practitioners Bill, 1998. This proposed Bill will replace the twenty-four year old Health Practitioners Law, revised in 1995, which is no longer effective to regulate the modern provision of healthcare services by health practitioners in the Cayman Islands. The Bill will ensure that the health of the public is protected and promoted through more detailed and sophisticated regulation of health professionals.

In place of the Health Practitioners Board regulating all health professionals, as is done under the existing Law, there will be three Councils. Doctors and dentists will be registered by the Medical and Dental Council; nurses and midwives by the Nurses and Midwifery Council; and all other health professionals, such as opticians, physiotherapists, and counsellors will be registered by the Council for Professions Allied With Medicine.

Each of the three Councils will be responsible for ensuring that only properly qualified and experienced health professionals are permitted to provide healthcare services in the Cayman Islands. The members of each of the Councils will be appointed from among the health professions for which each Council will be responsible. As well as regulating who can provide healthcare services, the Councils will be responsible for promoting professional education, giving advice on ethics, and ensuring that good professional conduct is maintained. Professional misconduct could result in suspension or removal from registration if that was required to protect the public. Rights of appeal will ensure that only decisions in the public interest are taken by the Councils.

After the new Councils have been established, there will be a period of six months for health practitioners registered under the old Law to apply for registration in accordance with the requirements provided in section 5 of the draft Bill. Existing registered health practitioners will need to satisfy their new Council that they have had sufficient training and practical experience in their profession

to enable them to continue to practice their profession competently and safely.

In addition, each Council will keep one register for each of the different healthcare professions for which the Council is responsible, and every register will contain four lists. For example, the principal list of the doctors' register will contain the names of the doctors who are judged by the Council to be properly qualified, and who are Caymanian or otherwise lawfully able to practise as doctors in the Islands. The visiting practitioners' list of each register will contain the names of the healthcare professionals who visit the islands for short periods to supplement the normally available range of health services.

The two other lists in each register will be the overseas list and the professional list. The overseas list will contain the names of the expatriate doctors, nurses, and so on, who are judged as being properly qualified and experienced to work in their profession, and who want to do so but cannot work in the Islands as they have not obtained a work permit. The provisional list for each health profession will allow the Councils to identify future Caymanian doctors, nurses and others and indicate what further training and qualifications they need.

The Draft Health Practitioners Bill also provides for the certification of private healthcare facilities by the Councils. The Chief Medical officer will also have the right to enter and inspect the healthcare facility to ensure that it is being maintained in a condition suitable to the purposes for which a certificate has been granted.

At present there is no provision for the inspection, nor clinical validation, of healthcare facilities in the private sector. As an example, there is no provision under the present Law for inspection of dangerous drugs records in private pharmacies throughout the Islands. Additionally, the Minister for Health regularly receives inquiries and in some cases formal requests to authorise the setting up of private healthcare facilities in the Cayman Islands. With the increasingly modern healthcare facilities in these Islands, and our peaceful way of life, we will be attracting more and more interest in setting up specialist facilities in the private sector. It is therefore wise to make the necessary legislative provision at this time.

Clause 30 of the draft Bill contains provisions to protect the public from people who falsely or fraudulently claim to be registered health practitioners. It will be an offence to practise as a health practitioner unless properly registered by the appropriate Council. It will also be an offence to obstruct the Council by refusing to give it documents or other information required by the Council to carry out its functions under the Law. The relationship between the Council and Government is specified in section 3(5) and allows for the Governor-in-Council at the request of any of the Councils to make, if he so chooses, provisions with respect to the matters dealt with in relation to that Council by Schedule 2, which deals with the Constitution, the general proceedings and so forth of the Council.

In Schedule 2, Part II, under "Proceedings of the Councils Generally," section 5(7) provides for a copy of the minutes of each Council as confirmed by the Chair-

man to be sent to the Minister responsible for Health for his general information. This practice is already in effect, though not a requirement of the present Health Practitioners Law. The role of the Minister responsible for Health is limited as set forth in Part II of Schedule 1 under section 5(4) to direct any Council to call a meeting of that Council and that direction must include a statement of agenda proposed for the meeting.

These are sensible provisions. Whereas the Minister for the time responsible for Health may not interfere in the work of the Council, he will be kept informed of its decisions. Equally sensible is the provision made in section 32 for the Governor-in-Council to have default powers if, at any time, it appears that a Council has failed to perform any duty, exercise any power, or do any act or thing imposed on, vested in, or authorised to be done by the Council.

It is expected that in this way the Governor-in-Council will be able to intervene in an effective manner if it appears that the Councils are in some way departing from the spirit of the Law so that the rights of the public as well as the health practitioner will be preserved as much as possible. The Draft Health Practitioners Bill has the support of the present Health Practitioners Board which is charged to perform similar functions, although they are much more limited under the 1974 Law (1995 Revision).

Representatives of the other health professions have participated in the drafting of the Bill. Following the tabling today, the Draft Bill will be circulated to the Cayman Islands Medical and Dental Society, also the Cayman Islands Nurses Association and they, and representatives of the other health professions will be invited, yet again, to comment on the draft. The wider public will also be invited to comment on the proposed provisions.

The Draft Bill, as proposed, is part of the framework for the better provision of healthcare into the next century, and is intended to ensure the best possible healthcare within the Cayman Islands. There are several improvements to the present Health Practitioners Law, two of which are set out as follows: 1) The deliberations of the present Health Practitioners Board are completely confidential and the Board is totally autonomous with little or no input from the Governor-in-Council; and 2) Government healthcare professionals are specifically excluded from disciplinary proceedings by the Health Practitioners Board.

It is expected that they will be dealt with under the Public Service Commission Regulations. Unfortunately, those regulations say very little about good clinical practice or medical ethics. This will change with the passage of the Law as proposed in the draft Bill.

Members of this Honourable House are requested to give consideration to The Draft Health Practitioners Bill, 1998, which is tabled today, and to advise my Ministry of any concerns they may have. I look forward to giving the Draft Bill full publicity and receiving feedback from all interested and concerned individuals and organisations. In our customary way, I will make whatever amendments to the Draft that are necessary and reasonable.

Mr. Speaker, and Members of this Honourable House, I thank you for the opportunity you have afforded me today to share with you the more significant aspects of this most important piece of legislation.

The Speaker: Item number 5 on today's Order Paper, Questions to Honourable Members/Ministers. Before I move the first question, I will entertain a motion to suspend Standing Order 23 (7) & (8) to enable Question Time to continue after 11 o'clock.

The First Elected Member for George Town.

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

Mr. D. Kurt Tibbetts: I so move, Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to second that.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED.

The Speaker: Question 48 is standing in the name of the First Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 48

No. 48: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, What is the anticipated staff complement of the new George Town Hospital upon completion?

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

Hon. Anthony S. Eden: The anticipated staff complement of the new George Town Hospital is 544.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister give us a breakdown of that staff complement in the various departments?

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

Hon. Anthony S. Eden: I do not have that on hand, but I promise the Members of this Honourable House a copy of it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Based on the anticipated staff complement of 544, can the Honourable Minister say what the recurrent personal emolument cost of that staff complement will be once it is completed?

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

Hon. Anthony S. Eden: I think that was in the question the last time. I do not have those figures with me, but I can get it for him. Again, it was in a question I answered last week.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Can the Honourable Minister say how the recruitment process was carried out? Was it advertised, or did a group visit different countries to recruit employees?

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

Hon. Anthony S. Eden: Personnel recruitment for the hospital services is done through the Public Service Commission. It is done locally, regionally, and overseas if necessary.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the Honourable Minister say what number out of this 544 is currently in place?

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

Hon. Anthony S. Eden: Currently in place there are 459.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I wonder if the Honourable Minister could say whether or not he has been advised the Hospital is presently over staffed?

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

Hon. Anthony S. Eden: This one floors me, Mr. Speaker! In our recruitment through last year, we were trying to bring the staff up to a standard that had been so way behind for a long time. This has been looked into by senior managers. We have looked at this with an eagle's eye and if we are going to provide new services going into the new hospital—moving from 69 beds to almost 130 beds—we have to prepare for this eventuality. We cannot wait until we move in there to do this recruitment.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: The Honourable Minister really did not answer the question. I would like to continue by saying that since a large amount of the work seems to be done by private practitioners as well, can the Minister say, if he knows, how many persons are involved in the medical field on the Island at the moment?

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

Hon. Anthony S. Eden: I would have to get a breakdown. I do not have that right now.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Boddén: Can the Honourable Minister say when we might expect the remaining 94 staff members to be coming on line, and what categories they fall into?

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

Hon. Anthony S. Eden: This encompasses all areas of the services provided in the Hospital. The exact figures are in the breakdown, but it will encompass this year and next year to bring it to the figure stated.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Taking into consideration that we have a new Hospital coming on line which we boast to be one of the finest in the Caribbean, which means we need to attract the right calibre of qualified personnel, I wonder if the Minister can say if he is comfortable with the level of, should I say, salaries and benefits being made available? Will this attract persons of the right calibre, or do we need some adjustments in this area?

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

Hon. Anthony S. Eden: I am going to be truthful. With the slave hours that some of the doctors and nurses have to put in, they could never be adequately paid, but under the system we try to do our best, and we recruit to the best of our ability. That is why we have to go, not only regionally, but to far away places, like Europe and other places.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, we realise the importance of the medical profession, but we also realise that the Minister has surprised us with a very large demand for recurrent expenditure, and a lot of this has to do with staff costs. I was wondering if the Minister could say if in any section of the Hospital there is a feeling at this time that it could be overstaffed? I am looking at surgery, emergency, any area we might be getting the feeling that people are sitting by and not having sufficient activities with which to occupy themselves, and whether or not this could be related to the fact that we do not have the full operation in flow?

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

Hon. Anthony S. Eden: No. As I have said, this has been looked at. I do not think it should surprise anyone in this Honourable House. Over the last two years, these posts have been requested and approved by this Legislative Assembly, and in the Finance Committee we have put forward the justification. I do not know what else I can say, Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, just one more point to make it clear for future reference: Is the Minister saying that he has no knowledge at this time that there is a possibility that the Hospital is overstaffed?

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

Hon. Anthony S. Eden: No. But as I have said, the Hospital will be fully occupied later on this year. We cannot wait until we occupy it to bring in the staff. Maybe at this time, this specific time to the lead-up, but we are not bringing these people in until we need them.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House how the anticipated staff comple-

ment compares with the staff complement under the old system which is now being replaced?

The Speaker: The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation. After this, I will allow two additional supplementaries on this question.

Hon. Anthony S. Eden: If the Honourable Member could clarify what the old system was, I could give him the year 1997. In 1997, the staffing was 442.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. To shift the line of questioning a bit, can the Honourable Minister state, bearing in mind the new demands for qualified staffing at the new Hospital, if there is any initiative being put forward by whichever agency is so required, to try to attract Caymanians, either locally or overseas, for training to fill the gaps coming up? If I may quickly explain what I mean by this: We recognise that initially there will not be trained Caymanians for these posts, but we would like to see some type of initiative that would point out the needs the Hospital will have in various departments so that people coming out of school, who are so inclined and need career guidance, may know what these needs are, and can then be headed in that direction.

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

Hon. Anthony S. Eden: That is an excellent question. We are working very closely with the high school, the Education Council, the Community College, and the Senior Nursing Officer goes in and has talks, and other people from the Health Services, encouraging our Caymanians to take part in the development of our health services. I feel confident that once the Hospital comes into full operation, many young Caymanians will be proud to take up the flag and fly it in the Hospital.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Minister say if there is any plan to set up a Health Services Authority? A complement of 544 staff falling directly under the financial responsibility of the Government is bound to be a direct and significant increase to the recurrent expenditure. Are any plans in place to set up a Health Services Authority, so central Government will not have a direct responsibility for these recurrent expenditures?

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

Hon. Anthony S. Eden: Absolutely. Those who have had the opportunity to read the National Strategic Plan for

Health will see that it is advocated there. At this time, we are not in a position to deal with the Health Services Authority, but in the future we will deal with it as it comes on line. Because of the amount of recruiting we do, one of the suggestions put forward under the reinvention of Government, to expedite the process of recruiting in such a crucial area, was that the Health Services have its own personnel department.

The Speaker: Moving to Question 49, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 49

No. 49: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to provide a breakdown, by post and nationality, of each staff member specifically hired to staff the new Hospital to date.

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

Hon. Anthony S. Eden: A list of the posts and nationality of each staff member hired up to 28 February 1998 to staff the new Hospital is provided in the attachment (see Appendix).

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. Would the Honourable Minister say if a decision has been taken by the Health Services Department to discontinue the employment of West Indian staff at the new Hospital?

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

Hon. Anthony S. Eden: There has been absolutely no decision made in that respect. We advertise and recruit regionally. The only policy I advocate is that we get the best trained personnel to fill the various vacant posts, and because of our significant investment in health services, and for the good of these Islands, I maintain that stand.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Since it is obvious from the information the Honourable Member gave us that British persons are the largest nationality group here, is the Minister saying that qualified persons can only be found in that jurisdiction at this time?

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

Hon. Anthony S. Eden: No, Mr. Speaker. Briefly looking at the nationalities, ten are British, nine are Caymanian or Caymanian connections, and five are from the region.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I wish to ascertain that the list provided by the Honourable Minister is exhaustive and inclusive of all the staff hired for the new Hospital to date. Is the Minister saying that this list is exhaustive—meaning 544 minus this number represents the staff in the old facility?

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

Hon. Anthony S. Eden: These posts were specifically put in for the new Hospital. There are many more [microphone off].

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Regarding the professional side of the staff, that is, the doctors, nurses, etc., can you say if there is now in place a system for the continuing professional education? I realise that this is being considered under the new Health Practitioners Law, but I wonder if there is any in place at this time?

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

Hon. Anthony S. Eden: Yes. The Honourable Member is right, it is in place at this time, and we will be expanding as we go forward.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Is the Minister saying that once applicants are professionally qualified, never mind where they come from and the post is open, they will be hired?

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

Hon. Anthony S. Eden: There are certain restrictions as set out by the Health Practitioners Board. Wherever possible Caymanians will be recruited, but as I have stated earlier in this House, there are certain regions that have to be accepted and qualified, mainly, and I will state, the United Kingdom, Canada, the United States and Jamaica.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I am trying to find out from the Minister—because when we look at how few people there are, with the exception of Caymanians, from the region involved in this first list, if this list is a reflection of the nationality of the additional hundred-odd people to be hired to complete the staff complement at the Hospital—is this indicative of the nationality of persons who will be hired?

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

Hon. Anthony S. Eden: No, this is not the complete list.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Perhaps the Minister could expound on the methods used to recruit staff.

The Speaker: Could you turn it around into a question, please?

Mr. D. Kurt Tibbetts: I asked if the Minister could expound, I thought that was a question. Would the Honourable Minister please say what method is used in employing or recruiting staff from overseas, and how is it decided where the recruiting is done?

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

Hon. Anthony S. Eden: Once again, this is done through the Public Service Commission. It is done regionally and then overseas as necessary. Mainly the experience and qualifications of the person applying for the position are looked at.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is it safe to assume that when recruitment is done regionally, if no suitable persons are found within that area the recruitment process is extended further?

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

Hon. Anthony S. Eden: That is absolutely correct.

The Speaker: Are there any further supplementaries? The Fourth Elected Member for George Town.

Dr. Frank McField: I wonder if the Minister could say whether, according to statistics or information available to him, the recruitment of staff from the United Kingdom causes the recurrent expenditure at the Hospital to be higher than if the recruitment was concentrated in the region.

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

Hon. Anthony S. Eden: The only significant increase would be the airfare. The other benefits and emoluments would be the same.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Is the Minister saying that there are no additional incentives offered to medical personnel coming in from the United Kingdom?

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

Hon. Anthony S. Eden: He is correct.

The Speaker: If there are no further supplementaries, we move on to Question 50, standing in the name of the First Elected Member for George Town.

QUESTION 50

No. 50: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs when the current employment contract for the Chief Education Officer will expire?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The Chief Education Officer is currently on a three-year contract which expires on 7 July 2000.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable First Official Member state when the Chief Education Officer was originally employed?

To clarify the question, I am trying to determine if this contract is a renewal of a previous contract, or an initial contract.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: This is not the first contract, it is certainly at least the second contract.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Honourable First Official Member state if, at present, there are any moves to have a Caymanian understudy for the Chief Education Officer placed in a position so that when this contract ex-

pires there will be a Caymanian ready and prepared to take over the job?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. I know it is Government's intention to look at localising this post after the contract of the present Chief Education Officer expires, but I am not in a position to comment on an understudy at the moment.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. As the Honourable First Official Member knows, my questions are not directed at him but at the principle of what I am trying to get at. The next question I wish to ask is, How is it physically possible for the Government to find itself in this position of blatant lack of succession planning with this three-year renewal, when there was not even a post of Deputy put in place for either of the first two contracts so that we may now find ourselves with a Caymanian to fill the post? A school-leaver could have been trained from the start of the original contract to be equipped to take over the job!

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: It is my understanding that the organisation of the Education Department will be reviewed this year, and, subject to that review, the post of Deputy may or may not be re-established. On the matter of a Caymanian understudy for the post of Chief Education Officer, I would be willing to give an undertaking to provide an answer to that in writing, if he so wishes.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: If I understood the Honourable Member correctly, he said this is a second contract for the Chief Education Officer. Did I understand that correctly? My question to the Honourable Member is, Was any attempt made to fill this position with a Caymanian prior to the renewal of this contract? And what procedure took place in advertising this position to encourage Caymanians to apply?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I do not have that information here with me. I simply do not recall what was done at the last recruitment. Again, I could undertake to get that answer in writing.

The Speaker: If there are no further supplementaries, Question Number 51 is standing in the name of the Third Elected Member for Bodden Town.

QUESTION 51

No. 51: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what steps have been taken to ensure that all purchases made by Prison staff with public funds fall into the category of legitimate Prison needs?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The following steps have been taken to ensure that all purchases made by Prison staff with public funds fall into the category of legitimate Prison needs:

1. All purchases must be requisitioned by staff through their Head of Section.
2. The Head of Section will recommend the purchase if he is satisfied with the request.
3. The requisition is then given to the storekeeper who will have the purchase authorised if he does not have the requested items in store.
4. Items purchased are delivered to the storekeeper.
5. Persons using items keep a record of where or how they are used.

This procedure is in compliance with the Auditor General's recommendations.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member say if the practice of using the bland descriptions on invoices, namely "goods" and "merchandise," has been discontinued and replaced by a practice which specifically names and itemises the goods and items purchased?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. Yes, I can assure the Member that the generic description has now been changed, and specifics are recorded instead.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Apart from what the Honourable Member has outlined in the substantive answer, can he say how this system is, for lack of a better word, policed, to ensure that the recommendations put in place are continued, and that there is no breakdown, or a resorting to the old practices? Is there a specific officer responsible for examining this system? What procedure is in place?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. Yes, both the Internal Audit unit, which will look at specific areas from time to time, and of course the Auditor General's office, will be looking at this procedure, among other things, to see that it has been followed.

The Speaker: Any further supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Honourable Member in a position to tell the House whether any restitution was made, or has been ordered, in cases where the Auditor General commented that the practices were not in keeping with legitimate Prison needs?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. The matter of restitution is under consideration, and I am unable to comment further on it at this time.

The Speaker: Any further supplementaries? If not, we will move to Question 52, standing in the name of the Third Elected Member for George Town.

QUESTION 52

No. 52: Mr. Linford A. Pierson asked the Minister responsible for Agriculture, Environment, Communications and Works to state the average monthly revenue received by Government from Cable and Wireless (Cayman) Ltd under the franchise agreement.

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

Hon. John B. McLean: Thank you, Mr. Speaker. The 1997 average monthly revenue received by Government from Cable and Wireless (Cayman) Ltd under the franchise agreement is approximately CI\$573,434.46.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for George Town.

Mr. Linford A. Pierson: A quick calculation suggests that it is something like \$6.9 million a year. Can the Honourable Minister state if this is specifically earmarked, or is it just going into general revenue at this point?

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

Hon. John B. McLean: Thank you, Mr. Speaker. It is not earmarked, but goes directly into revenue. It is collected through my Ministry and handed over to the Financial Secretary, who deposits it with the Treasury.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: This is slightly off the substantive question, but maybe the Honourable Member is in a position to answer. I wonder if he could say if anything is being done to address the problems which seem to exist regarding the very high cost of services now being provided under the franchise agreement.

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

Hon. John B. McLean: Thank you, Mr. Speaker. As the Member is aware, the franchise is in place, and Government has continually been in negotiations with Cable & Wireless. I must say we have had co-operation from them regarding trying to work out the problem with high rates, especially in the Sister Islands where it is more costly than it is here in Grand Cayman. So yes, it is an ongoing thing, and it is my intention to continue.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Could the Honourable Minister tell the House when this franchise agreement expires?

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

Hon. John B. McLean: I do not have the exact date here. I can say that it was a franchise for twenty-five years. I just do not recall the exact date, and I would rather not mislead the House.

The Speaker: If there are no further supplementaries, that concludes Question Time for today. Item number 6 on today's Order Paper, a Statement by the Honourable Minister responsible for Tourism, Commerce and Transport.

STATEMENTS BY HONOURABLE MEMBERS/MINISTERS

INTERIM BUS DEPOT TO BE SITUATED ADJACENT TO THE GEORGE TOWN LIBRARY

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. The title of the statement is "Interim Bus Depot to be situated adjacent to the George Town Library."

Honourable Members of the Legislative Assembly will be aware that a directive was issued to the Public Transport Board in November of last year. In line with that directive, the Public Transport Board is currently compiling a long-term plan for public transportation. Ultimately, this will include the construction and implementation of a fully-operational bus depot located next to the Public Library in George Town. The vision is that this depot will have the necessary amenities such as restrooms,

snack machines, concession stands, and a properly covered waiting area with seating. It will provide a facility whereby public transport can be viewed as a viable alternative form of transportation. However, in view of the current pressing need for a facility in which bus operators can provide safe and efficient transport service to the public, a plan for an interim bus depot has been developed.

This depot is to be located adjacent to the intended site of the fully operational depot, and will be put into operation by early May 1998. The interim bus depot will provide a temporary solution to the problem while the permanent facility is being designed and developed. It will provide, for the first time, the means by which our public transportation system can be organised to offer a credible service to the public. It is intended that buses travelling to Bodden Town, East End and North Side will have separate loading areas from those travelling to West Bay. The facility will promote fairness among bus operators, while providing a clear system for buses to load and depart, based on their order of arrival.

The estimated cost of this interim measure is \$13,000. Since the proposed site has a temporary surface, the majority of this cost will be the result of properly paving the site. This improvement is necessary to ensure that reasonable standards are maintained for the public, particularly during the rainy periods.

In making plans to develop the fully operational depot, every effort will be made to maximise the benefits from the expenditure on the interim facility. The public can also look forward, in the not-too-distant future, to the implementation of bus routes, with buses being licensed to operate specified routes, with specified departure and arrival times. Bus stops will also be introduced as part of this plan.

Finally, I wish to thank Honourable Members of the Legislative Assembly for their continued support with this national issue.

Mr. W. McKeeva Bush: Mr. Speaker?

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Under Standing Order 30(2), I wonder if you would permit some Short Questions?

The Speaker: I will allow some brief questions.

SHORT QUESTIONS Standing Order 30(2)

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. I wonder if the Minister could tell the House where the interim and permanent depots will be located?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Both facilities will be in the area known as the old Public Works Compound, just behind the Library. The interim measure will be more to the south of the Public Library, I would say next door to the CIBC building.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Can the Honourable Minister say how much space these depots will take up in that area?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The area to be used at present was previously one huge slab of concrete north of the CIBC building, within the Compound. That slab of concrete has been removed, it has been chip-and-sprayed, and that is the area we will be using at the present time. We do not have a final plan for the entire facility, but there are a number of concepts. The layout of the whole parking area has been looked at in terms of trying to minimise any loss of space to private persons who park there on a daily basis. We are looking at something of a half-moon shape, where you come in on one end, nearest to the Town Hall, and you come out on the other end, nearest to CIBC, in that sort of shape.

Basically the concept—there are more than one, but this is one concept—would minimise any significant use of space that would take away from private parking. But I believe it is in the best interests of the Government and the travelling public, as well as pedestrians, to move the omnibuses presently lined up alongside the Bank of Nova Scotia building on Edward Street, which in some cases have caused very near accidents. That is the reason for pressing on with this interim measure.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I wonder if the Honourable Minister can say what steps are being taken to licence those operators between the districts? To be able to accommodate the number of buses there, you are going to have to restrict it somehow. I wonder if he can say what is being done to legally authorise those persons who provide that service?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I might be mistaken, but one paragraph of my statement reads, “**The public can also look forward, in the not-too-distant future, to the implementation of bus routes, with buses being licensed to operate specified routes, with specified departure and arrival times.**” I believe that this is in the works. We have not finalised any matters on this yet. We do not have a recommendation yet from the Public Transport Board, and to cause some awareness in this area, we are basically making this point at this time.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. I wonder if the Minister could say if there has been any discussion with the Ministry of Culture on this proposed depot, seeing that there were plans for Library expansion, and one of the ideas for that expansion was to develop on some of the property?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, the concept I mentioned does not really interfere with any possible extension to the east of the Library. It is some distance away from the Library.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister say who will assume responsibility for the maintenance and upkeep of the proposed facility?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: If the Honourable Member is talking about the full bus depot, we have not worked out those details yet. We are talking about the interim area now, which really is hot-mixed, to avoid the public having to step in water during the rainy season. That does not need further care at this time. But I understand where he is leading.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker, I have one final supplementary. Can the Minister say if, by awarding of licenses, that also means a franchise, so that when the licensee has a route that person will be responsible for operating a schedule, etc., and if in the awarding of these licenses, any consideration is going to be given to groups of people who form themselves into co-ops? Or is there a preference for individual operators?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I understand the Honourable Member's question. I believe that when we have a technical committee trying to make a decision on the matter, we should not ourselves handcuff them by the Minister giving some response that kind of stops them from thinking about it in the global sense and coming back with a recommendation. I do undertake to call a meeting of the Members of this Honourable House informally, to brief them as to the direction the Public Transport Board

is recommending, prior to coming to the House for any implementation.

The Speaker: It is my understanding that we will adjourn at this time. I would entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until next Monday at 10.00 AM. I understand that Members would like more time to look at the National Pensions (Amendment) Bill, 1998.

The Speaker: The question is that this House do now adjourn until 10.00 AM on Monday, 30 March 1998. I will put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 AM Monday.

AT 12.21 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 30 MARCH 1998.

**EDITED
MONDAY
30 MARCH 1998
12.30 PM**

The Speaker: Prayers by the Honourable First Official Member responsible for Internal and External Affairs.

PRAYERS

Hon. James M. Ryan: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: We have apologies from the Honourable Minister responsible for Community Development, Sports, Women, Youth and Culture, the Honourable Minister for Tourism, Commerce and Transport, the Honourable Minister for Agriculture, Environment, Communications and Works, and the Honourable Minister for

Health, Drug Abuse Prevention and Rehabilitation who will all be arriving later this morning.

I apologise for the late start this morning, but I have been advised that it is the wish of the House that proceedings be suspended until 2.45 PM.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I am alarmed at this turn of events. I have said before that the business of democracy in this country is being misconstrued. The business of the country must emanate from the Parliament to the Glass House, and not from the Glass House to the Parliament. I think it behoves anyone who is responsible to speak out at this turn of events this morning. Official Members of this Parliament can speak for themselves.

I saw a resource person who came, I assume, to render some technical expertise and advice to the Minister of Education and Aviation. Earlier I saw the Minister of Agriculture here. There were other elected Members of the Backbench. There was no official word from either the Leader of Government Business or the elected Executive Council, who are responsible for the day-to-day affairs of this country in the Parliament. Clearly, that is not good enough. I hope that the people who elect us make clearly known their displeasure. I would also hope that the media live up to its role by castigating this kind of behaviour, because it is a subversion of democracy, and contempt in the highest order.

Cognisant of the fact that we were involved in some technical and delicate discussions regarding some amendments and changes that we on the Backbench want to see included in the Bill at hand, I have to caution against this extensive boiler-room deal-making. This House was constructed at great expense for Members to air their positions on the open floor and also at the Committee stages. I note that someone (who I will not identify at this point) is encouraging boiler-room deal making. It is a danger to parliamentary democracy. We on the Backbench were burned recently when a statement was put out by the Government Information Service of which we had no knowledge, and certainly did not give our approval to.

These things have to cease! This is the House of politics, and the people's business must be discussed here at this point before it is taken to the Glass House. Thank you, Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would like to state my displeasure with the delay in the start of the House

this morning. I was not aware that I would come here and have to wait for two and a half hours before getting down to the business that I am paid to do here.

I also am getting to the point where I think we need to not refer to 'Government' and 'Backbench.' I think we need to refer to people on the Backbench by their individual titles, because I do not want anyone to believe they have the right to negotiate with the Government for me. I was sent here as an independent, and if anyone is going to make a decision to speak with Members of the Government regarding a position being debated in this House I feel it is necessary that I at least be given the opportunity to decide whether or not I accept that representation.

Too often I come to this Parliament with the idea that I need to be here at 9.00 AM. I was here at 9.00, and it is a long time to wait around without anyone actually giving any kind of explanation as to what is taking place. I believe there must be more respect for Members' time—at least for this Member's (the Fourth Elected Member for George Town) time!

I am going to begin to talk more about my position rather than the Backbench position, because I am not in the frame of mind to see things that should be debated upon the floor of this House taken to the Glass House by some Member of the so-called Backbench who has decided he represents my views. I would like to make it abundantly clear again that my views are best expressed by me; and when the time comes I will express my views on the floor of this House regarding this particular Pension amendment. I want nothing to do with what might have transpired this morning at the Glass House between the Third Elected Member for George Town and the Leader of Government Business.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, on a point of procedure, I thought you adjourned until 2.30?

The Speaker: Until 2.45.

Mr. W. McKeever Bush: Until 2.45?

The Speaker: We will suspend proceedings until 2.45.

Mr. W. McKeever Bush: Mr. Speaker, we have waited two and a half hours. And it is with no disrespect to the Chair, because I know you were concerned as well, but I too want to link myself with the sentiments that have been raised here regarding the handling of Parliament. This is not the way to run business. I will have more to say when I find out exactly what is going on, because now I do not know what is going on.

My position is well known on these amendments. If we come back at 2.45, it is likely to be another fifteen or twenty minutes before we get back into Parliament again. It just can't be right! We have our affairs to conduct as well. It is a tremendous waste of time. Thank you very much.

As I said, Mr. Speaker, I want to assure you that it is with no disrespect to you that we rise on these matters this afternoon.

The Speaker: I would like to add further that I was advised that the House would be in a position to resume at 2.30 after the suspension. Taking cognisance of what you have just said, I chose 2.45 to be on the safe side. At this time we will suspend until 2.45.

AT 12.30 PM, PROCEEDINGS WERE SUSPENDED UNTIL 2.45 PM

PROCEEDINGS RESUMED AT 3.30 PM

The Speaker: Proceedings are resumed. Item number 2 on today's Order Paper, Presentation of Papers and Reports, The Traffic Ticket (Amendment) Regulations, 1998. The Honourable Minister responsible for Tourism, Commerce and Transport.

PRESENTATION OF PAPERS AND REPORTS

THE TRAFFIC TICKET (AMENDMENT) REGULATIONS, 1998

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. I beg to lay on the Table of this Honourable House the Traffic Ticket (Amendment) Regulations, 1998.

The Speaker: So ordered. Do you wish to speak to it?

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. The sole reason for the amendment to the Traffic Ticket Regulations is that the current Regulations, which speak of fines for various speeding infractions, prescribe that the fine for exceeding the speed limit by up to ten miles per hour is \$100. The problem with the amendment is in the second line where it says, "for every ten miles per hour, another \$100." The question has been asked, What is the correct fine where the offender was exceeding the speed limit by, say, a further five miles per hour?

The proposed amendment will clear up this ambiguity and set out in clear form a prescribed fine with reference to the speed at which an offender is found to be travelling. In clause 2 of the Regulations, under the heading, "TR.21 TRAFFIC LAW 1991" the words "**Fine: (a) up to 10 m.p.h. \$100; and (b) for every further 10 m.p.h. \$100; and (c) maximum fine \$500;**" are repealed, substituting the following words: "**Fine: (a) 1-10 m.p.h. in excess of the speed limit, \$100; (b) 11-20 m.p.h. in excess of the speed limit, \$200;**" and so on. So it clarifies more specifically the fine if you are caught speeding.

The Speaker: Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Before going to Question Time, I would entertain a motion for

the suspension of Standing Order 23(7) and (8) so we can take questions after 11.00 AM.

The Third Elected Member for George Town.

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

Mr. Linford A. Pierson: Mr. Speaker, I move that the relevant Standing Order be suspended so we may take questions.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, at this late hour, I guess we will have to agree. I second the motion.

The Speaker: The motion has been moved and seconded. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED.

The Speaker: Question Number 53, standing in the name of the First Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 53

No. 53: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works what plans the Government has for improving the traffic flow on the West Bay Road.

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

Hon. John B. McLean: This is constantly under study, and the Public Works Department has identified right-turning traffic on to and off of West Bay Road as the major cause of the delay to through-moving traffic. The recently completed right turn lane is intended to reduce these delays. Other improvements are possible but depend on the detailed survey of existing sidewalks, driveways, buildings and other features along the road.

The Public Works Department (PWD) and Lands & Survey Department are currently gathering information for the entire West Bay Road from Eastern Avenue to Willie Farrington Drive. PWD will formulate a schedule of further proposed improvements and provide estimated costs. Thus far, the route has been identified from Lawrence Blvd. westward, with various exits and entrances on the way. The extension could take the road to Indies Suites.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. I wonder if the Honourable Minister can say how far he is with the investigation regarding the information provided in the second paragraph.

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

Hon. John B. McLean: As I mentioned earlier, the study is ongoing and we are progressing well. As soon as we have something in place, I will no doubt come back to the House and acquaint Members with what is taking place. We do see what we are doing as a solution to the problem we are having.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Honourable Minister state if, in the direction he has mentioned in the substantive answer, any road corridors have been identified so far, or gazetted?

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

Hon. John B. McLean: Thank you, Mr. Speaker. The last paragraph states, "The extension could take the road to Indies Suites." The corridor runs from the present Lawrence Blvd. right behind Indies Suites.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For purposes of clarity, has this corridor been gazetted?

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

Hon. John B. McLean: The corridor has not yet been gazetted, but it has been identified.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state at what time this identification was made?

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

Hon. John B. McLean: As I mentioned, it is an ongoing study by Public Works Department. It has been a recommendation by that Department, and as soon as

Government takes a decision, it will be gazetted. Hopefully we will find the funds to build it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to make sure the Honourable Minister does not misunderstand the line of questioning, I am just trying to ascertain some facts. Can the Minister state how long ago the recommendation was made regarding this road corridor?

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

Hon. John B. McLean: The matter is before Executive Council. I am not privy to bring that information.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, can the Minister say whether the plans for improving traffic flow are exclusive to the West Bay Road, or is there a wider consideration? If so, can he tell the House what considerations are being given?

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

Hon. John B. McLean: Thank you, Mr. Speaker. As the Member is aware, on another occasion I answered in this House that there were plans for the Crewe Road Bypass going eastward. There has been no change. The only thing is, I have not been given the money yet (in the Public Works Department) to go ahead with the road. But I stated here, in answer to an earlier question, that we would be looking at the road going east, which would entail the Crewe Road Bypass and a third lane on the Spotts Straight, as it is referred to, which would assist the traffic coming into Town to filter into the different directions.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Can the Honourable Minister say what relationship the announced study by the Minister for Tourism has with the information he has given the House today in the substantive answer?

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

Hon. John B. McLean: If the Member could perhaps elaborate on that, I do not know what he is talking about. As far as I am concerned, I know what I have stated. I do not know what he is talking about with the Minister for Tourism. I presume it is something to do with transportation.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I am referring to the study dealing with traffic flow, among other things, that was announced by the Minister for Tourism, and the proposed extension to the Harquail Bypass, as announced by the Minister for Tourism.

The Speaker: I do not know to whom I should address this question, because the substantive question is to the Honourable Minister for Agriculture, and he has answered what he could.

Mr. W. McKeeva Bush: No, Mr. Speaker, I am asking the Honourable Minister responsible for Communications and Works—and, I presume, traffic studies, among other things—what relationship his substantive answer, in particular the second paragraph, has to the traffic study announced by the Minister for Tourism.

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

Hon. John B. McLean: The substantive question has been answered to the best of my ability with the information given to me by the Public Works Department. I am not certain what the Minister for Tourism may have said regarding. . . and I guess this is what we always get into when you have two Ministers responsible for similar things. As far as I am concerned, I have answered my question. The Minister must have dealt with something to do with the part of transportation he is responsible for. I can only give the answer to what I was asked.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I understand the Government's predicament. The Minister for Tourism told the House that there was a detailed study going on in regard to traffic flow. In fact, consultants were supposed to have done this study, and the Minister for Communications and Works—the Minister responsible for roads—has given us some good information as to what they are doing. I am also asking the relationship, because I have asked about a time frame, and the Minister for Tourism mentioned an extension to the Harquail Bypass.

The Speaker: I am in a dilemma, but I can only go back to the Honourable Minister for Agriculture, Environment, Communications and Works, and he said he had nothing further to say, so I do not know where to go. Can you add anything further, Honourable Minister for Agriculture?

Hon. John B. McLean: Mr. Speaker, I have said what I could say on it. If there is a question that wants to be directed to the Minister for Tourism, it should be directed there. I have answered the question put before me.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, it seems to me that since the announcement was made by the Minister for Tourism, he is eminently fit to tell the House. I believe the House should be informed as to what is happening. Could we prevail upon the courtesies of that Honourable Minister to tell the House?

The Speaker: He may if he would so desire, but I must remind the House that supplementaries are supposed to come out of the answer to the substantive question and be directed to the Minister to whom the substantive question was posed. I see nothing in the Standing Orders which says I should go to the Minister for Tourism, but if he so wishes to answer, he may.

Honourable Minister for Tourism, Commerce and Transport, do you wish to answer?

Hon. Thomas C. Jefferson: Some time ago I read a statement in the House indicating that a traffic management survey would be undertaken. That statement is correct.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: As a supplementary question, would the Minister for Agriculture, Environment, Communications and Works say, given the substantive answer, whether or not he was aware that the Minister of Transport had announced to this Honourable House that he was prepared to do a survey of the traffic situation?

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

Hon. John B. McLean: Thank you, Mr. Speaker. I am as aware as that Member who spoke. Further, I would like to say that as far as I am concerned, I have made it clear. I am responsible for building roads. The Minister who spoke a while ago is responsible for what he has actually told the House. That is not my responsibility.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I do not suppose there is anything really obnoxious about us wanting to know how both Ministers are able, especially at this time, to co-ordinate the tasks. That is the reason I asked whether or not he was aware of this, and how much it, in fact, influenced the answer he gave. Did the substantive answer take into account what the Minister for Transport announced to this Honourable House? Mr. Speaker, I feel that we deserve to have an answer to this.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Works, can you add further to it?

Hon. John B. McLean: If I could, I would.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, if, as the Minister for Communications and Works says, the statement by the Minister for Tourism was correct, then this House ought to know what the two Ministers are doing. If one announces an extension for a mile to the Harquail Bypass, and a study of some sort with consultants of some kind from somewhere, and another Minister comes and tells us good information. . . I want to know what the time frame is. What is going to happen with the Harquail Bypass? Simply put, Mr. Speaker, who is responsible for what? Are the two correlating in their works, or is it just on the floor of this House that the information is being passed from one Minister to the next?

The Speaker: What is your question, First Elected Member for West Bay?

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. The question is, What is the relationship between the statement given by the Honourable Minister for Tourism about the Harquail Bypass and the traffic flow, and the information given to us by the Honourable Minister for Communications and Works regarding the work of the Public Works Department?

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

Hon. John B. McLean: Mr. Speaker, I do not know what else I can say on this. I have given the information given to me by Public Works Department, and, as I pointed out in the answer, it is constantly under study by the PWD. The recommendation to go further west is to appease the situation for which we are constantly ridiculed. The Member asking the question knows—he was in Executive Council! We tried our best to do what we could to appease the situation on the West Bay Road, which we are still working on. The second phase of it is. . . the suggestion has been to take it further west, and when the money becomes available, I am prepared, through the Public Works Department, to have it built. I can say no more. As far as I am concerned with what the Minister for Tourism has said. . . I am not getting into that! I have answered the substantive question that was on the paper, and that's it!

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, the Minister for Tourism gave a time frame to this House—albeit a rough time frame—for their study to be carried out. I am asking what relationship that has to what the Minister is saying he is doing.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Works has said he

can say no more. I do not know what I can do by asking him to repeat that.

Mr. W. McKeeva Bush: Mr. Speaker, I do not believe God Himself could do any better than you have done this afternoon. Thank you very much.

The Speaker: Are there any further supplementaries? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, it says here that “other improvements are possible, depending on a detailed survey of existing sidewalks, driveways, buildings and other features along the road. PWD and the Lands & Survey Department are currently gathering information for the entire West Bay Road from Eastern Avenue to Willie Farrington Drive. PWD will then formulate a schedule of further proposed improvements and provide estimated costs.” Now, when they give us the estimated costs, Mr. Speaker, if I may comment, we have to vote money. They are depending upon us to go along with them in finding the money to do these roads. We would like to know what is being done, whether there is communication between the two Ministers—the Minister responsible for Transport and the Minister responsible for roads. And the Minister responsible for roads, Mr. Speaker, can easily answer this question, and he should answer the question!

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Works. I will allow two additional supplementaries after this one is completed.

Hon. John B. McLean: I cannot answer this. I have no more to say on it.

The Speaker: The Third Elected Member for West Bay was up first.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I wonder if the Honourable Minister could confirm if one of the possibilities they are looking at to reduce congestion along Seven Mile Beach road is to extend the Harquail beyond the Galleria Plaza?

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

Hon. John B. McLean: I thought I made that clear, but anyway. . . that is the reason the study was carried out. We are hoping that extending the road further west will alleviate some of the problem. I am not like some people who talk about God in here. I am not God, so I cannot say. We can only try.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. In a recent statement by the Honourable Minister for Tourism, Commerce and Transport on traffic congestion, after going through in detail regarding the traffic study that has been mentioned already, the terms of reference and what was hoped to be achieved by it, in the last paragraph of his statement he said, “**The Ministers responsible for Transport and roads will jointly convene a meeting of all Elected Members of the Legislative Assembly to develop and agree an action plan.**” Can the Minister for roads state if there is any working together between the two Ministers toward coming to this Legislative Assembly with a view to meeting with us and agreeing on an action plan? If so, could we have a timeline as to when this might happen?

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

Hon. John B. McLean: Thank you, Mr. Speaker. I do not think the substantive question deserves the supplementary that has been asked. If they would like to put down such a question, they should put it down. As far as I am concerned, the Minister for Tourism and I sit on Executive Council, and we have to take joint decisions in there, and as far as I am concerned, we continue to work together.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, with your continued patience, and this really won't take long but I have to address this to you, Sir. I was not asking for anything in my last supplementary question other than to try and ascertain what the situation is between the two Ministries. The substantive question deals with the traffic flow on the West Bay Road. The statement made by the Minister for Transport deals with this. The end of the statement ties the two Ministers together. Although this question was directed at one of the Ministers, because both subjects are interrelated, we are simply trying to determine exactly how it is working.

I crave your indulgence, Sir, to make a ruling as to whether or not the line of questioning is out of whack, and do deserve answers regardless of what that Minister says.

The Speaker: The Honourable Minister for Agriculture, Environment, Communications and Works, can you address that? This is the last supplementary.

Hon. John B. McLean: No, Mr. Speaker, I have said as much as I can.

The Speaker: Moving to Question Number 54, standing in the name of the First Elected Member for George Town.

Hon. Truman M. Bodden: Mr. Speaker, I was going to ask that those two questions be deferred, Sir, under Standing Order 23(5) and I would undertake to answer them on Wednesday morning. I am afraid I did not get all the information down here today. As you will see, on Wednesday they will be fairly long questions.

The Speaker: The question is that under Standing Order 23(5) these questions be deferred. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Questions 54 and 55 are deferred.

AGREED: QUESTIONS 54 AND 55 DEFERRED.

The Speaker: That concludes Question Time for today.

Item number 4 on today's Order Paper, Statements by Honourable Members/Ministers of the Government. A Statement by the Honourable Minister for Education, Aviation and Planning.

STATEMENTS BY HONOURABLE MEMBERS/MINISTERS

INCIDENT AT THE GEORGE HICKS HIGH SCHOOL ON THURSDAY, 26 MARCH 1998

Hon. Truman M. Bodden: Mr. Speaker, this is a statement on the incident at the George Hicks High School on Thursday, 26 March 1998.

"The Education Department, staff and Home School Association of the George Hicks High School have become increasingly concerned about the behaviour of a small group of teenage boys attending this school. Over the past month, various meetings have taken place to begin formulating a plan of action to deal with such recalcitrant behaviour.

Since the names of the students considered at risk were sent to the Educational Psychologist on 6 February, the Chief Education Officer and Senior Assistant Secretary in the Ministry met with the Principal and senior members of staff on 2 March, and short- and medium-term plans of action were devised. The Chief Education Officer further met with the Director of Social Services on 10 March to discuss an interdisciplinary approach to the at-risk students.

The results of this meeting were discussed at a further meeting between myself, as the Minister responsible for Education, my Permanent Secretary, the Senior Assistant Secretary, the Principal and senior staff, and the Home School Association on 16 March. The Chief Education Officer and the Principal and staff of the school proposed ten short-term strategies and six longer-term strategies. The ten short-term strategies are already well under way.

"I understand from the Principal of the George Hicks High School that Thursday's incident was a con-

tinuation of an incident which occurred on Saturday, 21 March at the Cinema. In a separate but related incident, two boys were involved in a fight and taken to the Administrative Block, to be dealt with by the Principal and the Senior Tutor. The boys continued the fracas in the office, and were joined by two groups of their supporters. The Principal, being of the opinion that it was in the School's best interest to remove all the boys from the School compound for them to cool off, and for the Juvenile Bureau to get the full picture of this continuing disturbance, called the Police. All fifteen boys were arrested and taken to the Central Police Station for disorderly conduct, and put on a 7 PM to 7 AM curfew.

"All fifteen boys were asked to remain at home on 27 March, and to return with their parents today, 30 March, for a meeting with the Principal and senior staff of the School, as well as the Attendance Officer. As a consequence of further investigations, four boys have been suspended for six days. The remaining boys have returned to classes. The Principal, Mrs. Adora Bodden-Groome, said she has appealed to the parents of the boys involved, to ensure closer supervision of their children. The School intends to take a tough stance on this type of behaviour, and is supported in this by the Department and Ministry of Education, and the Juvenile Bureau."

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

SHORT QUESTIONS Standing Order 30(2)

Mr. Roy Bodden: Under Standing Order 30(2), I would like to raise a series of short questions on the Minister's statement.

The Speaker: I will permit that, but let them be short, please.

Mr. Roy Bodden: Can the Honourable Minister say what led to the outbreak of this incident, seeing that on 18 June 1997 he told this Honourable House that he had in place certain strategies to deal with these kinds of occurrences, and, to use his words, "nip them in the bud"?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: A fair amount of strategies were, and are, in place, and this is a matter that unfortunately is a single incident of a series of boys together.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House why, if these strategies were effective, as he assured the House they would be, this incident was not detected prior to the outbreak of this fracas? Also, can the Minister tell the House why the parents were not alerted, or summoned to the School, as I understand some children were taken to the Police Station before their parents were notified?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That decision, who should be removed, was taken by the Principal and the Juvenile Bureau of the Police. All I can do, and I think what I should do, is outline what these strategies are, to give some idea of what is in place. At the end of the day, nothing is absolute, and the most we can do is continue to improve on them. The short-range strategies are:

- (1) The George Hicks High School staff continue to work with the Ministry of Health and the Cayman Counselling Centre to bring counselling to George Hicks High School, rather than transport the student to the Centre. It was also stated that the students were to be counselled individually and not as part of a group, as the negative effects seemed to be greater than the positive ones. The need for parent involvement and counselling was also raised. The parents must be required to participate in the counselling, although not at every session. This will be pursued, but all agreed that if the parent refused to co-operate, the success would be weakened.
- (2) The Education Department, working with senior staff, would develop a policy regarding weapons on school compounds and present it to the Education Council for immediate implementation.
- (3) The Education Department would initiate a meeting between the Police Service, especially inviting the new Commissioner and the Youth Bureau, Drugs Task Force, and school Principal, to discuss ways to improve communication, as well as understanding each other's point of view.
- (4) The Education Department will initiate a meeting with Social Services to discuss mutually agreeable ways to address the problems that affect both.
- (5) The Education Department will undertake to complete the rewrite of the Health and Drug Policy as quickly as possible, and would provide to the schools an update as to their progress.
- (6) The senior staff at George Hicks High School will examine the timetable to see whether there can be some reorganisation of staff to better meet the needs of the dysfunctional students. This includes the staffing of the withdrawal room, as well as creating a self-contained emotionally behaviourally disordered classroom.
- (7) The Education Department will develop a plan to operate this classroom and will make arrangements to

test all students that exhibit dysfunctional behaviour to determine placement and appropriate IEPs.

- (8) The Chief Education Officer will continue to support the Principal by imposing long-term suspensions of those students whose behaviour warrants ejection.
- (9) The Education Department will identify appropriate training techniques for staff to assist them in dealing with unruly students.
- (10) The Education Department will work with the school to identify and implement appropriate parenting programmes for the parents of problem students.

Mr. Speaker, I must say that the Home School Association of George Hicks has done a tremendous job in getting parents involved. Quite an effort over the last three years has gone into this. But at the end of the day, it must be remembered that the boys are only in school for part of the day, and many times the effects outside of the school are where many of these problems originate.

The Speaker: Do you have a follow-up? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. The strategies enumerated by the Honourable Minister are the same strategies he gave in answer to my question on 18 June 1997. These strategies have failed previously. My supplementary question now is, What new efforts, or what refreshing approach is going to be made now; and can the Minister assure the House that all the strategies outlined on 18 June 1997 were, in effect, tried and implemented?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I find it difficult to see how that Honourable Member can make the statement that the strategies have failed. There has been an incident. As I said earlier, no matter what is done within the schools it is the duty of MLAs, of parents, of the public, to try to ensure that these boys are given every opportunity to improve themselves. At the end of the day—and this is perhaps one of the fallacies—it seems that basically (as this Honourable Member is doing), there is a pointing of the finger at Government *only* to find the solutions. The solutions have to come from within the society as well; they have to come from Members in this Honourable House, and from the churches and service clubs. There has to be a full, cohesive effort when dealing with incidents such as this.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Under the same Standing Order cited by the Third Elected Member for Bodden Town, I would like to briefly ask the Minister whether it is seen at this moment that this is a temporary exhibition of bad behaviour, or if that situation which occurred recently is a symptom of a much deeper-rooted problem within the

students. Would he not agree that perhaps part of the problem is still occurring because the kids are bored in school, and that if they were doing some vocational training, they might be better off?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This is a very small number of children, considering there are over 800 in the school. It is under twenty children we are looking at. We are continuing to deal with them. Their problems are different and divergent, and the specialists in this area are involved, the psychologists, teachers, and generally the support staff within the school, as well as the Social Services Department and, where necessary, the Health Department.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I am saddened that the Minister has said this is a small number. The significance is what you have to look at, not the numbers. The significance of something like that happening in the school is that it suggests that there are other boys prepared to do the same, similar or even minor acts. That is significant, especially when we look at that in the context of what happened at the Lions Centre this weekend. It is not the numbers. What is significant is the fact that those children, in a tradition where discipline was so important, have gone to that extent to challenge the authorities in the school.

I am saying that I think we have to look at the type of education these children are receiving. We know the parents and churches have to become more involved. As I said in my debate on the Throne Speech, all these things must be taken in to account, but we must not ignore that perhaps the educational programme at the school is just not functional enough.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There were only four children suspended, and that is not a significant number in my view. I take the point the Member has made. However, out of the fifteen who were there, the school suspended four.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: The reason we are asking these questions is that we want to impress upon the Minister the seriousness of this outburst. It is a warning. Before I get to my supplementary, I crave your indulgence to remind the Minister that the reason the question was asked on 18 June 1997 was that there were complaints then, and the question was asked at that time to attempt to get to the bottom of this. I said the strategies elicited

by the Minister at that time have obviously failed, because they failed to prevent this outbreak and outburst. My question now is, Have the authorities identified the potential number of problem students, and what is being done to challenge—note the word, Mr. Speaker, *challenge*—these students, so that this kind of behaviour does not become pathological and spread among the general school population? Is it confined only to boys? Because if it is, it should be obvious what needs to be done.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It is confined to boys. There were four who were suspended as a result of the fracas at the school. Also, several of these children had been previously identified and were undergoing specific types of counselling within the schools.

Mr. Roy Bodden: Mr. Speaker, the word should be "*fræka*," Sir. It is a French word.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. My question to the Honourable Minister is, Does this type of incident, which involved some fifteen students according to the radio report, have the potential to develop into gangs and gang wars? Could the Minister say what strategy is in place to stop the development of these gangs, if this incident was not a gang problem?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I have read the ten strategies. That is what we have in place to deal with them. At a school where you have groups of boys, when you have a fight or anything else, what happens? They all gather around. Let's face it, since our time this has arisen. I believe that it has to be a joint effort. I come back to this: You cannot expect the Government alone to deal with this problem. It has to be a joint effort within the districts and within the society. Unless there is a joint effort by Members of this House, the district committees, whether that be the churches or service clubs, unless there is a joint effort we will not be able to effectively and fully deal with the problem.

I will do everything I can from our side, but I point out again that the larger part of the children's time is spent outside the school. Sometimes the good done within the school during the day is reversed when they get out into society as a whole. Maybe liquor laws need to be tightened up. We may need to ask the youth clubs to help us do more. But I think it is wrong to let parents believe that the sole solution to the children's problems is going to come in the schools, because it will not. This is a problem within the society, and the whole society has to deal with it.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I understand very clearly every word the Honourable Minister said, but as the ultimate responsibility lies with the Education Department, can he tell me what programmes are being put in place to involve the entire community, the churches, the service clubs, and the district committees to solve these types of problems?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: To begin with, Members, perhaps, have their own programmes which they run for the children in their district. Perhaps that is one area. Perhaps Members, when they are asking these questions, may like to elaborate on what they run within the districts. [*Inaudible interjections*]

The other area is that we have to. . . . I'm just trying to get sufficient quiet so I can carry on, Sir.

The Speaker: Order!

Hon. Truman M. Bodden: Not only should the districts deal with it, but also on a national basis. This is why I specifically said that the Education Department is liaising with Social Services, with Health and overall within the Government. We are doing as much as we can do, but the problem is one that cannot be looked at as purely a 'Government problem'; it is a problem within society. Unless there is an effort within the districts, as well as nationally, when the children are out of school this is not going to necessarily go away.

We have the ten strategies in place within the school, and I have read them out. They will be developed and worked on. But, obviously, four children have been suspended. The problem goes beyond the Government.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Could the Honourable Minister tell the House what kind of involvement he has at the community level that might provide some idea and food for thought and guidance for the rest of us who may not now be similarly involved?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, first, I put in just about full time of my life on education in my Ministry here. Secondly, I support my church, its youth programmes, and we have specific youth programmes there. I support the programmes within the community relating to after school, and these children are obviously older than that. I am against seeing situations where you have children, who are obviously not under the full care and control of their parents, out at night; and when I see them, I speak to them. Perhaps the Honourable Member will now tell me what he does in Bodden Town.

The Speaker: The Third Elected Member for Bodden Town. We are going to soon have to bring this question time to an end.

Mr. Roy Bodden: Yes, Mr. Speaker, I will gladly tell him. Since 1970 I have been involved with the organisation of soccer in Bodden Town. Indeed, I was recently awarded a plaque by the Cayman Islands Football Association, of which the First Elected Member for West Bay was a witness, because he was awarded the same plaque that afternoon. I am flattered, because it is indeed an expensive plaque. I am still involved. Every Saturday my son goes to karate—my wife has to take him, because I am at the soccer pitch with the soccer club.

These are youngsters that he is talking about. I have to disagree with the Minister, because I know some of those parents involved, and they are conscientious good parents. It is not their fault completely, Mr. Speaker.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I forgot that each year I also sponsor a children's school athletic run, which I have just done recently. But my question is very simple: Does the Honourable Member believe that playing soccer in Bodden Town has solved the problems in Bodden Town?

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, for some twenty years this debate has been going on, and it appears that the same attitude still prevails. The Minister seems not to accept that Members such as myself have genuine concerns; and the criticisms are not directed to him personally, not from me! I am a qualified sociologist. I have lived in this society for the last twenty years at least. I have observed patterns of behaviour. On several occasions I have called that to the attention of what I consider the 'establishment.' I am simply saying that perhaps we need to make schooling more challenging!

What is being done to see that this happens? Could this also play a role in creating the critical breakdown which is happening at this time? There is no reason our experiences and qualifications should not be respected enough for the Minister to say, 'Well, good suggestion. I'll speak with my educational strategists about this.' Another thing, perhaps we would be further ahead with education in this country if we had a Caymanian as head of education, because that person might at least understand the culture of the people he is dealing with.

The Speaker: With respect, under Standing Order 30(2), we did not give permission for a debate. We had permission for short questions. I think we have pretty well—although this is a very touchy issue, one that concerns us all—I think we should move on.

The next item on today's Order Paper is a statement by the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

IMMINENT ENACTMENT OF THE CHILDREN LAW

Hon. Anthony S. Eden: Thank you, Mr. Speaker. I regret to say that my statement is along the same lines as the preceding statement, from a different perspective. It is the imminent enactment of the Children Law.

"The Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, and the Department of Social Services have been very concerned over the general deterioration in behaviour among some children, both in schools and in the community. Recognising this, work has commenced on the development of Regulations for the Children Law so the Law may be enacted within the next few months."

I would like to pause at this time to thank the First Elected Member for West Bay, who, when he was in the Ministry, was effective in getting this put on the books.

"The main focus of this Law is on parental responsibility and the duty of the Social Services Department to ensure that parents do not abdicate this responsibility. The Department will assist parents as the need arises. Already a multi-disciplinary team, involving representatives from the Legal Department, Health, Education, the Police, and the community, as well as the Social Services Department, has been formed and has met on two occasions to commence work on the Regulations."

Also to be involved in this will be the Ministry for Youth, and we look forward to working on these ideas to be put forward.

"Discussions have been held between senior personnel of the Education and Social Services Departments in regard to the increase in the anti-social behaviours which have been observed both in school and in the community. Both departments have agreed to develop strategies to address these concerns.

"The departments have recognised that to effectively address these problems, the community, parents, churches, and the children themselves must work together to find solutions. The Social Services Department has already been involved in working with various schools in addressing certain anti-social behaviours that have been identified by school officials.

"Due to recent volatile incidents which have occurred, my Ministry and the Department of Social Services are appealing to the churches, service clubs and community in general, and parents in particular, to co-operate with them in their efforts to address these very serious behavioural problems being exhibited by a few of our youth."

Thank you.

The Speaker: Item number five on today's Order Paper, Government Business, Bills, First Readings. Before I do that, I should call for the suspension of Standing Orders 45 and 46 so we can take this before the allotted number of days.

SUSPENSION OF STANDING ORDER S 45 & 46

Hon. Truman M. Bodden: I move the suspension of Standing Orders 45 and 46 to enable the Bill entitled, The National Pensions (Amendment) Bill, 1998, to be read a first and second time.

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

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDERS 45 AND 46 SUSPENDED.

The Speaker: Bills, First Reading.

GOVERNMENT BUSINESS

(carried over from Friday, 27 March 1998)

BILLS FIRST READING

The National Pensions (Amendment) Bill, 1998

The Clerk: The National Pensions (Amendment) Bill, 1998.

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

We have reached the hour of 4.30. I think this would be a convenient time to take the suspension. Before I put the question, under Standing Order 11(5), (6) and (7), I have given permission on the motion for the adjournment to the First Elected Member for West Bay to move a matter of public importance.

The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday morning at 10 o'clock.

The Speaker: The First Elected Member for West Bay.

RAISING OF PUBLIC MATTER Standing Order 11(6)

YOUTH GANGS

Mr. W. McKeeva Bush: What I am going to speak about has been aired in different ways in this House this afternoon, but I rise out of deep concern about a trend which is fast developing in these islands—youth gangs. These are affecting church, school, and the general community.

For some time we have been hearing about the actions and the disruptive behaviour in school, at church at youth meetings, night clubs, and other public gatherings. We saw on television, as we heard from the Minister this afternoon, where there were altercations at the Middle school involving some sixteen children. If at the Middle school, it must be involving children ranging in age from twelve to fourteen years. It seems that there is a clear pattern of gangism developing, for instance where these gangs are harbouring grudges to the extent that it ends up in a violent confrontation using knives and other such weapons.

These confrontations are becoming so deep-seated that the fuss which started in a theatre ends up in a fight at

school, or vice versa, involving not one or two people, but sixteen—gangs! It just seems that rational behaviour no longer exists among these young people where a problem was talked out; now a baseball bat or a club of some kind is in the hand of the young person.

Another aspect of this violent behaviour is associated with some imported shows where the music is about shoot and kill, hatred and elimination. It just seems that our young people are gulping this stuff up to where the dress code is influenced and has, in my opinion, deteriorated. We see young people with their pants as big as mine (And I wear size 48, big enough!), when they should be wearing size 25. Their pants are around their ankles, or three-quarters of the way down their legs! We see them with rings in their eye-brows, in their nostrils, on their tongues and other areas. This is not doing the country any good, it is gangism! It breeds a culture of gangism.

There have been a number of fatalities and serious wounding, as has happened over the past weekend where one young man is dead, and the other's future is severely jeopardised. The families of both these young men are left devastated. As a father, I say but for the grace of God it could have been one of mine. I have two young adults and I sympathise deeply with the parents today.

What I am going to say next may bring some objection from the House and/or the public. However, I have stood alone before and I may do it again. I believe that it is time Government took some steps, which may be unpopular but which need to happen, to ban these kinds of shows which are inciting and festering a culture of violence. I do not know how anyone can call it music—*hip-hip and manyap; tack-tack and oomph, oomph!*

[Members' laughter]

Mr. W. McKeeva Bush: Mr. Speaker, while it is laughable, this is doing our country no good and we are losing our young people—not just to the jails, but to death!

I am further asking Government. . . and I am not getting into who did what, or where it needs to be done, I am asking Government to set up a special task force to deal with this emerging trend of gangism. This task force should consist of parents, members of the PTA, Education Department, service clubs, schools and church representatives, the Police Community Relations Department, and some kind of psychologist, either from Government or the private sector. I believe that Members of this House could assist this task force, at least we have two whom I believe are eminently qualified to assist, that is, the Fourth Elected Member for George Town and the Third Elected Member for Bodden Town. I certainly will do all within my power to assist, but we need to act because it is past talking.

Our culture, such as we have and know, just cannot continue to accommodate this kind of negative social influence. It is fast destroying us. I have to deal with it as a representative as do others—not just at the theatre or at night-clubs, but it is to the extent now where the primary schools are affected, the church youth groups cannot meet because some of this is happening.

Mind you, Mr. Speaker, these groups are in the minority, but the end result is sometimes death. We are losing our young people to a culture that is foreign to us, and we can do something about it. I do not care if he is Beanieman or Spaghetteman, we do not need it here! If the Government

puts something on the books, the country will have to abide by it.

Mr. Roy Bodden: True!

Mr. W. McKeeva Bush: We are losing our young people. I am happy to say that we have many good young people who, themselves, are scared to go out. These gangs are growing and we must take steps to nip it in the bud.

Mr. Speaker, this is such an important matter, and I thank you for your indulgence. Perhaps we could allow other Members to speak their minds on this matter. I think it is worth it, I think that we need to do something about it with Government.

Thank you, Mr. Speaker.

The Speaker: May I remind Honourable Members that the Annual General Meeting of the Commonwealth Parliamentary Association will be held this evening at 6.30 PM, followed by the annual dinner. We invite all Members to attend.

The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I rise to echo the sentiments expressed by the First Elected Member for West Bay. Indeed, the matter which he has spoken about takes on added significance if we transpose that against the matter previously discussed regarding the outbreak at the George Hicks High School. I think we have to be careful that we are not cultivating an image that this type of behaviour in our society is the kind of behaviour which makes its participants role models and heroes.

I think that if it is the political will of the Government it is eminently equipped to nip this in the bud, albeit life has already been lost. I join in sympathising with both families because the loss of a loved one is a dreadful loss, but to know that one has progeny alleged to have caused someone to lose their life is also very dreadful and demands sympathy and understanding.

This time in our country now reminds me of the time in early Greece that spawned the outbreak of democracy. If you read *Pericles of Athens*, you will understand that these are the same kinds of problems that confronted Pericles and the founding fathers of democracy.

Legislation is not always pleasing to people, but the Government is elected to put steps in place which will safeguard the interests of the majority. No Government should be ashamed, embarrassed, or have to explain when it has to make laws and legislation, which seemingly impinge or deny certain things from certain people, in the interest of the general will.

I think that something needs to be done. This is a subculture foreign to the Caymanian psyche, foreign to our way of life, and there are many more positive things we can import beside this. A sensible curb in this kind of activity and behaviour has my unstinting support.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Because of the emotional impact that such an incident would have on a society and individuals, including myself, I think that I will reserve my position in

regard to suggestions for a later date. But I think it is important to not jump to conclusions, blaming any particular culture for the violence in this society.

I am on record, as far back as 1977/78, speaking about the dysfunctional transition our society was making, and the way in which people were coping with the rapid development and the pressure and value confusion resulting. I advocated that programmes be put in place to make people more aware of the traumatic effect that rapid industrialisation would have on any society, especially a society that had the type of communal base our society had.

We are in a situation now where the electronic media plays a very important role in what people think and do. We have to compete for the attention and loyalty of our young people as they socialise themselves in terms of forming a new consciousness and new values. It is not an easy task, therefore there is a need in this society for all of us to become more dynamic in terms of what we expect from young people. But it is not always possible, every time we have a problem, to easily identify that something can be done. If it were, most societies would have no problems.

Problems of this nature have a multiplicity of causes. Of course, if we are dealing with the electronic media we are dealing with television in this country where we give people licences to import programmes in here. Worldwide people have access to satellite. No longer can Government regulate people's access to information. We are beyond that particular point. So the child can get influenced by way of television, or by way of radio programmes being blasted from Detroit, or Chicago, or any other place.

I would hate, at the end of the day, to see one particular culture, or one particular type of entertainment, put into a category saying, *'This is the one we can deal with. This is the one we can ban and punish for all of the things that are happening in this society.'* I go on record as saying that there is no easy solution to this problem. People in this society, especially the adults, are going to have to work tirelessly to see that the young people decide that the role models we provide them with are much more enjoyable and educational than those being provided by the competitors.

From the point of view of a particular culture of music, there is a lot of negativity. Culture is supposed to be positive, it is supposed to give us the idea of a positive utopia, a collective utopia that we can all enjoy. The subcultures which are breeding these types of music, hairstyles and clothing styles, are subcultures of violence because they have existed in the bowels of very violent societies and systems. The fact that they have been able to make it to our shores is all part and parcel of the fact that we are no longer a fishing village; we are connected with the world as a whole through the Internet and other electronic media. Therefore, we do not only benefit from the positive parts of this world and the world's value system, we also suffer as a result of the negative part.

Before we jump, it is important to examine what the repercussions will be to the people's rights to make decisions for themselves in regard to entertainment and so forth.

Thank you.

The Speaker: In accordance with Standing Orders, I will now ask if the Government wishes to reply. Twenty minutes have passed. (Pause) If Government has no wish to reply, then I shall put the question on the adjournment.

Mr. W. McKeeva Bush: I just wish to thank those Members, since Government is not going to reply.

The Speaker: I shall now put the question. . .

Mr. John D. Jefferson, Jr: Mr. Speaker, I wonder if you would entertain me for a minute?

The Speaker: In accordance with Standing Orders, I am to call upon the Government after twenty minutes. I have been as lenient as I can be. If you will be very brief. . .

Mr. John D. Jefferson, Jr: Well, Mr. Speaker, the Government did not respond, so I was going to say a few words.

The Speaker: The Third Elected Member for West Bay. Please be brief.

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

I also share the sentiments expressed by the First Elected Member for West Bay. I think the time has come where we have to recognise that in this country we have some very negative influences, and we have some trends being established that are not in the best interest of our welfare. We must address these issues.

Many times, because of political or other reasons, we do not want to recognise that we have a problem, but we do—it has permeated our society down to our primary schools. We cannot dictate what parents do at home as far as their disciplinary measures, or the training of their children, but we can determine what happens in our schools by way of discipline or other measures.

I, for one, have become very concerned with the idea of gangs being established. Someone told me over the weekend that they had two little boys with them from West Bay and they offered to take them to a specific area in George Town. They were told by the little boys that they could not go in that area because they were from West Bay. We had gotten away from that in this country through the idea of centralised education where members of the public from different districts have been brought together and have learned to socialise and live with one another. But this trend in regard to gangs is being established.

We had a problem in 1992 with what are known as 'Sessions.' After the night-clubs closed people would get together at 3.00 or 4.00 in the morning and sell beer and other items. We addressed that by bringing in a task force. I believe that we have to recognise that we have a problem, that we need to address it, and address it now.

I believe that we need to support any measure with respect to controlling this type of behaviour, including—and I have long advocated this—restricting the type of artists we allow in this country. We have gotten to the stage where we are attempting to please everybody. Whenever we attempt to do that we run into problems. I do not think we should continue with that type of policy in our society, but should do whatever is in the best interests of our society.

I do support those measures mentioned by the First Elected Member for West Bay, and echoed by other Members. I thank you for your time, Sir.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The three statements made range over a variety of Ministries. I will merely attempt to summarise what the position appears to be.

The position in relation to schools was dealt with in some depth, and I do not intend to repeat that now. Coming into operation, and actually passed back in 1995, is the Children Law. That was passed on 13 September 1995, but has never been brought into operation. As the First Elected Member for West Bay knows, this was piloted by him. It has a lot of detail and we have now decided to bring this Law into effect. It has very up-to-date provisions to deal with juveniles. In the first part it deals with orders in respect to children in family proceedings and sets out different types of orders that can be made.

It has sections in it dealing with financial relief. Section 16 specifically deals with family assistance orders. Part III of the Law deals with Social Services support of children and families and provides on average two to three sections that deal with provision of services for children and their families, provision of accommodation for children, duties of social services in relation to children. They look after advice and assistance for certain children, secure accommodation and there is a supplemental.

Part IV deals with care and supervision. Care orders, supervision orders and the powers of the court in relation to parents and guardians as well as a section on guardians *ad litem*. Part V deals with the protection of children and this ranges over emergency protection of children through the duty of Social Services and deals with by and large some eight sections ranging from abduction of children through to emergency protection orders.

Part VI deals with children's homes and voluntary organisations. Part VII, Child minding and day-care for young children. Part VIII is Miscellaneous, which basically deals with the provision of orders and procedures set out in section 70 to 74. Then there are Schedules in this which deal with financial provision for children, Social Services support for children and families, supervision orders, registered children's homes, and child minding and day-care for young children, amendments, transitional provisions, saving repeals.

The Minister for Social Services (who really only got this Ministry in the last few months) has now taken the steps to bring into effect the Children Law, 1995. I believe that it is very crucial that this comes in. It is very detailed. It deals with orders that go far beyond our present Juveniles Law and our present Maintenance Law, and Laws relating to Matrimonial that deal with children and their rights. I believe that will be a very major step once it comes into effect, and regulations are now being worked on. We have decided that this will be given priority to bring this in as early as possible.

In relation to bans on music coming into the country, there was a policy in place that before bands came in to perform a video would be looked at by Immigration, and on that basis it would be decided whether or not to grant work permits for that band and the support staff. Hopefully that was done in this case. I am not sure. But it did provide the first line of defence, so to speak, to ensure that the music

and the bands coming into the country were in the interest of the islands as a whole.

It is very clear that some of the bands that have been performing over the last few years, especially, have the tendency to hype-up the youth. There are times when this is part of what leads on to problems which have been occurring over the past few years. So the first line of defence here would be Immigration.

The second is that the enforcement of the Liquor Law in relation to juveniles must be strictly carried out. Whenever this comes to our attention, this has been moved on to the appropriate authorities within Government who deal with this. I think this must be tightened up and licensees must clearly understand that if they give liquor out to juveniles that they must face the consequences under the Law. We cannot perpetuate clear breaches of the Law.

Some system must be brought in by the persons licensed to sell liquor in this country to ensure that juveniles who by Law should not be receiving drinks, hard liquor, beer, whatever, at these functions do not get it. There is obviously a problem there and I think, not just the Government but the full legislature recognises that problems exist. But I believe that it has to be an overall effort on the part of the churches, the youth groups together with Government to deal with children, not only when they are in the schools, but when they are at large in the evenings after school, or in the night. I can assure this Honourable House that we will do everything that we possibly can. The five areas raised here will be developed and pursued. I believe that at the end of the day, with our collective effort, we should be able to deal with the problems that exist.

We must solicit the guidance of the Good Lord himself to ensure that the youth of this country stay within the acceptable and narrow way that He has instructed us to tread.

Mr. W. McKeever Bush: Mr. Speaker, before you put the question, I wonder if you will allow me a minute—and I will only take a minute.

When the Children Law was brought to this House a time frame was given as to when the Law would be put into effect. There had to be certain work done, certain seminars, Social Service training and other departmental actions and procedures that needed to be put in place to deal with the Law. The way the Minister spoke, it could be left to understand that I would not put the Law into effect.

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

AYES.

The Speaker: The Ayes have it.

AT 5.06 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 1 APRIL 1998.

**EDITED
WEDNESDAY
1 APRIL 1998
10.07 AM**

[Prayers by the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.]

The Speaker: Please be seated. Proceedings are resumed. Item number two on today's Order Paper, Questions to Honourable Members/Ministers. Deferred Question No. 35 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 35

(deferred 9, 18 and 19 March 1998)

No. 35: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Economic Development to state the annual amounts by which the contingency liabilities have increased since 1993.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The annual amounts by which the contingent liabilities have increased since 1993 are detailed in the Schedule attached to the answer [See Appendix]. In summary, the Schedule will show that the cumulative increase in contingent liabilities for the period 31 December 1993 through 31 December 1997 amounts to \$43,279,979.

Honourable Members should note that this increase factors in the revised actuarial valuations of the Civil Service Pension Fund liability, which in turn reflects such factors as the enhancement in benefits to weekly paid workers and the beneficiaries of female officers effected through an amendment to the Civil Service Pensions Law in 1996.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member say whether there is an optimum amount to which these liabilities should level off?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: While it would be somewhat difficult to give a precise figure at this time, it would be desirable to keep contingent or direct liabilities in

check. These are areas we have to look at very carefully, especially where guarantees are issued, or anything that could allow those liabilities to be converted from contingent to direct.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member tell the House if any mechanism is in place at this time for such an examination? Do any guidelines exist to ensure that these contingent liabilities are an absolute necessity? What safeguards are in place to see that they are not easily turned into direct liabilities?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: At this time, the guidelines followed are, first, that any request for guarantees, or anything that would allow the Government to provide an endorsement is required in the Public Finance and Audit Law to be approved by this Honourable House. These are examined very carefully.

Secondly, as we progress with the reform initiatives, looking at the review of the Public Finance and Audit Law, and the type of accounting methodology to adopt, this, of necessity, will require that the public debt position of Government, including the contingent liability element, be looked at very, very carefully.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. In light of the fact that governments have been making a practise of taking excess funds from the statutory corporations, how does this impinge upon a corporations' ability or inability to service their liabilities? For example, is this not a deterrent to allowing the statutory authorities to pay back loans quicker than the authorised length of the loan by not putting them in the position to make increased payments?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: It is not the practise of Government to put the authorities in a precarious position. The financial procedures of the authorities will need to be examined in tandem with the review of the financial procedures of the Government as a whole. We had an exhaustive discussion on this quite recently, when response was provided to a parliamentary question. We

looked at the excess funds taken as at 31 December 1997. But surely, if this one-off incident would put the authorities at risk, and make it somewhat difficult for them to service their liabilities, this would call into question the whole notion of their overall viability.

What needs to be looked at (and this Honourable House and the Government, as well, have directed questions at this) is, first of all, that the statutory authorities have been operating as fragmented organisations, somewhat removed from central Government. We recognise that while the autonomy of the authorities should be protected, it is very important that a cohesive whole be structured, whereby the activities of central Government, and, more importantly, the finances of Government and the expectations of the authorities, should be examined very closely to make sure that risks do not exist on either side.

It was also pointed out during that time, that the entire revenue streams and methodologies of raising revenue will have to be looked at. We have accomplished a lot over the years, and when we look at the type of infrastructure we have, the lifestyle that can be assured to the citizenry of the Cayman Islands community, and when we see that to this point in time direct taxation has not been achieved, nor do we have any onerous indirect measures in place for raising revenue, I think we are to be applauded.

Finally, we must bear in mind that the statutory authorities (two of them especially at a given time) were significant contributors to the Government's coffers by way of their revenues. It was because of entering into loan arrangements with the Caribbean Development Bank, and putting into place the type of financial planning they wanted to see, that the authorities were "hived off" as independent entities. It was never intended that the flow of revenue should be lost to the Government. While necessary operating expenses would have to be allowed, it was always intended that the excess revenue, over and above what was required for meeting operating expenses and necessary reserves, would flow back into central Government.

When we look at the contributions that have been coming back from the authorities, if we were to take a graph from the time of those changes until now, we would see a significant diminution in the contributions from the authorities. We recognise that the authorities are important, their financial viability is also very important, but we are at a stage at which financial planning is necessary, not only for central Government, but also for the authorities, and we are moving forward on that footing.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Honourable Member state if, since 31 December 1997, there have been any other actions which caused the amount stated, \$169.5 million, to increase?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: No, but I should mention that we will be examining the agenda of Finance Committee very soon, and there is an item on it that will cause an increase in it. That will be in the acquisition of an asset.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. To be more direct, the recent guarantee given by the Finance Committee to Cayman Aviation Leasing for the purchase of another aircraft, and the pending draw-down on the loan for the permanent moorings, the first being \$7.5 million and the other being \$6 million, is it safe to assume that these amounts will be drawn down this year, and that even though payments are being made on other loans (and possibly on those loans when they are drawn down) that this amount will increase proportionately with those additions during the course of the year?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, the Honourable Member is correct. Whenever draw-downs are made against those guarantees, we will find the contingent liability figure as given reflecting corresponding increases. But at this time, it is difficult to assume, for example, that all the funds for the guarantee given for the Port Authority will be drawn down during the course of the year.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Now that we have established what I was trying to say, can the Honourable Member state if there are any other items of that nature which may be drawn down during the course of this year (outside of the two just mentioned) which will reflect a corresponding increase in the contingent liabilities?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I made reference to another item. This has not been discussed, but there could be a possibility. At this time I cannot immediately call to mind any other potential contingent liability element.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: One final supplementary: The Third Elected Member for Bodden Town asked the question earlier, and I will try to ask it in another way to solicit a more direct answer. While it is difficult—and we do appreciate that—to say at this time what the comfortable magical figure is regarding contingent liabilities, can the

Honourable Member state, based on the GDP [Gross Domestic Product], the recurrent revenue, the direct public debt, and all the other information one would have to take into consideration—and I am not asking for an opinion, I am asking if the figure there is professionally acceptable? Or does there need to be a serious look, based on all the surrounding circumstances, to ensure that this figure continues to decrease rather than increase, as seems to be the trend?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: On the part of prudence, and, of necessity, the best that can be rendered is an opinion. Ideally, no one would like to see that figure on the increase, but we must look at what that figure represents. For example, when a guarantee is given on behalf of Cayman Airways, there is a corresponding asset acquired. If the asset is disposed of, or realised, we find that the contingent liability falls away.

What we will have to look at—and this is where the checks and balances have been put in place—is ensuring that whatever is acquired by way of a guarantee will, first of all, work to the advantage or benefit of the society; and secondly, but importantly, that where possible (the acquisition of an asset) a corresponding benefit is being acquired. . . these are elements that will have to be acquired.

For example, if it becomes necessary for one of the authorities to enter into an area of expansion that would benefit the community as a whole, trade-offs will have to be looked at in terms of whether it would be prudent on the part of central Government, or the Legislative Assembly, to give the guarantee being sought. All these variables will have to be looked at. It is through these checks and balances that the contingent liability or direct liability will be contained.

The Speaker: If there are no further supplementaries, we will go to deferred Question Number 54, standing in the name of the First Elected Member for George Town.

QUESTION 54

(deferred 30 March 1998)

No. 54: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education, Aviation and Planning to provide an itemised list of the total debts presently owed by Cayman Airways Ltd.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker.

FINANCIAL INFORMATION - CAL

(US\$)	31 December 1997	31 December 1992
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LIABILITIES:

Current liabilities:		
Bank overdraft	1,256,559	10,143,264
Accounts payable and accrued expenses	10,970,880	16,801,925
Unearned transportation liability (UTL)	3,985,469	4,851,513
Unearned C.I. Government subsidy (UCIGS)	638,286	
Current portion of long-term liability	820,000	4,257,720
Total current	17,671,194	36,054,422
Long-term liabilities		1,926,395
Long term liability - RBC term loan (note)	2,422,930	
Funded aircraft maintenance reserves	1,598,876	
Total other	4,021,806	
Total recorded liabilities	21,693,000	37,980,817
NON-CAPITALIZED OPERATING LEASE PAYMENTS:		
Aircraft VP CAL - owed to Cayman Aviation Leasing Ltd. (Totally owned by CI Government)	3,193,000	4,266,600
		2,608,800 (leased aircraft from foreign owners)
Aircraft VP CKX - owed to Cayman Aviation Leasing Ltd. (Totally owned by CI Government)	2,162,000	759,400 (leased aircraft from foreign owners)
Total unrecorded liabilities	5,355,000	7,634,800
Total liabilities	27,048,000	45,615,617

In December 1992 the total liabilities were **\$45,615,617** compared to **\$27,048,000** in 1997.

Contingent liabilities have reached a low of approximately \$5.5 million (US\$5,500,000) to the Government's companies in 1997. From a high of approximately one hundred and five million (\$105,000,000) to foreign companies for leases in 1991. These have reduced by \$100 million. (See Appendix).

The Speaker: Supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Honourable Minister state if the amounts owed to the Civil Aviation Authority for landing fees are included in this answer? If so, in which section?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, it would be in accounts payable.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. In his answer, the Honourable Minister read an analysis comparing December 1992 to December 1997—and we all understand the reason behind that, although we only asked for an up-to-date list of the debts. Can he state if the total liabilities for 1996 were less, or more, than the figure stated for 1997?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I do not have those accounts here. I could get them. I think you would find very little difference overall, if any, between 1996 and 1997.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the Non-capitalised Operating Lease Payments section, there are two amounts owed to Cayman Aviation Leasing. Can the Minister state if these are amounts which should have been paid before now? Or are these projected amounts, based on a lease agreement?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: These are amounts based on the lease agreements, and they are actually contingent liabilities. They are the amount of rent for the two aircraft owned by Government, paid to Government's two companies that it fully owns. But we are fully paid up, and are paying much heavier lease amounts for both aircraft. In fact, I can give you one example. For one of them, we were paying \$94,000 per month; I now understand we have to pay \$124,000 per month, plus the reserves to Government.

What I was trying to distinguish here in buying these jets, rather than just leasing them from a foreign company is that that money would be lost—now the money is being paid to Government, Sir. In fact, the loan on one of the jets is reduced to maybe US\$2.8 million. The jet is worth \$7.5 million. If we brought that back onto Cayman Airways' balance sheet we would show a profit, on a revaluation, of \$4.5 million. *[Inaudible interjections]*

No, no, legally, it is better to keep them off the balance sheet of Cayman Airways, in two separate companies. *[Inaudible interjections]*

No, no, no—Mr. Speaker, Cayman Airways is paying the full amount of the loans on these companies. In other words, if this had been vested in Cayman Airways, the money showing in the profit and loss each year as being lease payments, would be toward capital. So the balance sheet of Cayman Airways would be about \$4.5 million profit better off. But legally, the Honourable Member is quite right. Legally, isolating the separate assets in separate companies owned by Government is the better

legal position. But it shows Cayman Airways in a much worse position.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I will ask a question, but the answer the Honourable Minister just gave is the same as if I own a house and he was renting it from me. The reason he rents from me is because he couldn't afford to buy it! That is the position Cayman Airways finds itself in when it compares why Government had to buy the planes, just to make sure it is understood that I understand that.

The question I have to ask is under "Total Current," Is the amount, funded aircraft maintenance reserves of \$1.59 million, a debt being paid on a regular basis, or is it a debt which should have been taken care of by reserves being built up? What is that figure?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Before I answer that, I would like to comment on the Honourable Member's first comment. I could very simply have taken the guarantee of Government, guaranteed Royal Bank of Canada for Cayman Airways instead of Cayman Aviation Leasing.

[Inaudible comments]

Hon. Truman M. Bodden: No, we did come to Finance Committee, Mr. Speaker. So it does not matter what entity it is in. In fact, Cayman Aviation Leasing is really a shell company. Before this aircraft went in it had no assets, at least Cayman Airways is a bit better off than that.

The funded aircraft maintenance reserves, which the Honourable Member has pointed out, of \$1,598,876, is money put aside to take care of aircraft checks when they come up, be they the C checks or the D checks. That is money. You will notice it is not in 1992, because in 1992 Cayman Airways, as you can see, had a bank overdraft of \$10.1 million compared to \$1.2 million now. It was not possible to build up reserves, so they paid for this each year from money they got from the Legislative Assembly. But this amount is what the auditors would have looked at, what is required to do the checks, and that money goes across to pay for them. If not, it would have to come out, as it did in the past, of the company's working capital.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. From the Honourable Minister's answer, I notice that we totally own two aircrafts now. I wonder if the Honourable Minister could tell the House when we purchased the second aircraft, and if either of those aircrafts are due for a major check at this time?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The first jet, 737-200, was purchased in 1995, and it will need a C7 check by September this year, which is like a D check. It is a major overhaul. Funds are in there. That is being dealt with by the owner, which is the company.

The second aircraft, the CKX which we now fly, has until 2002 before there is a D check. But we had built up substantial reserves toward that D check (or C7 check, which is the same thing). It is probably between \$1 million and \$1.4 million to do the major check. \$1.3 million to be exact.

The second aircraft was purchased about three or four weeks ago, and we took it in a separate company again, a shell company, that was formed a few days before, which is CKX Leasing. So the money we are paying on both jets now is coming to Government.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I think the last guarantee passed, if I remember correctly, was to purchase a third aircraft. Are we in the process of negotiating the purchase of a third aircraft?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I know there was talk about a third—we are now searching for a third aircraft, and this is something the House would have to decide whether we take this on a lease and pay the money to a foreign company, or whether we guarantee a third company owned by Government, or perhaps this time, whatever. . . but we are looking for a third. The question will be whether we lease or purchase, because the motion said we should own a second aircraft, and we got this aircraft at what was felt to be a very good price. We put a lot into this aircraft—I would say \$800,000 to \$1 million went into it. We had reserves of \$1.2 million, and another \$190,000 in a deposit, so it was very much in our interest to purchase this aircraft at this time, and we are now searching for a third aircraft. It will be up to the Legislative Assembly whether to guarantee it, to lease it, or whatever.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I wonder if the Honourable Minister could tell us if Cayman Airways has any plans to sell VP CAL, as I understand this is the one that has cost us a lot of money to maintain?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: On the last comment, it really does not cost us any more than we would probably pay for a similar type of aircraft. Maybe the lady Member is right from this point of view—we have put a lot of money into this aircraft. We have put in new seats, for example, and we put in the new overhead bins, we put in a GPF, a T-Cass instrument, we removed some long-term tanks. A lot of money has gone into that, but it has increased the value of the aircraft.

On that point, what would be best, and what the Board thinks would be best, is if we could have three aircraft as similar as possible. There is a difference between CAL, which is a '79 aircraft with the analogue instruments (in other words, there are little "hands" on them), compared to the CKX, which is a 1984 aircraft, quite a new aircraft. It is one year before they stopped making them. That actually has what is commonly referred to as a glass cockpit. It is all digital. So there is a difference. And to keep the spare parts similar would mean probably \$200,000-\$300,000 less in parts we would have to keep for them. So there is a five-year difference in age. If there was an opportunity to get the third one, we would have to match one or the other of them as best we could. Then further down, subject to the Board, if there were a third aircraft, and we could do some sort of swap—because we will soon own CAL, we are down to US\$2.8 million or US\$2.7 million on that—then it would be better.

The lady Member is right—to have the three aircraft as near as possible. But we would not do that unless the price was right and it could be done without disrupting service, and that sort of thing.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For purposes of clarity, continuing the line of questioning by the Member for North Side, can the Minister state if the guarantee given in recent months in Finance Committee for \$7.5 million was for the aircraft purchased three or four weeks ago? If so, how much of that guarantee was used to purchase the aircraft? If there is any remaining balance, what is the intention of Cayman Airways—to let it fall away, or to use those funds for something else?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The aircraft—and I am just giving round figures here—when deducting the reserves we paid on it, and deducting the deposit, we got it in the area of \$6.8 million. It is an eight point something million dollar aircraft. So we do have, as you can see, a substantial amount on the guarantee, which remains for two things: We did not immediately fund the reserves on that which came to us, and we have to still do the hush-kitting for the noise on the engines. So while the guarantee was probably given to Royal Bank for, say, \$7.5 million (or whatever it was), we still have some of that to be

drawn down, and we have to do the hush-kitting on that soon, within the next six months or so, I would think.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Getting back to the Funded Aircraft Maintenance Reserves of \$1.59 million, can the Honourable Minister state if this represents cash put in the bank to be used when necessary, or is this a figure needed to be placed in reserves, but the actual cash is not there?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This amount should sit in a deposit in the bank. It is drawn down as we do the checks. So it could be more or less, depending on where we are with the reserves. But I have specifically required that, unlike the past where we had book entries, one of two things has to happen: There has to be either a deposit in place (which I think is the position, because I have seen deposits there), or it has to be within the capacity of the overdraft limit which, as you can see at the end of December we only had \$1.2 million drawn down on the overdraft, and I think that overdraft limit is maybe \$2.4 million. I am reasonably certain that all, or substantially all, would be in reserves. It does go up and down, it can be drawn down heavily after a heavier check.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. In a previous statement made by the Minister to this Honourable House there was some \$19 million owed by Cayman Airways, which Cayman Airways will not be able to pay. Can the Minister state if that \$19 million he was referring to is a part of these total liabilities? If that is the case, can he outline what comprises the \$19 million out of the detail given in the answer?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The \$19 million, or whatever amount it was at that time, would have comprised the first—I guess it would have been the \$17,671,194 and the \$2.4 [million], or whatever amount it was at that time, because the maintenance reserve should be sitting in cash. So if you looked at a balance sheet there should be money on the other side to substantially balance that out. If the Honourable Member will look, he will see that. . . well, with that included, the total recorded liabilities are \$21.6 million, and in 1992 they were \$37.9 million. But I am sure that. . . and in 1992 there would not have been reserves, that is why it would have been a straight figure without that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Honourable Minister state what level of subsidy is given by the Government on an annual basis to Cayman Airways? Before he answers, I want to clarify what I am asking. I am of the understanding that outside of the amount given as a subsidy to Cayman Airways annually in the Estimates, there are other amounts which include advertising and the fees which are supposed to be paid by Cayman Airways to other government agencies, which are either waived or forgiven after periods of time. I am trying to solicit from the Minister (in his own terms, "in round figures") what it actually costs the Government to subsidise Cayman Airways for it to continue to operate, on an annual basis, that is—not leaving out anything.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The subsidy given by Finance Committee, and this all comes through Finance Committee, is \$4 million a year. To that, this year there is \$600,000 for advertising, and \$1 million to begin paying off the pre-1992 long-term debts. [*Inaudible interjections*] No, that's right! It is the \$4 million, the \$1 million, the \$600,000. . . and out of the \$10 million in this is what is also owed to the Civil Aviation Authority and I guess maybe Immigration and Customs for overtime.

The other side of the coin is that each year, Cayman Airways pays back to Government through its subsidiary. . . it is now paying for one of the jets, close to \$1.3 million comes back; and on the new CKX jet that we are purchasing, it is about \$1.7 million, so there is a total of US\$3 million that comes back to the Government, which will ultimately own the two aircraft. I hope I have made myself clear on that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, and I do appreciate the very detailed answer which the Honourable Minister went to pains to give. Having given the answer, can the Minister state if the money he talks about coming back to Government really makes much difference? Because if it were not paid to Government for Cayman Airways to operate, it would have to be paid to someone else.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Honourable Member is quite right. But with the business approach taken to Cayman Airways, instead of paying \$3 million to an American or English company, which would own it abroad, the \$3 million is paid back to Government. Like I said earlier, Government now owns one jet that is worth \$7.5 million

to \$8 million. We only owe US\$2.7 on it. So we have close to \$5 million accrued in one plane

I endorse what the Honourable Member has said, and I endorse the support of this Honourable House. We should never lease from a foreign company when we can purchase ourselves, and pay the money to ourselves, and I really appreciate the support that Honourable Member and others have given in turning around—because at one stage in 1990-1991 we were paying out in the area of \$13 million a year to Guinness-Peat Aviation, mainly, and also to California Leasing Company on the 737 400s, the new planes.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Honourable Minister state if, outside of the answers he has given regarding Government subsidy, there are any other agencies of Government used on a regular basis by Cayman Airways, to which there is no bill attached for services provided?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I guess the only other thing I can think of is legal services. I am just trying to think. If the Honourable Member could jog my memory, I am really trying to be helpful and constructive. It is about maybe \$50,000 a year in legal advice that we should be paying for.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Yes, that was one of the areas I was thinking of, but since the Minister has set the stage, I will not pursue that area any more right now.

It is my understanding that every area in Government has to make travel arrangements through Cayman Airways on an annual basis. It is also my understanding that considerable savings could be acquired by Government if they used other agencies to make these travel arrangements. Can the Minister state if any equation has been used to determine what increased costs are incurred by Government by this arrangement, and what savings could be determined if the policy was not as such, and Government and all its agencies were in a position to deal with the travel arrangements as they saw fit?

Hon. Truman M. Bodden: While Cayman Airways endeavours not to compete with private travel agents. . . . Well, the system in place in Government is that we now have one lady (and I think another one is coming in) who deals with Government's tickets and bookings. That lady is well experienced, and should be getting, especially with our new reservations system. . . and the Honourable Member is quite right. Before the new reservations system was in, there could have been times when they

actually had to call overseas to find out what was the better fare. But that system is in place, and Government books through Cayman Airways, which I think is fair. Government owns Cayman Airways, but I would like to say again, the aim of Cayman Airways is not to compete with the travel agencies on other business, and hopefully that will remain that way.

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

The Speaker: Before I call for another supplementary, I would entertain a motion for the suspension of Standing Order 23(7) and (8), so Question Time may continue beyond 11.00.

Mr. D. Kurt Tibbetts: Mr. Speaker, I so move.

The Speaker: Do we have a seconder? The Third Elected Member for George Town.

Mr. Linford A. Pierson: I second the motion.

The Speaker: The motion has been moved and seconded. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Standing Order 23(7) and (8) is suspended.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED.

The Speaker: Question Time continues.
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: One final supplementary: First of all, regarding the answer the Honourable Minister just gave, the line of questioning was not directed at any competition, but having heard the answer, I ask the Minister if he would give an undertaking to investigate the pros and cons of this arrangement, so a sensible assessment can be made. If it is costing the Government—and I am not trying to exaggerate—hundreds of thousands of dollars more on an annual basis, simply to support the airline—and I am not questioning whether they should or should not support the airline, but I think we need to determine whether it makes sense for Government to stick to that arrangement, if the costs incurred are greater than the benefits received—I am asking if the Minister would, as he has dealt with it so far, deal with it in the same fashion, to determine which is the best arrangement? And upon that determination, to please inform the House what decision is taken regarding that arrangement.

Hon. Truman M. Bodden: Mr. Speaker, I am very happy to give that undertaking because it should be that the person dealing with Government's tickets should be getting the same competitive prices that we get with the

travel agents. Obviously, it will have to be checked out, but I have asked the Managing Director to do so.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I had finished, but the last sentence the Honourable Minister gave—and I say this with the greatest of respect—I do not believe the Managing Director is the person to be given that task, because he is the Managing Director of Cayman Airways. If Cayman Airways is to be included in the review, then certainly someone from Government must be placed in the same position. I would not like to know that it is a one-sided affair.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddan: Mr. Speaker, the Managing Director is delighted to have someone else do it. He has enough work as it is! I must say, this has to have been the longest question in the history of this House, because we have over one hour of supplementaries, and I have really tried to co-operate throughout on this, Sir.

The Speaker: I think we have exhausted the supplementaries on that one, yes.

Question number 55, standing in the name of the Third Elected Member for George Town.

QUESTION 55

(deferred 30 March 1998)

No. 55: Mr. Linford A. Pierson asked the Honourable Minister responsible for Education, Aviation and Planning, to state the balance of the surplus/deficit account and outstanding bills of Cayman Airways Ltd as at 31 December 1997, or the most recent figures.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddan: Mr. Speaker, the balance of the unaudited surplus/deficit account of Cayman Airways Ltd., as at 31 December 1997 for the year then ended, is a deficit sum of US\$2,569,932. Out of this, rentals of US\$1,128,000 for the B737-200 jet aircraft being purchased by the Cayman Islands Government's wholly-owned Cayman Aviation Leasing Ltd., and US\$1,236,000 for CKX Ltd.

If Cayman Airways Ltd. owned this jet and not Government's company, there would have been a surplus of US\$2,884,000 for the 28 months Cayman Airways Ltd. made these payments to Government's company.

Similarly, Cayman Airways Ltd will be paying US\$1,488,000 per annum on the B737-200 aircraft registration VP-CKX, which is the second jet purchased by Government's wholly-owned company, CKX Aviation Leasing Ltd.

These rents are substantially higher than the present lease payments, therefore Cayman Airways Ltd will show an increased loss while Government's company will show an increased profit.

Government's company, Cayman Aviation Leasing Ltd now owns a Boeing 737-200 jet aircraft whose market value is about US\$7.5m, but only owes at 31 December 1997 the sum of US\$2.9m, showing a profit of US\$4.6m. The outstanding bills of Cayman Airways Ltd as at 31 December 1997 are as per attached list. [See Appendix] This is the list I gave earlier. I put these two questions together because they overlapped in relation to the debts owed.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. Could the Honourable Minister give an indication of how and when it is expected that the deficit sum of US\$2.5m will be adjusted?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddan: The way I hope to try to restructure this is, further down, for Cayman Airways to pay the market value rental and Government itself, which owns the jet, to pay part of the loan for the ownership. For example, we could probably rent this aircraft (for which we are paying \$1.5m) on the market for half the price, if we were paying it to a foreign company.

That Honourable Member is a professional accountant, and he knows that while what I am doing is making Cayman Airways balance sheet profit and loss look worse—because this \$3m a year going to Government is coming out as a loss, rather than going in as the purchase of an asset—that Honourable Member knows the reasons for separating it out legally. At some stage I will have to try to do some adjustment between Government's leasing account companies, which are building up some nice profits, and maybe Cayman Airways.

I also ask, because I was left with about \$18m or \$19m of debt some years ago, for the Legislature to help me retire it over a period, if possible, because while I am paying on it every month—we are paying \$600,000 a year on principal, along with the interest, which is probably \$1m on the past debts—help me try to wipe that out and see if we can at least reduce it, which would ease the interest burden on Cayman Airways.

The only way I see it adjusted would be either from funds coming directly from Finance Committee for Cayman Airways, or going, better still, to the two leasing companies that own the two jets and have them pick up part of the payment to purchase the jets. In other words, what we are paying here, this US\$1.8 million, is actually what is going to pay for one jet over five years, and the other over seven years.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning. Item 3 on today's Order Paper, Government Business, Bills, Second Reading.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

THE NATIONAL PENSIONS (AMENDMENT) BILL, 1998

The Clerk: The National Pensions (Amendment) Bill, 1998.

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

Hon. Julianna O'Connor-Connolly: I move the second reading of a Bill for a Law to amend the National Pensions Law, 1996, to promulgate the regulations made under that Law and for incidental and connected purposes.

The Speaker: Do you wish to speak to it?

Hon. Julianna O'Connor-Connolly: As the Mover of the National Pensions (Amendment) Bill, 1998, and the Regulations made under the National Pensions Law, 1996, I do so against the background of Zechariah 4:6, which states, "Not by might, nor by power, but by my spirit," saith the LORD of Hosts."

By way of introduction, in December of last year when dealing with the suspension of the said National Pensions Law in this Honourable House, I gave an undertaking that in this sitting I would bring the Bill which is before this Honourable House this morning, and that the National Pensions Law and its Regulations would be implemented on June 1 of this year. I am therefore happy to report this morning that God has helped me to keep my word, despite the many obstacles, hurdles and/or controversy. Further, I am happy to report that I am duly informed that a very capable Caymanian has been hired in the post of Administrative Officer for the Pensions Office, and also, that a qualified Superintendent of Pensions has been recruited and is presently in the Cayman Islands.

In addition, the Pensions Board has been duly appointed. With all things being equal, I am satisfied that the regulatory body as required under the National Pensions Law is ready, willing and capable of ensuring that the provisions of the Law are carried out.

For the record, I would also like to say that regardless of one being an attorney, this Law is a highly complex one. Although I have spent many long and arduous hours since December of last year on this legislation, the amending Bill and three sets of regulations, I do not pur-

port even at this stage that it is perfect; nor do I purport to have all the answers. But I can say that I did take the time to read (and often re-read), research, consult, listen and, most importantly, make changes in accordance with what I understood to be the majority view, taking into consideration the feedback my Ministry received. I would perhaps go a bit further and say that as with most Laws, further amendments may be necessary as the Law is put to the test of time, practicality, fairness, natural justice, judicial review, legal interpretation and changes in our Caymanian society.

Even as this Bill and three sets of regulations are debated in this Honourable House today, there will, I am sure, be differences of opinion as well as recommendations worthy of transformation to Committee stage amendments. I would be eternally grateful for any assistance my Honourable colleagues may wish to offer in this regard. I realise that sixteen minds are much better when working together for a common purpose than my one mind—especially if the common purpose is what is best for our beloved people of these Islands. Therefore, I expect and look forward to very constructive and productive debate on this very important Bill and Regulations. I will now turn to the Bill and the Regulations.

Clauses 1 and 2 are formal clauses and therefore need no special introduction. Clause 3 amends a number of definitions in the principal Law as follows -

"additional voluntary contribution" is re-defined so as not to include contributions made by employers.

"conjugal period" is defined to mean the period of a marriage.

"earnings" is re-defined by removing, health insurance premiums and perquisites from the definition, thereby removing them from the employee's income on which his contributions or pension is calculated, and by including in such income only bonus in excess of 20% of basic earnings. This results in a lower liability for employers, but enables those wages or salary profiles as such that the employee's income is substantially composed of performance-related income.

"former member" is redefined to make the meaning clearer, but the meaning itself has not been altered.

"multi-employer pension plan" is redefined to include a plan for self-employed persons, and to delete some redundant wording.

"pension benefit" is re-defined to include benefits of former members when appropriate.

"pension plan" is redefined by amending the descriptions of some of the schemes which are not caught by the definition. Accordingly, the expression does not include schemes to provide cash withdrawals or lump sum repayments, rather than

retirement allowances, nor does it include supplementary arrangements for the owners or employees of employer companies. It is important to exclude the possibility of cash withdrawals or lump-sum repayments, as these might be spent or disposed of by the employee, thus defeating the objective of financial provisions for retirement.

“pensionable earnings” is re-defined by providing a maximum income that is to count for pension calculations, such maximum to be prescribed in regulations.

“reciprocal transfer arrangement” is re-defined to make it explicit that arrangements to cover the circumstances of employees who wish to transfer from one plan to another may only cover transfers between plans maintained and administered in the Islands.

“termination” is re-defined to mean the cessation of the accrual of benefits, rather than of pensionable service.

Clause 4 amends section 4 of the principal Law to make it clear that the choice of whether a pension plan is to be a defined benefit pension plan or a defined contribution pension plan is to be that of the employer. This is necessary as the financial effect on the employer of these two different schemes is very different, whereas the employees' contribution will be approximately the same.

Clause 5 amends section 5 of the principal Law by enabling regulations to be made to govern the administration of existing pension plans.

Clause 6 amends section 6 of the principal Law by prescribing circumstances in which existing schemes may continue without being required to register. Accordingly, existing schemes may continue without being registered if they are supplementary to a registered plan, and the existing plans of international employers can continue, subject to a number of safeguards, provided the participant employees fall within the well-designated range intended to protect the rights of long-serving employees who would lose considerably if forced to join a new plan in the closing years of their employment.

Clause 7 amends section 8 of the principal Law by including, in the categories of persons permitted to administer pension plans, trust corporations licensed under the Banks and Trust Companies Law (1995 Revision), and companies whose objects include the administration of pension plans and funds. Pension committees may only act as administrators if they comply with certain conditions as to membership. The clause also amends the conditions under which boards of trustees may be administrators. It also imposes a new duty on administrators to ensure that the people who undertake the administration, custodianship and investment of pension plans and funds are properly experienced.

This is important, Sir. It requires administrators to be based in the jurisdiction of the Cayman Islands. Finally, it removes the requirement to prescribe classes of persons who may be trustees of funds.

Clause 8 amends section 10 of the principal Law by ensuring that a trust agreement which establishes a pension plan shall set out the trustees' duties, whether or not they are formed into a Board of Trustees.

Clause 9 amends section 7 (sic) [11] of the principal Law to provide that provision for additional voluntary contributions will not invalidate a plan, which otherwise must provide for a uniform accrual rate.

Clause 10 amends section 12 of the principal Law to enable permitted amendments to a plan to be approved by the members by written ballot as well as at a meeting, and to require the agreement of the employer to an amendment.

Clause 11 amends section 13 of the principal Law by better defining certain amendments to pension plans which are not permitted.

Clause 12 amends section 16 of the principal Law by better defining costs which may be paid out of a pension fund on dismissal of the administrator.

Clause 13 amends section 17 of the principal Law by allowing for the administrator of a plan who is also a member to receive ancillary benefits. It also makes it discretionary that the costs of administration of the plan should be borne by the fund.

Clause 14 amends section 21 of the principal Law by making the provisions of the section, which regulates the manner in which notice of proposed amendments has to be given by the administrator, apply to all amendments in respect of both defined benefit and defined contribution pension plans.

Clause 15 amends section 22 of the principal Law by better defining the ancillary benefits to be described in the annual statement provided to plan members.

Clause 16 amends section 25 of the principal Law by better defining the circumstances in which employers do not need to provide, or contribute to, pension plans. In particular, there will be no obligation on an employer after the normal retirement age, with agreements, to provide a plan. Although there is a motion which is coming up, I am cognisant of Standing Order 37 which deals with anticipation. As a result I will not propose to go into those amendments as put out except to say that the Government is prepared (when the time comes) to agree to those amendments.

Clause 24 amends section 34 of the principal Law by permitting the transfer of an amount equal to the value of the deferred benefit to which a member is entitled, notwithstanding that he may be entitled to immediate payment of the pension benefit.

Clause 25 amends section 36 (which is also subject to the proposed motion) by providing that, in the case of joint and survivor pensions, on the death of the member when his pension is in payment the surviving spouse will receive 60% of the member's pension providing that the surviving spouse shall be the trustee of one-half of her pension for the maintenance, education, and benefit of

the children. Provision is also made for the court to appoint a trustee for that purpose if necessary; that is, if there is need and if the children are being neglected and it is in the best interest of the children. It is only then that section 36(6) will become operative.

Clause 26 clarifies section 38 of the principal Law by using words which are consistent with the rest of the Law.

Clause 27 amends section 39 of the principal Law by clarifying the right of a spouse of a member who dies before retirement. It also removes the availability of an election to designate a beneficiary solely on the grounds that the member and his spouse are not living together at the date of death.

Clause 28 inserts a new section into the principal Law so that, in the case of an employee whose membership of a pension plan has resulted in a pension benefit the actuarial present value of which is \$5,000 or less, the administrator may distribute the benefit, on retirement or death of the employee, as a single lump sum cash payment.

Clause 29 amends section 42 of the principal Law by clarifying that no court order may provide for the payment to the spouse of a member more than one half of the pension benefit to which the member is entitled.

Clause 30 amends section 46 of the principal Law to clarify that a member's maximum contribution is 5% of his pensionable earnings, and that the employer's contribution is of at least an identical amount except where there is found to be a shortfall in a defined benefit pension plan after an actuarial assessment, where the employer has to make up the shortfall. It also provides for reduced contributions to be made during the early years after the commencement of the Law, for the making of additional voluntary contributions, and for the possibility of membership in a plan continuing after the normal retirement age with the agreement of employer and employee.

Clause 31 (which is also subject to the motion if brought to the House) amends section 52 of the principal Law by clarifying the entitlement of members to refunds, by allowing non-residents to withdraw their accrued pension funds six months after termination of their employment, and by replacing a technical defective reference to cost.

Clause 32 amends section 54 of the principal Law by permitting transfers arising from all forms of matrimonial court orders affecting the member's marriage.

Clause 33 amends section 55 of the principal Law by providing an exception to the rule of exemption of money payable under a pension plan from execution, seizure or attachment for court orders to make payments to spouses on divorce or separation.

Clause 34 amends section 56 of the principal Law by providing that the prohibition on commuting or surrendering pensions or benefits is subject to provisions to the contrary elsewhere in the Law.

This is an important safeguard as it offers a degree of protection to children and spouses upon divorce or

separation whereby maintenance or other related payments can be made against the member's pension plan.

Clause 35 amends section 37 (sic) [57] of the principal Law by requiring the administrator to notify participating employers of proposals to wind up pension plans.

Clause 36 amends section 61 of the principal Law by clarifying that the administrator has to act in accordance with the plan member's former spouse's election.

Clause 37 amends section 62 of the principal Law by clarifying entitlements on winding up of a pension plan.

Clause 38 amends section 63 of the principal Law by providing that all members of a plan are treated equally if the plan is partially or wholly wound up.

Clause 39 amends section 64 of the principal Law by emphasising that, on termination of a plan, employers' obligations extend to all participating employers and by providing that contributions deducted but not yet credited to pension plans shall be preferential debts in the enforcement of judgments against employers.

Clause 40 amends section 66 of the principal Law, which prohibits surpluses being distributed to employers, by providing that such prohibition does not extend to plans which had a surplus prior to the date of commencement of the principal Law.

Clause 41 amends section 48 (sic) [68] of the principal Law by clarifying the effect of using a plan as a successor to an existing plan.

Clause 42 amends section 78 of the principal Law by removing the requirement of having the Superintendent of Pensions being appointed by the Governor-in-Council and the requirement inserted to have the appointment of the Superintendent gazetted. Now the Superintendent of Pensions will be a natural civil servant as opposed to being appointed by Executive Council, which I was not in favour of.

Clause 43 amends section 82 of the principal Law by identifying Members of Executive Council as well as the members of employees of the Board and the Superintendent.

Clause 44 amends section 87 of the principal Law by clarifying a reference to inspection orders.

Clause 45 amends section 94 of the principal Law by providing a general regulation-making power and by enabling regulations to be made specifically to prescribe the manner in which pension benefits may be divided on break-up of marriage.

In relation to the substantive Bill, Clause 46 provides for the regulations to be brought into effect on the same date as the commencement of the principal Law, being 1 June, 1998.

Turning now to the **General Regulations**: These regulations are made to fulfil the many requirements for prescribed details under the Law. They are based on the recommendations of the consultants, but also reflect the views of the private sector and, indeed, the views of Government.

Regulation 1 provides for the citation.

Regulation 2 is an interpretation provision.

Regulation 3 empowers the Superintendent to publish an application form for registration of a pension plan and prescribes the fee as \$5.00 per member with a minimum of \$250.

Regulation 4 sets out the details to be sent by an administrator to the Superintendent prior to amending a plan.

Regulation 5 sets out procedural requirements that apply to a meeting of the plan members called by the administrator to approve proposed amendments to said plan.

Regulation 6 empowers the Superintendent to publish an application form for registration of amendments to a pension plan and prescribes a fee for the registration of the proposed amendment as \$25.00; and for the registration of the substantive amendment as \$500.00.

Regulation 7 specifies the manner and time in which contributions have to be paid to the plan.

Regulation 8 sets out the graduated scale of contributions that may be paid during the opening years of the scheme.

Regulation 9 specifies the manner in which any surplus in any defined benefit plan may be disposed of. Defined benefit plans are required to be actuarially assessed periodically and surpluses are sometimes detected on such occasions.

Regulation 10 enables the Superintendent to prescribe the form of the annual information return and specifies the period by which it may be made and the fees payable.

Regulation 11 deals with the transfer of pension benefits from one plan to another under section 34 of a member who changes his employment. It specifies time limits, imposes conditions on transfers and prescribes that the transfer provision in the Law do not apply to guaranteed benefits accrued before six months after the Law comes into force.

Regulation 12 specifies the type and contents of retirement savings arrangements to which transferring members may have their funds transferred.

Regulation 13 specifies the contents of the insurance contract for a life annuity which may be purchased with the funds of a transferring member.

Regulation 14 limits the exceptional circumstances in which members may receive funds from pension plans to those plans which make provisions for such refunds to cases where after the proposed refund the plan will remain fully funded and by implication to define benefit schemes.

Regulation 15 prescribes the contents of a notice of proposal to wind up a pension plan.

Regulation 16 prescribes the contents of the notice to be given to members where a pension plan is wound up.

Regulation 17 sets out the details of who is to write a winding up report when a pension plan is wound up, what it is to contain and what other steps have to be taken when the report is filed.

Regulation 18 sets out the steps that have to be taken in order to equalise the losses if there is a short-fall in the fund of a plan that has to be wound up.

Regulation 19 sets out the documents that have to be filed after a plan is wound up.

Regulation 20 sets out the information to be provided to a person who is to become a member of a pension plan.

Regulation 21 provides a time limit of 60 days from registration within which an administrator has to explain to the members of a plan the effect of an amendment that has been made to said plan.

Regulation 22 provides that if the Superintendent authorises an administrator not to serve a notice under Regulation 21, it may be sent to the members at the next annual statement.

Regulation 23 prescribes the contents of the annual statement that is to be provided to the members of a pension plan.

Regulation 24 prescribes the contents of the statements to be provided by the administrator on the death of a member or former member.

Regulation 25 prescribes the contents of the statements to be given by the administrator to a member who intends to retire.

Regulation 26 sets out the documents and information that must be provided free of charge to the persons specified in the Law upon request.

Regulation 27 provides that where an administrator who has been served with a copy of a court order made upon divorce or separation for maintenance, etc., receives a notice from the member terminating his membership he must inform the person named in the order, usually the spouse or child of the member, provide the person with a copy of the statement under Regulation 26 and also advise the person of their rights under the said Law.

Regulation 28 sets up conditions under which rights are transferred by a transferring member to another plan.

Regulation 29 sets out the terms and conditions which will apply when a pension plan is set up to be a successor to an existing plan.

Regulation 30 sets out the procedure to be followed when an employer proposes to provide a plan under the Law.

Regulation 31 provides that the plan's financial year end shall, in absence of expressed provision to the contrary, end on the 30 June.

Regulation 32 makes provision to enable the benefits accrued during a marriage to be determined on the date specified as the valuation, etc., of the said marriage.

Regulation 33 requires the administrator of a pension plan to file with the Superintendent details of any reciprocal transfer agreements made with other plans.

Regulation 34 prescribes benefits transferred from one plan to another under a reciprocal transfer agreement as being able to be excluded in determining the actuarial value of a benefit which is subject to the rule in

the Law limiting the total actuarial benefit that is attributable to the member's contribution. The Law provides that not more than 50% of the pension benefit must be attributable to the member's contribution.

Regulation 35 sets out the procedure that governs the formation of the advisory committee for the plan.

Regulation 36 limits pensionable earnings to \$60,000 per annum.

Regulation 37 limits the amount that can be transferred from a defined benefit plan where the fund is not fully funded so as to avoid depletion of the fund to the detriment of the remaining members.

Regulation 38 sets up the terms and conditions that are to apply if the benefits under a defined benefit plan are to be converted to a defined contribution account.

Regulation 39 requires the interest and earnings of defined contribution accounts and AVCs to a defined benefit scheme to be credited at least annually. It also sets out technical conditions to which interest payments are subject.

Regulation 40 sets the administrative provisions subject to which the pension benefit is payable on the breakdown of a marriage.

Investment Regulations: These regulations govern the manner in which the pension funds may be invested. They are very much the work of the consultants and I would respectfully recommend that no amendment be accepted without first consulting them as they can have a domino effect on the other regulations.

Regulation 3 sets out the proportions in which the assets of a pension fund may be invested in particular types of securities to ensure that not all eggs are placed in one basket, that the degree of risk is not too high and that there is sufficient liquidity in the funds.

Regulation 4 lists the types of securities in which pension funds may not be invested. They are in accordance with the recommendations of the consultants as well.

Regulation 5 requires the formal review of investments every month by the administrator to ensure that they comply with the said regulations.

Regulation 6 limits the ability of the fund to be loaned.

Regulation 7 limits a fund owing not more than 10% of any class of shares of a company, mutual fund or unit trust.

Regulation 8 imposes a further prohibitive class of investment.

Regulation 9 limits the ability of funds to be invested in mortgages of land.

Regulation 10 requires financial statements to be filed and prescribes their training and content.

Regulation 11 requires the keeping and submission of a register of members and prescribes its content.

Regulation 12 prohibits borrowing on behalf of a fund.

Regulation 13 requires all investments and loans to be held in the name of the fund.

Regulation 14 restricts the ability of the administrator to pledge or to mortgage the assets of the fund.

Regulation 15 makes special provision where the arrangements for liquidation, merger, etc., of a company in which the funds hold shares results in the prescribed limits being exceeded.

Lastly, moving to the third set of regulations, being the **Actuarial and Fund Management Regulations**. These Regulations govern the relationship between contributions to the fund and benefits payable. They are, if anything, even less susceptible to political intervention and, as apart from technical amendments, any such proposals must again not be accepted before first submitting them to the consultants as these are very technical provisions. The terms used throughout these Regulations are technical terms of art that are familiar to the world of actuaries, insurance, fund management and sometimes bear obscure and unexpected meanings. The Regulations deal mainly with the defined benefit plans.

Regulation 3 governs the funding of a defined benefit plan. In dealing with such plans it is important to ensure that the fund has enough in it to support the pensions that would have to be paid in a worse case scenario, and the various provisions. This Regulation is designed to ensure just that.

Regulation 4 ensures that various reports that have to be filed during the life of a defined benefit contain the information that is needed to enable the Superintendent to check that it can support its liabilities.

Regulation 5 ensures that any amendment to a defined benefit plan is able to be checked to ensure the continued validity of any such plan.

Regulation 6 provides that the actuary of a plan and the Superintendent use the appropriate professional judgments.

Regulation 7 prescribes actuarial information to be provided on the registration of a defined contribution plan.

Regulation 8 makes limited provision for inflation protection by providing the benefits provided under a plan must increase by 2% annually.

Regulation 9 makes technical provisions to govern the calculation of benefits transferred from a defined benefit plan.

In closing, I thank you, Sir, and all other Members of this Honourable House, for your kind indulgence. I am extremely grateful and appreciative for the productive meetings which we have had, not only with the private sector, but with my Honourable colleagues in this House, and for all of the views put forward.

I would also like to thank the Chamber of Commerce, the media, the many members of the public for the important role they have played in the evolution of this Bill and its accompanying Regulations.

My sincere appreciation is also extended to the consultants and other professional persons who offered their expertise. And thanks one million times over to my dedicated and hard working staff, especially to Mr. Clive Grenyer who has been most accommodating at the most awkward of hours.

I also wish to thank the former Minister for his foresight and vision in bringing such an important piece of legislation to this Honourable House which I believe that all and sundry will agree that, once passed, can only be of paramount importance and of great benefit to all of our beloved people in these Islands.

I would also like to thank my colleagues on Executive Council for the many hours they spent in trying to bring this Bill and accompanying Regulations to the House this morning. Last, but not least, I would like to thank the staff, and in particular the Clerk of the Legislative Assembly for her assistance whenever called upon, and for the humility she displayed in responding thereto.

And, as normal, I would like to thank Almighty God for His patience and strength, for wisdom, knowledge and understanding in bringing this most controversial piece of legislation and accompanying amendments to this Bill. I ask that we do, as Honourable Members this day and the days to come, what we honestly believe is in the best interests of all of the people of the Cayman Islands. In so doing, I believe it will take sacrifice in many areas. But I thank Members for exercising discretion in this regard and may God continue to bless us all.

The Speaker: The question is that a Bill entitled The National Pensions (Amendment) Bill, 1998 be given a second reading. Before I open it to debate, I think this would be a convenient time for the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.51 AM

PROCEEDINGS RESUMED AT 12.27 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on the second reading of the National Pensions (Amendment) Bill, 1998. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: This is indeed a momentous occasion in the life of our country and in the history of this Parliament. This occasion will mark the second time that major debate has been evoked on this matter of pensions.

Many Honourable Members will recall that when the original effort was brought to this House by the now First Elected Member for West Bay, there was great emotion and debate by Members, as well as emotion from the general public. The amendments and the Law which they seek to clarify are perhaps the most far-reaching pieces of legislation in the modern evolution of this country. I noticed that the Honourable Minister in her opening presentation to the National Pensions (Amendment) Bill, 1998, was rather gracious in her acknowledgements regarding the efforts of the former Minister (now the First Elected Member for West Bay), and the Backbench and other Honourable Members of this Parliament, even the group of us who have found what I would call a common cause in recent times and have been (for want of a better expression) hanging out together.

Let me hasten to add that it was not an easy task, and the Government did not go kindly, because up until a few days ago it had to be dragged kicking, screaming, and objecting to certain amendments which those of us who have found a common cause proposed. So, while I take note of the graciousness, I also want to mention that the Government was not always open and conducive to suggestions—at least from those of us who hang out together.

Regrettably, as a result of the intransigence of the Government we got into a little acrimony, and one of our members was inadvertently cast into a bad light because that Honourable Member was entrusted with an exercise to take some amendments to be discussed with certain people. Some elements tried—I would hope inadvertently—to portray that the Member had been negotiating. That, Mr. Speaker, was not the case. I apologised privately to the Member because certain comments I made were not related to that Member's efforts because I knew...and that Honourable Member being the Third Elected Member for George Town, went with my tacit approval as he did for other Members. But I want to say that I have told my colleagues that that exercise must put an end to our doing business in that kind of way. I have made a clarion call that the business of the country must stop being discussed in the boiler room. This is the House of politics and the House of the people's business, so no longer will anyone be going. I cannot stop them from going—whether my respected colleague (as is the Third Elected Member for George Town), or someone with a little more distant relationship. But no longer will I be giving anyone my proxy because it is too easy for smart elements to take advantage, to twist and turn things, and misconstrue making the public believe that it has our support.

I recall vividly an afternoon down at the Clarion. I went there with the present First Elected Member for George Town. What we witnessed that afternoon was nothing short of spectacular. Even though the relationship is different now, I could not but admire the pluck and the strength of the former Minister (the present First Elected Member for West Bay) who was discussing with an audience full of people—99% of which were hostile. . . I believe the only two there with an open mind were the present First Elected Member for George Town and I. Things got so bad and so hot for the Minister that he had to tell one of his former colleagues (who is no longer here) that she had to decide whether she was fish or fowl! So I am not exaggerating when I say that probably the only two persons with an open mind were the First Elected Member for George Town and I. We at least listened and observed and did not try to put any logs in the way.

From that, we have come to this. I have said that that Member (the First Elected Member for West Bay) really laid the foundation. As difficult as this task may seem now, he made it easy. He bore the brunt of the objections. While there are still some areas of controversy and concern, I believe that we have passed the worst.

I am not going into the clause-by-clause description of the Bill as was done by the Minister presenting it, I would like to limit myself to some general comments and observations and then express the concerns I hold mostly on behalf of my constituents. My colleagues will articulate on behalf of their constituents.

I think the most significant point to raise is that we have to arrive at this point of national pensions because in the report by the National Audit Office entitled "Contingent Liabilities in the Dependent Territories" significant comments were made on the moral obligation of the United Kingdom Government concerning this whole business of pensions. Indeed, on page 36 of the report a case is described in Gibraltar where the United Kingdom Government had to assume responsibility to Spanish pensioners who were working in Gibraltar. It says in paragraph 4.27 "**The value of the estimated payments until the year 2026 is about £140 million or some eighty million in present value terms.**" So we see that this whole business of pensions is one which, if we had not come to some significant and practical arrangement, the United Kingdom would have had to add to its moral obligation. Quite frankly, they were very concerned about that, so by us taking this step we are relieving them of a great burden, and well we should.

What I find disconcerting is that there are sections in these amendments which are clearly discriminatory to our people: Yet, in the Law as brought forward by the former Minister these sections were not there. When originally discussed, they were not there. I am talking about this whole business of the exclusion of expatriates. Common logic and common sense should tell us that excluding persons who work in these Islands, or as we commonly call them 'expatriates,' would make the situation not only discriminatory for Caymanians, but difficult for them to gain employment in circumstances where there are already complaints about Caymanians getting certain employment. It goes this far: A business person called me up to tell me that if that remained as proposed, they would find a way to get rid of all of their Caymanian employees because it would make good economic sense to hire expatriates where they would not have to make pension contributions.

I find that clause excluding expatriates surprising, especially since the National Team made one of their platform planks that they were going to look out for the interests of Caymanians. I also find that there are certain sections in these amendments that are blatantly discriminatory against women. Again, I am surprised. I am surprised for two reasons: 1) That the Minister responsible for this is, herself, a lady; and 2) that most Honourable Members in here have to be cognisant of the roles women play in this society. I cannot, therefore, understand how it could be proposed that hardworking women could be deprived of their ability to use resources they inherited, or that were bequeathed to them, and that such resources could be tied up partially in a trust, which, to my mind, evokes images of complications—trustees, administrators, people to manage the trust. I heard one comment made on Issues 27 making the

point that such an arrangement could not be beneficial to those to whom the arrangement was intended to benefit.

That amendment not only speaks of a kind of chauvinism but is coloured by apparent personal prejudice. I cannot stand here as a rational person and support that. I do not see why my personal prejudice, or any other Member's personal prejudice, should be brought into Laws and Regulations which are intended to benefit the general population. I cannot support that.

The Chamber of Commerce did extensive work, as I recall, from the very inception of this exercise. The Chamber has continued to be actively involved in the work of bringing national pensions to this country. Recently, the Chamber did a survey (March 1998), the results of which have been widely circulated. While I will not go into the intricate details of these surveys, let me say that while it is not a purely scientific survey, for our purposes it can be taken as authoritative. In the absence of anything more scientific and authoritative, I have to say that this questionnaire is an authentic document and a good point from which we can make a fair analysis of the national attitude towards pensions in the Cayman Islands.

A total of 3,769 employees were surveyed. To the question on the proposed amendment which would include all non-Caymanian status holders, 118 persons said they disagreed with this amendment as against 41 who agreed. I think that is indicative of the attitude people have towards exclusionary amendments.

What I find difficult to understand is the atmosphere in which negotiations and discussions have taken place, particularly as it concerns Honourable Members of this House. I have to marvel at the nature of such discussions. I have been here long enough to know that quite often, in spite of the pronouncements we make, there is a level of intolerance and insincerity—particularly on the part of the Government—in accepting any amendments or suggestions put forward by Members other than the Government. It is always a struggle; perhaps it is not meant to be easy. I understand the cut and thrust of debate, and I also understand the power play indicative of these types of negotiations. But I am saying that there is a complete lack of sincerity when it comes to articulating positions. There is an absolute lack of sincerity when it comes down to certain people accepting these, particularly if they think it does not suit them.

I have to ask at the very outset, Whose idea was it, that expatriates be included? Every country where this kind of social legislation is in place, all persons who are legally in the country and working make some payments, under whatever plan it is. I cannot see why we should have been so foolhardy. I want to make the point that I am concerned about the conflicts of interest I see arising from these kinds of amendments and discussions and the work that goes into them. What I am going to say next is not easy...

The Speaker: If you are going on to another subject, would this be a convenient time to take the luncheon suspension?

Mr. Roy Bodden: Yes, Sir.

The Speaker: Proceedings are suspended until 2.30 PM.

**PROCEEDINGS SUSPENDED AT 12.48 PM
PROCEEDINGS RESUMED AT 2.36 PM**

The Speaker: Please be seated. The Third Elected Member for Bodden Town, continuing.

Mr. Roy Bodden: When we took the suspension, I was about to comment on the nature of the discussions and some areas of problems and, indeed, what I consider a predicament. From the outset there has been widespread consultation on this matter of pensions and one and all can agree that the matter continues to be very emotional.

I am particularly perturbed, and I am trying to express this in a way where I bring out the full effect of what I am going to say. I believe that it is necessary for us to be completely transparent when it comes to matters of great public importance and matters of national importance. I have always been an advocate of a clear definition of our roles. The *Hansards* of this House will record my lamenting the possibility of removing ourselves from conflicts. And I am fond of saying that we should be like Caesar demanded of his wife—not only pure, but seen to be pure.

I do not know whether it was by sheer force of circumstances or neglect. I do not want to speculate. But I was surprised and somewhat chagrined to know that the Leader of Government Business sat down and discussed the pensions, and discussed the ramifications, while sitting as a director of an institution which is, itself, participating in a pension plan, selling it to the public. Mr. Speaker, where I come from that is certainly not acceptable! I want to record my displeasure with that type of activity, and I am saying these kinds of activities need to come to an end. When we do that we are putting ourselves in a position of being accused of a conflict of interests, or worse.

That Minister will have his turn to explain his position, but not before I say that anything that Minister has said or done in this regard has to be coloured by his position. While I would not go so far as to say that the speaker cannot speak—I would not deprive him of his democratic rights. I am saying that he should not vote because he is in a position to be accused of a conflict of interests or worse. I take this matter seriously, and I say it is time for these kinds of things to be put to an end in the business of this country.

I had other things to say, but I believe that I have said enough on this matter. Thank you.

The Speaker: Does any other Member wish to speak?

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I rise to offer my contribution on the proposed amendments to the National Pensions Law, the proposed regulations in investment policies of the Pension Law.

Let me first of all congratulate the two Ministers who have had the responsibility of piloting this very important piece of legislation through this Honourable House. After much consultation with members of the business community, and citizens of the country as a whole, and the elected representatives of the people, I personally feel that we would have arrived at a position which is affordable and acceptable to all parties concerned. On a personal basis, I have read the Law and the Regulations, and I will offer my thoughts and comments on the new proposals.

When the new Minister took over, she circulated what is known as a 'White Paper' for comments from the general public. It had some very significant amendments to the original plan, that is, the main question of whether or not expatriates here on work permits should be included in the plan. Subsequent to that being circulated we met as a group, that is, all Members, to discuss the proposed amendments and the feedback from the public. I must say that I appreciate the attitude that the new Minister took with regard to the suggestions. I took what she said to be genuine and correct, and I understood that she was only interested in arriving at a position that was supported by a majority of the representatives and the people.

What I did, in addition to the number of persons calling me and discussing the proposals, was take time to speak to a few, should I say, influential members of the business community and I got their thoughts on who should be included in the proposed National Pensions plan. One of the persons I spoke to was a would-be provider of the programme. He said that because he was already a part of the community, regardless of what position Government took, he would support and make available a pension programme. But it would make it much more attractive if the expatriates were included, in particular those persons here on work permits other than temporary work permits.

This person also mentioned something I never thought of: Because expats could be a part of a pension plan in a tax free environment, it would be very attractive from the standpoint of attracting money into the country. As I understand it, there is no limit on the contribution a member can make on his own in excess of the required amount, which is 5%. The comments he got back were that many of those persons do have money in other jurisdictions, maybe where they came from, and what they would do is make arrangements to have those funds, or a portion of those funds, transferred here to be a part of this pension plan here in the Cayman Islands.

If that were the case, the concerns expressed by Government when it circulated the White Paper (in respect to funds leaving the country if there were a slow-down or otherwise in the country), seem to have been

unfounded. In other words, there is not a great possibility of that happening. I asked the provider for his thoughts in regard to who should be included and when. He said, "John, I believe that no one less than someone on a work permit for at least a year should be included because of the administrative costs associated with the ins and outs of people here on a temporary basis."

I then took the time to speak to someone in the hospitality industry and solicited their comments. What the person basically said was, "Mr. Jefferson, you guys went through the motions of proposing a Pension Law that included everyone and you took your political licks. People seem to have reached the conclusion that it was going to be done and had accepted the possibility. You should get on with the plan."

Those are some of the comments that I received back from the community. I would like to deal more closely with some of the proposed amendments. The first section that I would like to deal with is section 25 of the Law and the proposed amendment to that Law. It is proposed that expats be included as part of the pension plan, but not to have them contribute until June 1, 1999. From the time these amendments were circulated I had my concerns, and I expressed them, not only to the Minister but to other members of my team and others who were prepared to listen. I was concerned about the effect it would have on the employment of Caymanians.

In this community where dollars and cents are so important it would be a natural thing for businesses to make a decision to apply for a work permit bringing in persons they can control (because they are on a work permit), and not have to bother contributing towards a pension plan. They would be eliminating the 5% increase in cost associated with the need to provide a pension plan. I was assured, because other representatives and other members of the community, including the members of the Chamber of Commerce, expressed the same concerns over the negative impact it could have on the employment of Caymanians.

It is late in the day in that this is 1 April, and we are saying that the Law is to be put into effect from 1 June, 1998 for Caymanians and people with permanent residency with the right to work. Because of that, maybe we should consider extending the time in respect to the other persons who are to be covered under the plan, that is, expats who are here on a work permit for one year or longer.

I am a reasonable man, and between 1 June and 1 January 1998 is something like six months. These amendments have not been proposed, but they will be. I guess at this stage I, in the give and take of politics and negotiation, am prepared to live with that by saying if Government is minded to include expats under the pension plan, then maybe it is reasonable for us to say that they be covered by 1 January 1999. But on a personal note, I would have preferred that all parties who are to be covered would start contributing at the same time.

The other section of the Law I would like to comment on is section 36 of the proposed amendments, in particular (c) (5) and (6) dealing with the rights of the

surviving spouse under the pension plan. With your permission, Mr. Speaker, I would like to read subsection (5) and offer my comments. It says: "**(5) Where a former member dies leaving a surviving spouse and dependent children, the spouse shall receive and hold one-half of the spouse's pension on trust for such children for their maintenance, benefit and education until such time as the children attain the age of 23 or cease their full-time education, whichever shall be the earlier.**" Subsection (6) deals with the ability of Social Services to come in under certain circumstances.

I do not like the wording of this particular section in that I think it is very discriminatory as far as women are concerned. My experience has been that women might neglect a husband or a friend, but in most cases they are going to look after their children. If they have \$1.00, they will go hungry in order to make sure that that child has what it needs. I believe that we have to have enough confidence in the women in this country to say that if they are left as widows with dependent children they will do the best they can to provide for that family.

I believe if I have a problem with my wife, and I am not comfortable leaving her with money, regardless of the source, there are means of ensuring that those funds that I worked so hard to earn can be spent the way I feel they should be, particularly as it relates to my children. I do not have a problem with my wife. If I leave any funds, I am quite sure that she will make sure that my household is well taken care of. So I am concerned with the apparent discrimination and lack of confidence in women doing what is right under the Law in taking care of their families.

The next section that I would like to look at is section 52 where it is being proposed that the two years as stated in the Law be reduced to six months. Why that concerns me is that if somebody is here on a work permit and is contributing towards a pension plan and either they lose their job or they decide to return home, then after six months they can apply for their funds to be released and they may take it elsewhere. I believe that the two-year period, the grace period or moratorium under which these funds have to remain as part of the plan is, should I say, very conservative. It makes sense. We do not know what the future holds, we do not know what kind of circumstances may exist. I believe that the programme needs that kind of built-in grace period in order to ensure that we do not run into a crisis situation. A situation could arise where we have an exodus of persons on work permits from this country, demanding that their funds be repatriated with them. Because of the nature and number of the investments, it could lend itself to some difficulty for the plan.

Mr. Speaker, I know that it is not a social security system, and I thank you for basically defining the difference between the two the other day. I think there is a lot of confusion between a social security system and a pension plan. But it is a known fact that if one of us were to leave here and go to the United States to work, regardless of being there one year or two years, we would be obliged to contribute to their plan. Now, if you do not

put in the number of years necessary, you walk away and say, *'Thanks for the opportunity to work in your jurisdiction,'* and you will leave something behind that they will share with those who remain. Members of this House have had that experience.

I believe that it is very important for us not to be too accommodating. It reminds me of a story I heard when I was a boy (some time ago!) about a man, his son and a donkey. The story goes that the man was going along leading a donkey with the little boy on the donkey. He came across someone who scolded him and said, *'You should be ashamed of yourself. You are walking, your son is riding the donkey. The reverse should be true.'* So in order to please the person, he made his son get down and lead the donkey, and he got on the donkey. He had not gone very far when he came across another person who said, *'Man, you should be ashamed of yourself. You are riding that poor donkey, your son in leading him. . . do you know what you should do? The two of you should be carrying that donkey, rather than the donkey carrying you.'* The story ends with both of them trying to accommodate the wishes of everybody. They took a pole and put it between the two of them, put the donkey on the pole and tried to cross the river—all three fell in the river!

We cannot accommodate, or try to please everyone. My first responsibility is to concern myself with what is in the best interests of this country and its people. Mr. Speaker, let me assure you (and I am sure you are aware of it because you have travelled far and wide) that most people who come here to work consider it a real privilege to work here in the Cayman Islands. Many of them do not have the possibility of employment where they come from. So for us to be so concerned about what they want to do and how they want their funds handled. . . I am saying that if it is a privilege for them to work here, it is necessary for them, while here, to contribute to the community. If that means being a part of a plan, then so be it. If it were left to me, this period of time would not be six months or even two years, it would be much longer.

I think the experience we would have anyway is that most people who are working here on a work permit, rather than saying when leaving, *'Write me a cheque so I can take it elsewhere,'* would allow those funds to remain here, accumulate interest in a tax-free environment, and whenever they reach retirement age transfer their funds to wherever they are, or they would have access to their funds regardless of where they are in the world. I think we have to be careful not to try to bend over backwards, especially when it is not reasonable, in order to accommodate everyone.

Section 52(c), deals with the associated costs of dealing with a request from a member who has left the country. I believe that any request from a member should be at that member's expense. That is only reasonable. If I went to a bank and asked for a bank draft, they are not going to charge everybody else. They will say, *'John, you owe me \$12.50,'* or whatever it is. That is part of the cost, and I would pay it. I believe that is the way the plan should work also.

I do not share some of the concerns I heard others raise. I believe that much thought has gone into preparing this Law to make it as practical and affordable as possible; by that I mean the maximum amount to be contributed is 5%. But initially, it depends upon your age. If you are under 40 or 41, you can contribute as little as 1% of your income towards the plan. The second year, 2%, 3% up to five years; after five years it becomes the maximum 5%. I believe that most entities will exercise those options, rather than saying, *'I have twenty employees, it will cost me \$20,000 per month in salaries so I am going to take 5% and contribute toward the plan initially.'* I do not think that is the way it will be done. I believe that people will take advantage of the options made available to them. Doing it that way it should not have the kind of impact on the cost of living that everyone is anticipating.

I know that certain merchants have already gone ahead in anticipation of this increase and bumped their prices up by 10%, 15%, or 20%. I believe that if we are honest merchants and businessmen, we should only pass on what we have incurred at the time. So, rather than me having to immediately raise my prices at my businesses by 10%, I can say, *'It is 1% the first year, 2% the next year, 3%. . .'* I think that is reasonable. It continues to make services affordable in this country.

In regard to the Regulations, I have a note on section 40, page 53, that I would like to comment on. It does seem that it could cause some difficulty in regard to the spouse who has been awarded a portion of a pensioner's pension in that section 40 says, **"40. (1) Where a part of a pension benefit under a pension plan of a member is required to be transferred or paid to the member's spouse under a court order under section 42 of the Law, a certified copy of the court order shall be delivered to the administrator before the administrator may effect a transfer or payment."**

Section 40 (2) says, **"40. (2) An administrator shall not, without the consent of all of the parties to the proceedings giving rise to the order, transfer a part of a pension benefit in accordance with a court order until all appeals have been finally determined, or the time for appealing has expired."**

Mr. Speaker, you and I both have had some experience in regard to the courts and know how it works. An appeal could take one year, it could take two years, it could take three or four years. The concern I have is that if in the meantime the only source of income this spouse has—and in most cases it will be a woman—is that little pension that has been awarded by the court, having to wait until all the appeals are exhausted before she has access to those funds could pose some difficulty.

It has been explained to me that this is because we never know what direction an appeal is going to go, and if you have already gone ahead and transferred the funds and the money has been spent and it is later determined that she (or he) was not rightfully entitled to those funds there is little possibility of recovering those funds. I hear that, but I still have that concern. It seems to be unreasonable.

The other section of the regulations I would like to look at is section 4 on pages 61 and 62. I am pleased to see that there are some guidelines and conditions in regard to the investment of pension funds in companies or affiliates of administrators. I believe that we have to be very careful in regard to who is allowed to administer these plans. We have to be very careful in regard to the type of investments they are allowed to invest in. I am concerned that there could be some abuse in this area. So the Superintendent and his staff will have to be very careful and very vigilant to see that this privilege is not abused because under these Regulations, even the Class A banks will be authorised to be providers and administrators of pension funds or plans. I believe we have to be careful that there is not a lot of incestuous relationships between them and the pension plans they administer.

There are guidelines regarding the limits, and I was comforted to see that. Most of my concerns have been addressed in the proposed amendments.

The Chamber of Commerce—and I am not one who lends too much attention to what they have to say, because I realise they are a group of businesspeople who are basically concerned with promoting and protecting their own interests—but their survey confirmed the position we have taken as Members, in that the majority surveyed believed that expats on work permits for a year or more should be included as part of the plan. They did have some rather arrogant statements recorded. To give you an example, on page 2 of their survey, it says, **“Largely the reasons stated in your covering sheet [I guess they must be referring to a copy of the White Paper from the Minister] further the reason given by Government [flight of capital] is so crass it is insulting.”** Basically they are saying they did not share the same concerns Government did in regard to the possible flight of capital. It also mentioned the same concerns we have. It says here **“. . . will hurt Caymanians and will cause tension in the workplace,”** that is, if we excluded the expat community from the plan. Again it says, **“It is a national scheme and should cover all persons residing, or who are employed within the Islands, regardless of status or nationality.”**

Even the Chamber of Commerce agrees with the majority view of the representatives here. So I believe we are on the right track. As I said, those who have been involved in this process have to be complimented and congratulated, because just by reading the Law and the proposed amendments I have come to the conclusion that it involved a lot of time, a lot of effort, and a good job has been done regarding covering all the major concerns we have as representatives.

I would like to encourage our people—and this is something our people have looked forward to for some time, that is, even though we do not have a pension programme in place, I am hearing among my older constituents, those reaching 60-65 years of age, *‘You know, John, I am getting up there. I guess I am now eligible for the little Government pension,’* because they refer to the little award from Social Services as a pension. So our

people want it, they need it, and I believe the decision taken in establishing a national pension programme is a very wise one.

If we leave society to its own whims and fancies (and we have some persons who believe we are not supposed to tell them anything) we are not supposed to do anything that imposes on their personal rights. But as representatives we have to be wise enough to say, if we do not address this issue now, in twenty or twenty-five years from now, we are going to have an aged population, and because we have not made provisions for them, Government will have to dip into its own pocket and say, *‘Here is \$200 or \$300 to help you live.’* And a lot of times it is greatly appreciated, but it does not allow our senior citizens to live with the kind of dignity which they are entitled to.

I believe this is a step in the right direction. It is a very wise decision, and I would encourage employers and employees to get together and, as soon as possible, start implementing the contributions to this very important plan. They will find that everything comes with some price. But the little discipline it takes to set aside 5% of one’s salary or income. . . after a while you learn to get by with 95%, and at the end of the day, once you have worked twenty, twenty-five (some are fortunate enough to work forty) years, you would have put aside a little nest egg that will allow you to enjoy your retirement years with some dignity.

Once again, I congratulate the present Minister, and the former Minister who was responsible for this Law and its amendments, and I look forward to seeing the programme implemented. Thank you, Sir.

The Speaker: I think this would be a convenient time to take the afternoon break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.28 PM

PROCEEDINGS RESUMED AT 3.53 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues. Does any other Member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, in my brief contribution on the Government’s proposed amendment to the Pensions Law, 1998, let me say that I am still trying to understand the entire purpose of the exercise which started in November 1997 with the National Pensions (Suspension) Bill.

It is often said that in the spirit of co-operation we should pay compliments rather than be critical. It is sometimes as important to be critical, if that criticism is constructive, as it is to be complimentary, if that compliment is based upon a wish to impress rather than to instruct or support. Although I may not be complimenting anyone here, I believe it is better for the country to know that the process in these Chambers is political, that it is quite difficult for Members to say what they do has noth-

ing to do with politics, and that it has to do with what they consider to be good for the country. They are politicians! It all has to do with politics!

I think some Members really mean to say that what they are doing is altruistic, not egoistic, not selfish; it is about the general good rather than the specific individual good. I am putting all of this in place to try to say that 'National Team' is a phrase I do not hear in the Legislative Assembly very much any more. When I was elected in 1996, I heard that phrase just about every time I turned around—a Member would mention the accomplishments of the National Team, what the National Team was all about, how the National Team had brought the country forward. I also made the remark that the National Team seemed to be like a chicken with its head cut off—not really knowing in which direction to go, but fluttering around, gasping for air!

I say this because if the people have to pay for the work of Government, and they do pay for the time individuals spend preparing documents, this exercise has been, from a monetary point of view, a costly exercise. It has cost the taxpayers of this country good money that could have been spent to do other things. The exercise would have been justified if, at the end of the day, the Government had the political will to stick with the fundamental change it brought here, and that change was to exclude the expatriates. Of course, I am not an advocate of the exclusion of expatriates. I am trying to ascertain how the Government came to the conclusion that it might be reasonable to exclude expatriates, that this would be an acceptable political, humanistic position. How did the Government come to that position, which was a 'back-back' position from what the National Team had adopted in 1996 when they brought the pension legislation in? What type of process are we observing in the political behaviour of Members of the Executive Council? What type of political confusion? And what is this really costing the people of this country in the form of time that must go in to restudying these amendments in detail, these very complicated laws and regulations? The amount of paper and the poor trees that must be cut down for Government to go through its schizophrenic policies of change—up and down like the crabs, going in this direction, going in that direction, but not really knowing what direction to go—because the full purpose of their actions is to retain power and position. Therefore, we are listening to people and are willing to make amendments and adjustments, because that is the true democratic way. It is not that! It is that Government is governing by reaction, and not by being pro-active! A Government with vision would have sat down and done what the National Team did in 1996: It would insist that its pension concept—a compulsory pension for **all** working people in this country—was a sound idea, because it was an idea that would protect the Caymanian worker first of all.

In all of these discussions, in all the different institutions which have been invited to contribute toward the process of decision-making, it would be much simpler if the Members who were elected by the people in 1996

had the capability to arrive at the decisions themselves without always farming out their responsibilities, making excuses by saying this is what democracy is all about. Democracy is about consultation, but it does not have to be unnecessary consultation because there are certain deductions that can be made. The deduction to exclude expatriates from a compulsory pension plan. . . the deduction could have been made that that was not a wise and feasible idea and that it discriminates against Caymanians, in particular, for whom the pension plan was being devised to support.

Everybody knows that this country is going through extreme changes. We find ourselves having to pay for more and more services. We find ourselves using more and more services as we develop. Sometimes people ask themselves how they are going to pay. But, thank God, most people are managing to somehow at least provide themselves with the daily necessities of life. But we do know that any legislation that would cause the Caymanian people to put money aside, compulsory savings, would cause some type of hardship at least to certain classes of people in this society. We know that some persons not used to the benefits of this type of savings might complain and might not necessarily be too supportive of Government in the first instance when it says it is going to bring in this type of pension plan.

With education which is not confusing but informative, people will come to accept this pension programme after a while and come to agree that it is the best thing for the country. It is very easy for us to show the people why pensions are necessary today because we must make sure that in the Cayman of tomorrow we do not need a taxation system to support a social service system, to support people who can no longer support themselves because they are no longer accepted by industry as being competitive and productive enough to participate in the work force. Therefore, their retirement is almost like a compulsory retirement, a forced retirement, and therefore the need for them to begin to think of the end result of their working activities and to save enough money to enable them to take care of themselves so they will not become wards of the State. The State will have to find more and more money to care for the elderly, but the elderly living for today have had vision and encouragement from the leaders of this country to provide assistance for the golden years so they can support themselves in the golden years.

We cannot escape that this is a desirable system to maintain the stability in this country, and that it will weigh more heavily on some people than on others. Like everything else in society, it is not really across the board because of our different resources and capabilities.

The National Team accepted this in 1996. My question is, Why the dilly-dally? Why the move around? Why the delay? Was that a genuine thought-out decision to stop the plan? When I look at the *Hansards* from November 1997, and when I hear the reasons why it was being done, and then, all of a sudden, someone comes to me and says, '*I heard they are going to exclude expats,*' . . . this is a big move away from the fundamental

position the Government had before. We were being told before that the reason the additional time was necessary was to put the Superintendent in place and the necessary regulatory bodies in place to regulate this programme, and, if anything, to give workers and employers time to adjust; but not to give Government a chance to come in with a time bomb to disrupt everybody's psyche by saying to them, *'Look, we want to do this programme completely different than we said we were. Now we are going to exclude 60% of the labour force—the expats.'*

It is nevertheless good to know that Government has gotten itself back on track because of the hard work of the Backbenchers. When we believe in something (and I hope I can speak for all Members of the Backbench), we stand up for it, we speak up for it, and we do not chit-chat and dilly-dally about it. As a result, the Government was. . . and I like to use the word 'forced'. . . the Government was forced to 'back-back' on its desire to exclude expats. We, the Backbenchers, saved the day! We, the Backbenchers, allowed the expatriates because of our serious belief that they, too, can benefit from operating with a pension plan legislated by the Government of these Islands.

In regard to boiler room politics, I would just like to also apologise to the Third Elected Member for George Town in that I felt, by the way in which the situation was described to me, that what was in fact going on was not in keeping with my way of doing business. But after having an opportunity to see the genuineness of the Third Elected Member for George Town in his attempt to use persuasive powers to get things cleared up, I offer my apology if I have offended his feelings in his desire to assist Members of the Backbench in clarifying these particular points.

Nevertheless, I did not want the Government to feel that it could 'back-back' without me saying to them, You are 'backing-back' and you should never have to 'back-back' because you should never have gone in that direction in the first place. You have caused the country uneasiness, and cost unnecessary money. You should be doing other business. Mr. Speaker, we should be doing other business, and here we are doing this business that should have been put to rest some time ago. Those charges have to be made because it has to do with competency, it has to do with whether or not we on the Backbench (at least me on the Backbench) feel that Government is being as efficient as possible. I know that before this particular sitting is over I will probably have to deal with a few other instances of this.

I know that nobody is going to talk about the fact that the domestics are being left out of this particular scheme. I think that somehow it weakens the moral position that we have in regard to legislation of good, and saying that once the Government is convinced that something is good for the citizens, the Government is justified in legislating because it assumes that all human beings are (if they know it or not) about doing what is good for them and not what is painful for them. But if we say that saving money for our golden years is good for us, then, conversely, we are saying that not to do so is

not good. Therefore, to sit down and eat when others are hungry. . . I feel it needs to be addressed somehow. It needs to be explained—even if all we can say is, *'Sorry, I cannot invite you to this meal because I only have enough for myself.'*

Mr. Speaker, there is nothing wrong with us protecting our people first. Perhaps by the way we have devised the pension scheme, we have made it with the intention of first of all protecting the Caymanian people and the Cayman Islands. But there are other moral contradictions. There are other sociological problems that we shall encounter as we go along. Hopefully we will find the time to review the possibility in the future of including domestic workers. If they want to be included, we will find some way of bringing them in.

As I said, if we say that the gardener in our yard should have a pension, but the woman who is cleaning inside our house should not. . . that needs to be explained. We need to be able to rationalise it. There are enough domestics in this country today working in private homes with a tremendous influence on our daily lives. They are in a central position, especially when you understand the culture of the Caribbean and the paternalism of the Caribbean, and the extended family structure and the communalism of the Caribbean. Once we understand those root cultural dynamics, we understand that a helper in our house breeds for us, in other words. That person instructs our children, that person instructs us; that person sometime decides what we should eat, where we should sleep, what we should wear, what is good for us. That person ends up making decisions in our lives that are very, very important—yet, this is the person we exclude! How do we face that person and say, *'Oh, well, everybody else should have a pension. But you shouldn't'?*

Why not? The argument has been advanced that the reason is because it will cost too much to administer. It has been said that the reason why domestics cannot be included is because they are making too little money. I have also heard—and I might tend to agree—that domestics are necessary for some people even if they cannot afford them. In other words, because of the fact that domestic workers are so lowly paid in our country we cannot include them in our pension system. We have not only excluded this class of people from a decent wage, we are now going to exclude this class of people from a decent future.

It might be pragmatic to do so, but the moral implications of doing so must be understood. Fifty dollars per week? And at the end of serving, those persons get nothing? I think that we need to do as much as possible because we are admitting that the wages and the working conditions of this class of people needs to be improved. We need to improve. I think that even on the Immigration form it is stated what you should be paying people. People give one figure on the Immigration form and then turn around and pay these people a completely different figure and no one says anything to them. They get away with it!

These people do not have any Chamber of Commerce coming in here representing them because they are not Jane Doe, or Dive Joe, or Restaurant Jay, or this, that and the other type of person coming from the so-called better-off societies. The majority of domestics come from Jamaica. But we know that those persons stay in our society for a very long period of time. They become part and parcel, not just of our society, but of our homes. They form emotional bonds with our children, with us; they form emotional and religious bonds with each other in the churches. You only have to go around George Town on Sunday or Saturday to see them dressed up, walking with their Bibles, going to church, singing, praising God, thanking Him for being blessed to be here among us. I think we need to look at this. It is true, these people do exist.

It is not John Doe or Jane Doe who is working with Dive Joe, and spending his time in the Lone Star drinking beer and getting drunk. In a lot of cases, these are women who have two, three, and four children to maintain. We talk about women's rights and respect for women, and we fail to see the way in which Caribbean women, black women, Jamaican women have played a role, being both male and female; and then when they are excluded from a programme we consider to be morally and economically correct, we do not offer any explanation. We pretend that they do not exist. But they do!

I think the only way I can really get away with this is by saying that I know it is happening. It grieves me that it is happening, but maybe it has to happen. I am not going to criticise the Government for not being able to include them, but I say it is necessary to understand that they do exist and that we face a moral contradiction. There is a political contradiction that we face that could work back on us in the sense that it might create additional dissatisfaction. What if the people who work in our homes become dissatisfied while they are in charge of our children? When they cook our food? When they make our beds? It is important that they be satisfied as far as possible.

Although some people in this society can only afford to pay a helper so much money, and although that individual helper might agree to work for that amount of money because it is better than being in Jamaica and not having any work, it does not mean that they should be exploited in the particular manner some are, simply because they would be unemployed in other countries. They should not be exploited to the degree in which they are. It is important that we begin to see these people as real people, perhaps more real than the construction worker.

When we say that the domestics are not going to have pensions, what happens to the domestic that stays with me for fifteen years and who wants to apply for permanent residency or Caymanian status? What are we going to say? *'Oh, you're in the category of a domestic. You don't have pension to support you in your golden years. Where is your money?'* Basically, what we are doing is setting up a category of persons that we are going to treat as untouchables in our society. At the end

of the day the domestics will not have the same legal possibilities for advancement within the order as would, say, the construction worker, or the gardener who is paying into a pension for whom we therefore create a certain amount of stability.

Perhaps the reason I say this about domestics is because in 1964 my mother left this country and went to New Jersey. She took three children with her. She worked as a domestic. Right now she is in the United States being looked after because the nerves in her foot are gone. And I know it is because of walking on the cold ice in Staten Islands waiting for buses to get to work. She was a domestic. Most who left here went to be domestics because it was easier to get into the United States as a domestic. Women went first and the men came after. Women were the great providers, they created the opportunities for the men.

For this reason, I feel that even if I do not have a sensible way of how to include them, I feel an obligation to say that they do exist as real, feeling persons, and that Government has got to make more effort to see that their conditions can be improved somewhat in this country.

It was not too long ago that I was working as a reporter for *The New Caymanian*. One of the things we were looking at were all the charges that were being made at that particular time in regard to the exploitation of domestics; their inability to make complaints in the right places, and the fact that they were being super-exploited by persons who felt they had a right to use them, and abuse them in a lot of cases.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Can I interrupt you? I am sure that you will not be finishing within a reasonable time. We have reached the hour of 4.30. I would entertain a motion for the adjournment. But before doing so, I would like to remind Members that this House will adjourn this afternoon and Finance Committee will commence at 9.00 AM tomorrow. We will resume the Legislative Assembly at the conclusion of the deliberations of Finance Committee.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

ADJOURNMENT

Hon. Anthony S. Eden: I move the adjournment of this Honourable House until the conclusion of Finance Committee, as said.

The Speaker: I shall put the question that this House do now adjourn until the deliberations of Finance Committee are completed. Those in favour, please say Aye.

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: There are those of us, Sir, who are of the opinion that it is more logical and practical to continue with the debate on the Pensions while we have the momentum, and while Honourable Members are in the spirit and prepared, to get this piece of legislation out of the way. It is an important piece of legislation, and so doing would allow those of us who have just received papers on Finance Committee today to better equip ourselves with what is contained in this document. I suggest that we continue with the debate on the National Pensions (Amendment) Bill tomorrow, and come back Monday for Finance Committee.

The Speaker: We can do what the House wishes. I do not want to get into a debate on this, but I do want to inform Members that the Honourable Third Official Member responsible for Finance and Economic Development, the Hon. Financial Secretary, will be leaving the country on 4 April. The reason for Finance Committee tomorrow was that if deliberations were not finished tomorrow there would be adequate time to complete this prior to his departure.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: We do appreciate the reason you have given. As you said, there is not necessarily any need for a long debate, however I am certain that I speak for the rest of us on the Backbench, and we are confident that if the Honourable Third Official Member responsible for Finance and Economic Development has to be off the Island that his Deputy can convene the meeting, and we feel sure that the business at hand can be dealt with properly. So I do not think that that is an impediment.

The Speaker: Does any other Member wish to speak? The Third Elected Member for George Town.

Mr. Linford A. Pierson: Just to support the views expressed by the First Elected Member for George Town and the Third Elected Member for Bodden Town. I believe this is a very important piece of legislation we are now debating, and I think it would be in the best interest of this House and the general public if we were to conclude this. That would give us some time to also study the Finance Committee agenda. It is quite a long agenda and we only received it this morning. If we had time to study this over the weekend, we would better understand it and be better able to make a contribution on Monday.

The Speaker: Would the Serjeant see if the Honourable Third Official Member responsible for Finance and Economic Development is in the building?

While we wait, does any other Member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: I support the views of the other Members in saying that this is an important piece of leg-

islation and it would not serve anybody's interests at this point if it were pushed back. I think it can be dealt with and I do not think that the Deputy Financial Secretary would have any problem representing the Honourable Financial Secretary—that is why he is the Deputy.

The Speaker: Does any other Member wish to speak? (Pause) We will wait a few moments for the arrival of the Honourable Third Official Member responsible for Finance and Economic Development. (Pause)

The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, thank you.

If it is the wish of the majority of Members of this Honourable House to continue with debate on the National Pensions amendments and to get that out of the way before holding Finance Committee, I would not have a particular difficulty with that. I should mention, however, that I will be off the Island as of Saturday until next Thursday, but the acting Financial Secretary will be able to chair Finance Committee if the debate on the National Pensions amendment is completed before I return to the Island. If this is the wish of majority of Members, that will be in order.

The Speaker: Thank you. I will entertain a motion for the adjournment until 10.00 AM tomorrow. Do you wish to speak, Honourable Minister for Education, Aviation and Planning?

Hon. Truman M. Bodden: I was just going to vote on it.

The Speaker: Please move the motion, because we moved to adjourn until after Finance Committee.

Hon. Truman M. Bodden: I move the adjournment of this Honourable House until 10.00 AM tomorrow morning.

Mr. W. McKeeva Bush: You have two motions on the floor—

Mrs. Edna M. Moyle: If I may, Sir, I think—

Hon. Truman M. Bodden: I am sorry—

Mr. W. McKeeva Bush: You have two motions on the floor, Mr. Speaker.

The Speaker: I realise that. Under parliamentary procedure, we will have to withdraw the first motion. Honourable Minister for Health, will you please withdraw your first motion?

**WITHDRAWAL OF MOTION TO ADJOURN THE
HOUSE UNTIL CONCLUSION OF THE
PROCEEDINGS OF THE STANDING FINANCE
COMMITTEE MEETING**

Hon. Anthony S. Eden: Anything that pleases the House, Mr. Speaker!

The Speaker: The motion has been withdrawn. I will now entertain a motion for the adjournment of this House until 10.00 AM tomorrow.

Mr. W. McKeever Bush: Mr. Speaker, I think to get this properly we will have to vote on it to withdraw it.

The Speaker: I put the question that the motion by the Honourable Minister for Health be withdrawn. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The motion is withdrawn.

AGREED. MOTION TO ADJOURN UNTIL CONCLUSION OF THE PROCEEDINGS OF THE STANDING FINANCE COMMITTEE MEETING WITHDRAWN.

The Speaker: Will the Honourable Minister for Education, Aviation and Planning move the adjournment of this House until 10.00 tomorrow?

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow morning.

The Speaker: I shall put the question that this House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 AM tomorrow.

AT 4.37 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 2 APRIL 1998.

**EDITED
THURSDAY
2 APRIL 1998
10.27 AM**

[Prayers by the Fourth Elected Member for George Town]

The Speaker: Please be seated. Proceedings are resumed. Item number two on today's Order Paper, Government Business, Bills, Second Readings, continuation of debate on the National Pensions (Amendment) Bill, 1998. The Fourth Elected Member for George Town.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

THE NATIONAL PENSIONS (AMENDMENT) BILL, 1998

(Continuation of debate thereon)

Dr. Frank McField: Mr. Speaker, when I closed my contribution to the debate on the National Pensions (Amendment) Bill, 1998 yesterday, I was attempting to say that the exercise here is similar to a person going to the hospital for a check-up. The doctor decides the person needs major surgery, cutting off the person's arm. Then the doctor decides there was no need for the surgery, and tries to put the arm back on the person. Basically what the remains of the National Team Government has attempted to do is derail a seriously important scheme for protecting the people of these Islands. Many of them were misled into believing that there were sufficient numbers of persons in this country who were so concerned about the effect pension legislation would have on the cost of living, that people would be so concerned about immediate gratification they would lose all sense of the necessity to plan for the future, and would see compulsory pension legislation as negative and as legislation against the people.

I must still give those Members of the National Team Government who supported pensions in 1996, and made it an important pledge in their 1996 campaigns. . . . Again, without being repetitious, I am trying to find out what led to the major surgery. It is fortunate that with good assistance, the Government will now be able to put that arm back on the patient and perhaps the patient, with a little bit of therapy, will recover from the shock of that unnecessary operation, and be capable of being a functional part of our society again. In this case, the patient is really our society.

The other point I tried to elaborate upon yesterday was the fact that I was not here in 1996 when the Pension Bill was brought before this House and domestics

were not included in pension legislation. They were excluded. When the Bill was brought again to this Legislative Assembly, it was brought by the present Minister responsible for Community Affairs, Sports, Women, Youth and Culture, the Honourable Julianna O'Connor-Connolly. That was brought in November 1997, and the attempt was to suspend the Pension Law. It was a Bill to suspend the Law. I spoke about the fact that I believe a pension is good, people have come to accept it, and we should not postpone because it would just cause unnecessary delays and confusion.

I did not take up the question of the domestics at that time, because what was happening was a suspension of the Bill, and we were being told by the Honourable Minister that she would get back to us as to the changes she thought were necessary. Obviously, one of the changes that Minister suggested in her White Paper was that expatriates should all be excluded, or excluded in the majority, except for (as was being said later) permanent residents with the right to work. But in the attempt of the Backbench to see reasonable Government and fair legislation, the Government 'back-backed' from that position (as I like to say—back-backed from that position), but in backing back and accepting that the legislation should not exclude expatriates, the Government in a sense said that, with the exception of persons working in private homes. So the Government has had time to rethink this legislation, and has still come out, more or less, with the opinion that pensions should not really be for all the people working in this country; that it is bad economically for this country to include all persons working in this country between the ages of 18 and 60 in a pension plan.

I tried to suggest that that creates a certain dichotomy, a contradiction, in that we are saying legislation to be positive for one group of people or one class of workers should not be extended to the other class of workers. In other words, the good that the Government is responsible for legislating should be good even if it is not extended to all persons affected by the realm of that governance. That is basically wrong. What is good for one person in this situation would perhaps be good for all persons.

We are also making the assumption that domestics would feel deprived if they had to pay something toward pensions each month; that they are so badly paid, we admit, that it would not be reasonable to assume they would be willing, or able, to make any contribution toward their golden age. I think to admit this is also to indict our society; for if our society feels comfortable with the super-exploitation of a particular class of people in this country, to the extent that we know it will not lead to the person being able to do anything more than provide for their day-to-day existence, our society knowingly endorses what I

would call institutionalised discrimination—legalised discrimination. We are endorsing that at the end of the working life of a domestic in the Cayman Islands, that person will have absolutely nothing for her retirement if she has not been successful in being able to save money herself.

We accept that even persons making \$60,000 a year should pay into a pension plan. We accept that someone who is a gardener should pay into a pension plan. We accept that someone coming into the country on a work permit to be a waiter or waitress, or assistant on a dive boat, should pay into a pension plan. But we do not accept that the domestics working in this country, helping to make the country's function possible, should be included in a pension plan. We are saying this because it would not be good for them. I am not sure what research the Government has done, and maybe when the Honourable Minister makes her reply she will be able to assist me by saying what steps Government has made to enquire as to the desirability of including domestics—in other words, are they for it or against it? Would they feel excluded? Would they feel discriminated against as a result of this legislation excluding them? Or would they be happy that they do not have to put anything aside for retirement?

It is the lot of immigrants to go to a country with the idea that they will only remain in that country for a short time, maybe for a year to get enough money to build a house, or finish a house, or some particular immediate goal they identify as the cause that motivates them, that pushes them. The 'pull' factors we talk about being the conditions in the Cayman Islands, the possibility of making some money here and saving some money, that factor pulls them. The poverty factor pushes them. Between the push factor and the pull factor, we have people migrating.

Now people stay for a year and then they say, '*Well, maybe I'll work two more years.*' And after two years they say, '*Well, we'll continue to work because we have not really achieved those objectives we came here in the first place to achieve.*' Sometimes the more difficult it is for a group of people to get the kind of salaries and save the money, the longer they will stay. So we can assume that, if rents are high for domestics and salaries are low, and the cost of living is high for the domestics and wages are low, their stay in the Cayman Islands will be longer, because it means it will take a much longer time to achieve the objectives they might have come here to achieve in the first place.

What happens, then, if the domestic is a loyal, law-abiding person, a Christian person, a likeable person? The employer has no desire to get rid of that person, to terminate that person to bring in another person. So the domestic ends up staying longer than the banker, the accountant, perhaps even longer than the lawyer, the construction worker, the waiter, the waitress, the dive assistant. At the end of the day, we might find that even if 25% of those people remain in our society over a period of say fifteen years or so, and then feel so attached to this society that they might have a desire to apply for permanent residency or Caymanian status, the question

is, Would they be entitled to the residency conditions? Would one of the Immigration Board's conditions be that you should be involved in a pension plan when persons come to apply for status? I am quite sure that will be taken into account. Therefore, to exclude this particular group of people is to institutionalise discrimination against them, and conditions that will act to their disadvantage in becoming permanent members of the society.

I am not saying that it is my job to find a reasonable moral and practical solution to this problem, but I am challenging the Government and the society so they will not fall asleep while trying to come up with a workable solution to this situation.

Yesterday I tried to emphasise the important role domestics play in private homes. I tried to show how they influence all of us who interact with them, and how they influence our children, because there are persons saying that without domestics they would not be able to work themselves. And they are being paid so little as women, for instance, who go out and work in the banks and trust companies, making perhaps \$1500 or less, and they have to pay the domestic to look after the one, two or three children they have, it seems that the family economic unit now is the Caymanian mother, the Jamaican domestic—rather than the father—and the children,.

I am saying that because of the contribution, rather than the pay, rather than the reward, because of this that class of people should not be put into a position where they can be permanently discriminated against. They play too much of a role in this society for Government not to have taken into consideration—extreme consideration—their unique and peculiar situation. Their situation, if we affected any change in this area, means that some Caymanians who would want to hire the domestics would be at a disadvantage. In other words, they would not be able to afford them because of the additional pension. But in a lot of cases we would find that it would not be that much more, because just like people learn to live with what they make, and do what other things they have to do to make it even if at the end of the day the Jamaican domestic has not as much money saved as a result of the pension plan as their Caymanian counterpart, at least that person has some little thing saved—even if it is a few hundred dollars. I know of cases in this country where Caymanians who spent time abroad in the United States are now getting Social Security cheques. Those cheques are not for any significant amount of money, but when those cheques come in, they help, even if it is \$100 or \$200. I know through personal experience how grateful they are that they have that source of income, and that they were able to participate in a civilised system that took into account all persons, and not just people who could not politically fend for themselves.

So, when we talk about the Chamber of Commerce, and when we talk about persons only making arguments about the goodness of pensions because of the economic virtue of pensions, and not because of the social and moral nature of pensions, we are being one dimensional. A one-dimensional approach to this problem, the one-dimensional approach of the Chamber of Commerce

that continues to look at everything in purely economic terms.

But man is more than bread. The Bible tells us that we do not live by bread alone. We have to have faith, beliefs, values. I believe that our Christian values of sharing and caring are being questioned by this type of approach because it is too selfish. Even those persons talking about the economics are making certain value judgments themselves, because there is no proof that the economic arguments they are using regarding the impact the inclusion of this class of people would have on the whole system, would cause people to be not able to afford.

We have to have a standard. We have to say that in working, people have to be treated in a particular way. Otherwise we would not have our labour laws. To say there should be a particular standard, and hopefully as a result of those standards there would be a particular wage reward paid to the working person. The fact that these working people are not Caymanians but are female, are black, the fact that they come from Jamaica should not make a difference! We have to see that we compel ourselves to live up to some godly responsibility regarding exploitation of this class of people. We have to legislate for our own behaviour regarding this group of people. If we do not, we create a subhuman culture within our very humanistic and Christian culture. And that creates violence, that feeds crime, that feeds dysfunctional families, creates a situation of immorality around us. It is important that we insist upon a standard for **all**.

We see it when we say that these persons can live in substandard housing, where rents are put at a price the landlords wish; there is no running water, and the sanitary conditions in these places. . . when you go into them, you wonder how the Cayman Islands can tolerate this! And it is no good saying, '*Well, that's the way they lived where they are coming from.*' They came here to be better off, otherwise the pull factors which pulled them here are not real. They came here to find an improved standard of living. We cannot allow, simply because of the exploitation, for our standards of decency to be lowered to the extent that we create these ghetto subcultures in our very midst.

A lot of the things we complain about today we are doing to ourselves. We like to talk about how TV is doing this, and how these foreign ideas are doing that. But people are foreign, therefore the ideas those foreign people have must be foreign ideas. If we go to Russia, and all over the world to bring people here to work for us on all levels, because we feel that gives us a superior position, then we will have a lot of foreign ideas in our country, without watching TV, because those foreign ideas emanate from foreign people in our country. Some of these foreign people are domestics.

That is a situation in this country which, I think as long as we see from the point of view of convenience, is convenient for us not to do anything about. It is convenient for us to do nothing about the rents they pay. It is convenient for us to do nothing about the salaries they receive. It is convenient for us not to do anything about

the types of exploitation which go on in the workplace, and as I remember from my little time working with *The New Caymanian*, a lot of that happens to be sexual harassment and so forth. It is convenient for us to turn a blind eye. Yet, when divorce rates in our society begin to increase, when the moral behaviour of our people begins to become affected, we begin to blame that on someone else, not realising that we made the choice to create the circumstances which now come back to affect us.

So I think it is important that Government have a good reply to some of the things I have started to discuss. I am talking about the sociological, moral consequences of maintaining or institutionalising the super-exploitation of a group of women in this country for the convenience of those persons who feel their well-being can only be preserved by the maintenance of that archaic type of social and economic relationship.

It is important that the Government realises, in excluding these groups of people, that the economics of this country has very much to do with domestics, because they spend money: They go to Foster's, they go to Kirkconnell's and they shop. They go to the small native stores, Caymanian stores, and they circulate their cash. So they are like the bees that carry pollen from one flower to the next; they are the circulators of currency in our society. They play a very important role. If they were not here, the money would not circulate, at least to the extent it does.

There are persons among us in the so-called 'grass-roots' community who realise the economic importance of this class of people. There are persons from the grass-roots community who realise other contributions that this group of persons makes to the society, and it is not easy for us to explain why they are being excluded. We want the Government to reply and say why, give good reasons why. As I said, I do not have the bureaucracy the Government has to work out the solutions. I am just a Member of the Legislative Assembly. I cannot be put into a position where I have these answers, but I can ask for the Government to search for these answers. I can ask why it has not, until now, searched for these answers, because it has the arm of the Civil Service—close to 3,000 of them—to be able to do all these things. So it must do its work.

With all the time it has had to play around with little amendments, and change the commas or the *T*'s and the dots of the *i*'s—all the legalistic semantics it has taken us through, and it has given no consideration to the social, political and moral implications of its actions. This is one reason we say that this side of Parliament is a new breed, because we think about the whole picture. We don't think about the *i*'s and the commas, the legal jargon, and the fancy phrases. We think about human relationships and human behaviour.

Mr. Roy Bodden: True! Tell it to them!

Dr. Frank McField: And until we get those types of planners in this country, we will have Government coming in talking about Vision 2008. . . . What vision?

We are making a pension plan, and we should be able to plan for today because those who cannot plan for today can certainly not plan for tomorrow. We want Government to understand that institutionalised discrimination is very difficult to get rid of. Anyone who studies society knows what a problem that is.

I bet we can become so complacent—look at how the hierarchy is formed. The lady who gets \$1500 from Bank of Butterfield, or Barclays Bank, who says she has to pay the domestic the price she is paying because they are only paying her so much in the bank, what she should really do is say to the domestic, *'I am going to pay you more, because I am going to make sure tomorrow, that the Government, if not my employer, sees that I am paid a little more decent wage.'* Part of it (and this comes into the relevance of this discussion) is how we use people. A lot of those banks should perhaps be providing pre-school money for some of our Caymanian women, or providing pre-schools for these kids to be in, rather than these women having to take part of their salaries to bring in domestics that we must treat as subhuman in this country. Maybe that is what needs to happen. Maybe we need to make a much more conscious effort to solve our problems on one level, rather than creating other problems to solve the problems we are posed with. The problem of how a woman supports two or three children as a single mother is not going to be solved by bringing in domestics and paying them substandard wages, encouraging the development of substandard housing, and having to turn a blind eye to slums developing in our society.

Do we need to have these people? My mother raised six children, and from the day I knew my mother, she was working! She worked in Grand Cayman, in Cuba, in the United States. She was always working, but we never hired any domestics. If anything, we invited another member of our family to come and help. That member of the family was given a particular reward. That is the extended family concept which is being eroded in this country simply because we are making it more convenient for people to pay to solve the problem. As a result, to say that if we brought domestics into the pension plan, it is only going to cause wages to go up, and make it more expensive, therefore adversely affecting our people, is not an argument that I would buy.

Someone called me up and said, *'Look, I need your help to get something from Social Services.'* And at the end of the day, I said, *'Well, how long did Social Services help?'* And she said, *'A year.'* I said, *'Well, that's a pretty long time. Why don't you get your family to help you?'* And she said, *'Well, my family—they're not interested in helping me.'* I said, *'But you could talk to them.'* Because you know what happens? Necessity is the mother of invention. When you need the grandmother or the aunt or the cousin to really look after your child, or to help you with something, you will be more careful about your relationship with them. When you depend upon people, you are more careful about how you act toward them. Therefore, if some of us were forced to rely more on ourselves and members of our own community, we might be better

off. We might be able to recreate that more useful and harmonious extended family system.

The point I am making, insisting upon a standard for domestics in this country, is not going to adversely hurt people. We still have our traditional support system that needs to be given encouragement in this country. The Family Study points it out when it talks about the number of old people being pushed out of the economic and social process. We need to be able to find functions for our old people again, and the pension makes it quite clear that when people get to a particular age, they are going to be pushed out of the labour market. When they are pushed out of the labour market, what do they do for the next fifteen or twenty years? What do they do with their time? We are crying about the need for us to police our young people. We are crying about the breakdown in the social control systems, and we do not understand the significance which the extended family played in our social control systems. This is the reason, especially at this point, that it is necessary to do something by way of pension legislation to reinforce the extended family system which is the backbone of our social control system.

All things are interconnected. I have preached that from the time I came here. We must look at the overview. We must see how everything is affected. Therefore every legislation affects everything. If we include domestics, if we make it mandatory that we must pay more, (a) we might get a different quality of persons—more reliable; and (b) we open back up a necessity for there to be a new consideration regarding the relationship between families. We give back to the grandmother, the aunt, the great-aunt, the possibility to become involved and to feed a little bit off that household rather than having all the money of that household going to another group of people. We can maintain a particular dignity. We can maintain a particular standard in our society by not going along with this naive economic argument that if you include people in a safety web that should be good for all, you are going to mess it up for all. I think if we ended up with a fewer number of domestics in this country, we would not be at a tremendous advantage, because it is just like a car. I cannot put a car on the road unless it is tested for roadworthiness, simply because I am driving on the road, not by myself, but with other people. I should not be able to put anyone in employment unless I can live up to a particular standard, because the existence of that person I put into employment has an effect on the entire society. Therefore it cannot be left to selfish decisions about needs. The question of employment, the question of the importation of persons to be employed, is a social and political question, and Government must continue to reserve the right to pass judgment on what those relationships should be. This is not the time to give up that responsibility. I think enough is said on that, but I think it should become clear that the thrust of my argument is the challenge to Government, if it will not include domestics in the mandatory pension legislation, to not just look at the possible repercussions from an economic point of view, but look at the possible negative moral and social implications of excluding these people.

There is one thing I would like to speak on regarding the involvement of the Social Services Department, or as it is said here, the question of the spouse. I take a position regarding amendment of section 36(6), which reads, **“In a case where there is need, in the interests of the children, the Director of Social Services shall have power to apply to the Court for an order appointing a trustee to receive up to one-half of the pension payable to the surviving spouse, and to apply it, for the benefit of the children, in accordance with subsection (5).”** Now I differ from some of my colleagues regarding this amendment. As a matter of fact, I basically support this position, because it says, “in accordance with subsection (5).” I should have read subsection (5), but I will now read it. **“Where a former member dies, leaving a surviving spouse and dependent children, the spouse shall receive and hold one-half of the spouse’s pension on trust for such children for their maintenance, benefit and education until such time as the children attain the age of 23 or cease their full-time education, whichever shall be earlier.”**

I tried to look up the word ‘spouse,’ because some men think ‘spouse’ automatically means woman. I guess when we come from a chauvinistic culture we will make those types of mistakes. But spouse basically means, husband or wife. I do not know where the idea that men are going to die first comes from. It could happen, but I have seen a lot of situations, especially when we live in a little more peaceful society where you don’t have all those wars and everything, it is a possibility that some men can live longer. There is always the possibility of car accidents, women can get in them and could die, and the spouse that is left is the husband, and he can be a bad person, too. I do not think this is coloured by any type of prejudice toward women, and I would like to defend it by saying that we never know.

That is one reason for laws. We have laws because we assume that at times not everyone will conform. This is one reason for a Pension Bill. There is no reason people should not save, but we make it mandatory just in case, because it would protect everyone.

I think it is in this case that I see the Law empowering the Social Service Department to get involved here as needed. It is very needed. We do not know what the future will bring. We are not just talking about Cayman today, we are making a Law that will be tested as time goes on. Therefore, I think it is a very important part of this legislation and should not be taken out in that it gives Social Services the power to apply to the Court to enforce a stipulation which is in the Pension Law itself, and not left to the will, choice or fancy of our citizens.

I do not think we have to get into any more moral condemnation about this than we would about mandatory pension. This is mandatory, what they must give to the children. It says, **“their maintenance, benefit.”** What is a benefit? Someone is doing something for my benefit, they are doing something that is good for me—“and education”—because an education should really be for my benefit as well. It is possible that someone may argue that you do not need to pay for higher education for a

person to be looking after their benefit. Just to make sure we close that possibility, we put in “and education”—**“maintenance, benefit and education until such time as the children attain the age of 23 or cease their full-time education.”** So if you cease your full-time education before you are 23, that parent with charge for you is no longer obligated by law to support you. If you are 23 and not going to school, you are working, so you can support yourself. The basic idea of pension, in any case, is to support those persons who are not working, who cannot work because of age, in cases of persons over 60, or in cases of children, because they are going to school until the age of 16 or 18, and in this case, it is giving the child an additional choice. The stress here is on children, very much so on children, because it gives those children the additional protection of being able to still get some support up until the age of 23 if they are going to school. If they are going to go to school later than 23, the Law does not really protect them. I feel this is a good idea.

From the point of view of the fact that the spouse, on the death of the other spouse, gets 60% of the pension paid to them. I do not know exactly how that came in there. I believe if someone has paid money into a pension, that person’s family should get all of what is paid into the pension. Maybe I am wrong about how this is being interpreted, but I am quite sure the Minister will deal with this in her reply. I would like to make the Minister aware of the fact that I at least understand this clause from that point of view, and I have no criticism to hurl at her regarding this. Whatever criticism I do hurl is because I feel justified in doing so. If I do not feel it is reasonable, I am not going to do it. I would like to say that regarding this.

From the point of section 52, where the principal Law is being amended by repealing “two years” where it appears and substituting “six months” allowing a contributor to the pension to be able to withdraw his or her money after six months, I do not think we have to play into the hands of the advocates of, *‘Why you taking the money from me for? Make sure you give it back to me. How do I know I’m going to get my money back?’* I do not think we have to play into those advocates by legislating a possible disadvantage here. I think, as was said by the Third Elected Member for West Bay, two years is an okay figure to insist on. I believe, since the money is for pension, unless the person has reached the age of 60 the person should not be that anxious to put their hands on the money.

From the point of view of the stability of our society, I think they should give us the benefit of the doubt. If they come here and they work and make the money here, they should believe enough in our society to believe that, at the end of that period, we would be quite willing to transfer that money to the jurisdiction of their choice. I do not really think we are being unreasonable in saying that from an administrative point of view, it would be much better to deal with this over that period of time, and from a financial point of view, we would like to have the advantage of keeping that money for a slightly longer period of

time. At the end, the pension plan has to work, first of all, for the Caymanian persons who are covered by it, and the administration of the plan should be such that it does bind that 60% of foreign workers to co-operate with us in securing our pension retirement benefits. We are saying to them at the same time that they will also get theirs. We need them because they are the complementary part of our workforce, and to make any reasonable and sensible programmes, they must be included. They are that element of partnership that these wonderful ladies and gentlemen here like to so often speak about. It would be good to bear that in mind, that we as Caymanian people realise it is our society being exploited—not in a negative sense—I use that word to say taking. . . well, it is our society where the work is happening. At the end of the day, we are going to be left here, because we have no choice. Even if legally we have a choice to go someplace, I think morally we have less of a choice to leave than the expats. So we have to make sure that in doing business here, we continue to create and preserve an environment that will enhance our lifestyle, not just for today but for tomorrow as well, and all those who participate, who partake in this process, should give us the benefit of the doubt in that case. Unless we are doing something that would be totally a disadvantage to the expats, we hope and we say they should co-operate.

I am just going to close down now. Again, I am saying that I think Government is wise in this, but the Government has failed to show good reason why domestics, who form such a large group in this society, who have so much of an influence on the social and moral fabric of this society, should not and cannot be included in a compulsory pension plan.

I compliment the Government in making the 360-degree turn back to sense and reason, and hope that my message will show that lawyers are not the wisest people in this world. Thank you.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.24 AM

PROCEEDINGS RESUMED AT 12.03 PM

The Speaker: Please be seated. Proceedings are resumed. The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. I rise to give my contribution to the debate on a Bill for a Law to Amend the National Pensions Law, 1996, and the three sets of accompanying Regulations. I strongly believe that in this day in which we live and conduct business, a practical and affordable mandatory pensions plan is extremely important and, indeed, a necessity for any modern and progressive community. I further believe that these amendments are timely and, generally speaking, reasonable.

I am sure that for the most part all will agree that the National Pensions Law, the proposed Bill and Regula-

tions are comprehensive and complicated. I commend both the new Minister and her colleagues on Executive Council for their dedication and commitment in creating and endeavouring to implement the pension legislation. I would also like to recognise the former Minister who was instrumental in bringing the Pensions Law forward in 1996. Like me, the First Elected Member for West Bay always has his people at heart. Their contentment and daily needs are always his first and foremost concern. I believe this can surely attest to the reason behind his introducing this most important piece of legislation.

This amending Bill and Regulations as experienced in the past, have been very controversial. I believe that with all parties working together we will achieve the goal of providing for our people acceptable provisions for pensions. This will ensure that Caymanian employees, in particular, can now look forward to receiving a pension benefit in their golden years when they most need it. Presently, many of our elderly receive a supplement of \$200 per month from the Social Services Department.

As we are all aware, most of our Caymanian people are proud and at times hesitant to apply for and receive assistance from Social Services. With a pension plan in place, this will tremendously reduce the financial obligation which is presently placed on the Social Services Department. This will mean that during retirement they will be placed in a more secure financial position and will not have to purely rely on Government, their families and other charitable organisations for support.

I was truly pleased to learn that a Caymanian has been employed in the Pensions Office in the post of Administrative Officer. I have every confidence that this individual will play a most important role in the day-to-day affairs of this office. I look forward to her one day perhaps filling the position of Superintendent of Pensions.

In my opinion, we should proceed with putting this legislation in place so that by 1 June the pension scheme will be up and running. Should it be necessary to make further amendments, when such an occasion arises it can be dealt with accordingly. Through this method of planned savings our Caymanians and permanent residents will have started towards a brighter financial future and shortly thereafter non-Caymanian work permit holders will also be included.

I, too, would like to encourage all employers and employees to unite in order to obtain and implement a feasible and affordable pension plan. Uniting creates a partnership between workers and employers as they invest together for the future.

It has always been Government's priority to ensure that the people of these islands are well looked after. I am pleased that the pension plan is well on its way to becoming a reality.

Thank you.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

The National Pensions Law which was passed by this Honourable House in July 1996 and scheduled to come into effect on 1 July this year, has not been free of controversy. The public is well aware of the controversy from the time it was first introduced by the former Minister back in 1996, up to now with the present Minister.

On 23 December 1997, a Law to suspend the operation and the coming into effect of the principal Law was passed by this House. Since then, much time and effort has been dedicated to introducing a vast number of amendments to the Law as evidenced by the 46 amendments to the Law during the suspension period. These 46 amendments represent some 48% of the 95 sections of the Law. This is a major revamping of the Law and cannot be considered as minor.

I will not be speaking on the amendments which have been circulated in any detail, as when they are moved I will have the right under Standing Orders to speak on them in some detail. I am also cognisant of the Standing Order anticipating an amendment or a Bill, so I will just make brief references in passing to those sections without necessarily debating that amendment.

Many of the amendments made can be regarded as minor but not necessarily a cleaning up exercise. In view of the splendid job—and I give credit where it is due—done by the Minister moving this Bill in her presentation on the second reading debate, I feel that it would be somewhat a waste of the time of the House to reiterate or repeat the same information she has already provided. There are, however, at least three of those 46 amendments that I consider to be highly paramount to this Bill, and that I consider go to the core of the whole Law. These are clauses 16, 25, and 31 which amend sections 25, 36 and 52 of the Bill. I will be commenting on these later on.

However, before continuing, I wish to briefly touch on an article which took the front page in the Tuesday, 31 March, 1998, issue of the *Caymanian Compass*. It was captioned, "Idle Morning in the House—MLAs Complain over 'deal-making.'" The editorial caption "Back room talks" also caused me some concerns.

In this connection, I wish to thank the Third Elected Member for Bodden Town and the Fourth Elected Member for George Town for clearing up this matter. By so doing, they demonstrated beyond any doubt that they are clearly men of integrity and class, while at the same time reaffirming that I was, indeed, acting with the blessing of the vast majority of the Backbench when I met with the Minister responsible for the Bill and her invited colleagues. The truth is, the Minister said to me herself that she would wish to have her colleagues present when she and I were discussing this Bill. In view of the reasoning behind that, I had no objection. It saved her having to repeat what I discussed with her.

All in all, the talks went well. I feel that the Backbenchers were able to accomplish what I was mandated to do on their behalf. I would like to pause here to say that I have been in this House since 1984 with one break (1992-1996). My record will show that I tried to make as major a contribution to this country as my ability allows,

and I have never before been accused by the press or anybody of wasting the time of this Honourable House. I regard that as irresponsible journalism, that the press did not attempt to get a more rounded report on what happened by consulting with me because I was available in this House and the journalist responsible for this saw me and made no attempt to speak to me about it. So, it has to leave a lot of questions in my mind.

What was the motive? Was it to show me in the worst light possible? Or was it to get the truth of the matter? I am fully aware of the nature of the misunderstanding and nothing tried in that connection is going to break the link that we have over on this side of the House, but had the press just taken the opportunity to speak to me, to find out why it was that I met with the Ministers at the Glass House, it could have avoided a lot of misunderstanding and embarrassment to not only me, but also the Elected Ministers who met with me.

With one major newspaper circulating in this country, it behoves them to try to get their reporting as factual and accurate as possible. This has not only happened to me, it has happened to other Members of this House. I am not afraid to speak. Some Members are afraid to speak when the press is involved for fear of victimisation. They have the forum of their columns in the paper, I have the forum of this House. If they want to fight with me, they can start it. I am not afraid of them. They can attack me through the papers, I can reply on the floor of this Honourable House and I can handle myself.

Some people have wondered why Linford Pierson is not as boisterous and active as he used to be. Mr. Speaker, the reason is that I have controlled myself and am acting the way I feel I want to act. But I am like a fire on the stove—if you turn that fire up, it will give you all the heat you need; but then you can turn it down to control it the way you want it!

If anyone feels that I am not still capable of being the same old Linford Pierson that I used to be, they are mistaken. I can handle myself. So, if it is fire they want to see, they can get it! But I will not be intimidated by the press. I want that journalist and the press to know that whenever I see any reporting that I think is not factual on things I have said or done—in or out of this Honourable House—I will be correcting it. I will not be intimidated. I refuse to be!

If they want to work with me honestly, I have always been open. There is no time that any area of the news media has approached me when I have not been very open and willing to work with them. But I noticed a situation from the time I was sitting as a Member of ExCo on that side. And I believe I spoke about it once before. It seems that that situation is raising its ugly head again. The press is very powerful. It can make you look good, or it can make you look bad, and they know it. I want the public to know that they should listen to Radio Cayman if they want to get an accurate accounting of what happens in this House.

My advice, though unsolicited, is that the paper could enhance its reputation by endeavouring at all times to produce a well-rounded report of the proceedings in

this Honourable House. I have seen many times where they have said in their reporting that they have tried to reach others to get a full and rounded report, but were unable to make contact with the Minister, or Member, or whoever. They cannot truly say that in this instance because the journalist who wrote this was sitting in the box when I came back in here and made no attempt to approach me on it.

What we need is factual information. When I read that story on the front page on Tuesday, I was shocked! With the embellishments. . . The reason I was shocked was because I also got a transcript of what was said. The story was certainly embellished. I also read the editorial. I could not believe my eyes! It put me in a bad light, as if I had deliberately wasted the time of this House by being in a boiler room discussion with the Ministers. Nothing could be further from the truth! If there was ever any productive time spent on this Bill, it was during the time we met in that meeting!

[Members' applause]

Mr. Linford A. Pierson: I am not going to sit and tolerate that sort of behaviour.

Mr. Speaker, you are aware that last Friday after discussion with the Backbenchers I was asked to approach you to see if you would adjourn early so that the Backbench could have the opportunity to sit down and look at the amendments and decide on what amendment would be brought to the Bill. You adjourned the House early on Friday for that purpose. Is that also wasted time?

What about the week we gave so that the public could further study this Bill? Was that wasted time? It is strange that the front page spelled out my name. Why was that done? Was that to embarrass me or put me in a bad light?

When I went to meet with the Minister and her colleagues it was with the mandate of the Members I met with on Friday. It was with their mandate. I was asked specifically to meet with the acting attorney general on Monday morning at 9.00, but he called me and said he was unable to meet with me. I then called my colleague, the First Elected Member for George Town, and told him that I was meeting with the Minister responsible and would appreciate if he would let the other Backbenchers know that. He told me he would do that.

While I was in the meeting, I called down on two different occasions to see how the Members felt about the extended amount of time we were taking to try to get the amendments in order. Had the journalist responsible for this article approached me, I would have told him this. But that was not his motive. It appears the motive was sensationalism! They did not want the facts, they wanted to make me look bad.

With one paper circulating in these islands, it is important that the journalist be as responsible as they can be. They have qualified privilege to sit in the box up there and to report on the proceedings in this Honourable House, but with that qualified privilege comes the responsibility to ensure that the reporting is a factual and

accurate as possible. Now it could be said, '*Linford Pierson, you are a seasoned politician, you don't take issue with the papers.*' I do this time! I can tell you that I will be watching very carefully to see what sort of repercussion I get from this.

If there was good faith, after the Third Elected Member for Bodden Town and the Fourth Elected Member for George Town, in the same way a report was made on the contribution made by the Third Elected Member for Bodden Town, it could have been said that in his contribution he had made reference to the mandate given to me, but no mention was made of it. Look where it went! Nothing was said on the front page, but yet, the criticism made about me was put as a headline article—plus the subject of the editorial! I call that irresponsible journalism.

That is the headline that should go in tomorrow's paper—'*Third Elected Member for George Town Accuses Compass of Irresponsible Journalism!*'

Mr. Speaker, it has been a long time since I have spoken like this in this House. But I just want them to know that I am still capable of doing it. From here on they might very well see a different Linford Pierson.

I do not want to say any more on that subject. I think I have dealt with it fairly well. I will just wait to see what type of reporting I will get for anything I say in this House from here on because I will not sit and let it go idly by. I brought it to the attention of that particular journalist, through my colleagues, my feelings on other matters that have been reported on in this House. I saw no improvement and from here on, I will take it into my own hands. If he has a problem with me, then let him come and talk with me.

I wish to now turn my attention to the three amendments I referred to earlier which are contained in clause 16 of the National Pensions (Amendment) Bill, 1998. I would like the press to clearly understand that this is one of the amendments we discussed. The major three amendments we discussed in our meeting had to do with clause 16 which amends section 25; clause 25 which amends certain areas of section 36; and clause 31 which amends section 52. These were regarded as three of the most important amendments needing to be done.

This is what we spent time doing in the Glass House on Monday morning—not wasting time—but using the time of the House very productively! Maybe it was wasting time for that journalist. We are not here for him—he is here to report what goes on in the House.

I have to congratulate the Minister for meeting with us on her own accord about a week ago and trying to amend what I thought was not a good Bill at the time. It has completely left out expatriates. That was very unsatisfactory and unacceptable to this side of the House. When she came back with her amending Bill, it contained a clause where. . . I will read that, "**by repealing subsection (2) and substituting the following subsection**". . . and in order for the listening public to understand what is meant by that, I will need to refer to the old Law.

What it stated here was that "**subject to 2 and 2 (a) as included in the Law, all employees between the**

ages of 18 and 60 shall be members of a pension plan.” But it did say that until the 1 June 1999 employers are not required to have pension plans or to contribute to pension plans **“for employees who do not have Caymanian status or who are not permanent residents.”** That was the amendment that came forward in the amending Bill.

They added another section, section 2(a) that after 1 June, 1999, **“Employers are not required to have pension plans or to contribute to pension plans for the benefit of employees who do not have Caymanian status.”** It went on to say in either case **“(a) have been working in the islands for a continuous period of 12 months or less, or are employed to do business in private residences.”** It deleted the old sections of the Law which called for all expatriates working in the Cayman Islands to be included after three months of service. That was the main area of contention in section 25.

What the Backbench sought to do was to bring this more in line so that expatriates would be brought in at a much earlier period. In this respect, rather than having to wait until 1 June 1999, the Government was willing to reach a compromise with the Backbench. This period has now been adjusted to 1 January. That was what was agreed on.

We do not know how this amendment will go. Hopefully it will be approved, as the Minister said yesterday in her introduction on the second reading debate, the Government intends to accept the amendment put forward by us. That amendment is being moved by the First Elected Member for West Bay, who was the gentleman who piloted this Bill in 1996, and will be seconded by myself.

In the same way I saw reference in today's paper, even in the editorial, on the motion circulated since then on a different subject (to do with dredging), in the same way the paper could get access to that it could have gotten access to this amendment that they circulated with these two major amendments. Perhaps they did not, but they should have been given access to it. Normally, they would not have been able to report on it until it was moved and seconded.

This is a major amendment, and I think it was time well spent. Rather than having expatriates now wait until June, we propose that that time be brought up closer. In addition to that, we have moved that the Bill be further amended by deleting where it says “12 months,” and substituting “9 months.” The reason behind that is to ensure that we catch the expatriates who intend to be permanent in the islands as quickly as possible. We have tried to avoid the transients, the people on temporary work permits, because under the present system, as I understand it, you can get a renewal of a 30 day work permit and then, on top of that which would give you 60 days, you can get a six month permit. So you are effectively looking at eight months. If we use nine months, we are including all of those temporary and transient people that could create an administrative nightmare in this whole Law.

So, if anybody listening to the sound of my voice can truthfully say that that was not time well spent, then I do not know, something is wrong.

Another important area we discussed in our meeting had to do with clause 25 which amends section 36 of this amending Bill. The Bill had included in it. . . and I would just like to read from that so that I get it accurate. It states, inter alia, **“Section 36 of the principal Law is amended-**

(b) in subsection (1) by inserting at the end the words ‘and the pension payable to the spouse on the death of the member shall be of an amount equivalent to at least 60% of the pension paid to the member.’” Many of us found this unacceptable.

The effect of the amendment we reached with the Ministers was that that 60% would be replaced by 100%. Is that not time well spent, Mr. Speaker? This was one of the major complaints that the general public had about this amending Bill. The Ministers very graciously agreed to work with the Backbench on that amendment also. I am not here to speak for the Ministers, but right is right!

In clause 25 which amends section 36, there was another area that caused a lot of concern to the general public. I am not going to suggest that we were able to address every single issue out there that has been talked about. That would be impossible. I see us coming back here within a year to make further amendments. It is not a perfect situation. The Minister moving this Bill suggested that yesterday. But I believe that we have addressed three of the major areas of concern by the general public.

One area of concern in section 36 had to do with the question of the spouse's pension being put into a trust. The public was asking who was going to administer this trust, and what sort of trust it would be. It was creating a lot of confusion in the minds of the public. The effect of the amendments reached with the Ministers and the Backbench is to have the words “on trust for such children” deleted and replaced with the words “to be used for the maintenance, benefit and education of the children.” So there is no further confusion regarding trusts. This, again, was what we spent time doing in the interest not only of this House, but of the general public.

There was a third clause we spent quite a bit of time on. That was clause 31 which amends section 52. The offending (if I may call it that) section of this was contained in subsection (2)(a)(i). This was in the National Pension (Amendment) Bill under discussion now. This section had the affect of repealing the two years whenever it appeared and substituting six months. Many of us feel that it would be in the best interest of this country.

We are also cognisant of the interest of the expatriate who may wish to have his pension plan or funds transferred to another jurisdiction or to another plan, the portability section of this thing. But we are also cognisant of the interest of the people of these islands and the instability that could be created by moving funds too fast from a pension plan. The effect of the amendments being moved by the First Elected Member for West Bay, and seconded by myself will revert that amendment back to the two year period.

Here again, we were listening to the voice of the general public and no reasonable individual can say that

this was not time well spent. It seems to me that sometimes the press in the editorial and otherwise tries to set the policies for this Government.

Also, in clause 31(1), 31(2)(b), we have inserted after "deduction" where it first appears, the words "from that payment or transfer." This is contained in (2)(c), rather than in (2)(b). Before the amendment we wish to move was agreed on, it stated, and I quote, *inter alia*, that it would "make such a deduction in respect of actual and ascertainable administrative expenses." The purpose of this was that provision was made in the old Law that if a transfer was made in accordance with section 34 or 52 that the expenses in transferring that plan or that member's amount to another plan or jurisdiction would have been borne by that individual. But the Pensions (Amendment) Bill, 1998 had the effect, or I should say it was understood that the expenses would be taken from the general plan. We wanted to make it abundantly clear by the amendment brought by us that it would be taken from that individual's plan so that it would not be spread over the full plan because a number of people had a problem with that. So the effect of the amendment that the Backbench will be bringing will be that any transfer under the portability system of the plan, the expenses involved will be taken directly from that plan and not spread over or taken from other member's contributions.

There was also a further amendment made which we feel was most important to the plan. That was by deleting where it stated "as may be" (and this is in clause 31) and substituting therefore "as is." The effect of this will show that beyond any reasonable doubt this clause is specific. What it stated before, and I am looking at section 52(2)(c), and this was the new section that was included by Government which we are seeking to have further amended. **"An administrator shall on making a payment or transfer under section 34 or this section [referring to section 52] make such a deduction in respect of actual and ascertainable administrative expenses incurred in making the transfer or payment [and the old section stated] as may be (1) provided for in the plan to be made in respect of all such transfers and withdrawals; and (2) approved by the Superintendent."** Where we have asked that this be tightened up is where it stated "the transfer of payment as may be provided for in the plan," we have stated that we wish to have that read, "as is provided for in the plan." So there can be no doubt as to the protection of the members involved.

Mr. Speaker, I will have the opportunity to speak again on the amendments that will be moved on this amending Bill, and I will have more to say on the details of that at that time. For now, I wish to thank you most kindly for your patience and I look forward to debating the amendments which will be moved the First Elected Member for West Bay and seconded by myself.

The Speaker: This is probably a convenient time to take the luncheon suspension. We shall suspend proceedings until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 3.06 PM

The Speaker: Please be seated. Debate continues on the National Pensions (Amendment) Bill, 1998. The First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you, Mr. Speaker. I was really hoping that I would have heard from someone in Government, but if you give me a minute, I will have my papers arranged. (Pause)

As I said in December last year, at that time in the Ministry we prepared some amendments that were minor, more or less clean-up amendments to the National Pensions Law. No one needs to question where I stand on what has been mooted around the place as the major concerns for the Pensions Bill. I debated it in December 1997, I took my position, I voted against it and I went public saying that the Government was on the wrong track. I do not step aside from that path I was on. They were doing the wrong thing.

From the beginning, the concept in drafting the pension legislation was to protect, improve, and establish pensions for all workers in the Cayman Islands. Following representation to our Ministry by employers and employees, that in some specific cases because of the condition of existing pension plans the Law would have put them at a disadvantage, and consistent then with our objectives to ensure that workers in the islands had a retirement income and to reduce the risk of Government having to increase social services payments to retired workers, we made amendments to the Law to give employees approaching retirement age the power to select the option best suited to their condition.

For example, our amendment to section 6 of the 1996 Law (and when I say "our amendment" I am talking about the amendments circulated in the House in late September and October of last year) was proposed to be amended to allow existing pension plans which were as good, or better, to continue to operate; and where the employee would be better off without having to register all aspects of their plans but having to meet the scrutiny of the superintendent. For example, some of the pension plans in place at some of the multi-national corporations, such as the bigger banks, were not able to meet all of the registration requirements such as the investment guidelines of the pension fund or the location of the administrator. However, the plan may have been far more advantageous to the employee. There are some banks whose existing pension plans are non-contributory, or the employer pays the lion's share of the contribution, or the retirement benefit is in excess of the mandatory 60% of minimum salary. It was felt that in these kinds of circumstances the superintendent could be given the discretion to allow these plans to continue. This is what the amendment to section 6 does. I am speaking now about amendments that were there before the Government revamped.

There were other amendments made to clarify the operation of the Law. For example, the definition of "earn-

ings" in the Law was amended in part to ensure that employers were not penalised under the Law for paying bonuses. Also, the definition of "pension plan" was clarified following representation from employees and employers, and revisions were made consistent with the objectives of the Law. The amendment to the definition of pension plan ensures that those employers who have savings plans, provident funds, or profit sharing plans are not penalised by the Law. So they will not be registered under the Law, and in all cases the employee is empowered under the revised section 6 I mentioned earlier, where the employee elects to choose the option best suited to his needs.

I wish to reiterate that the vast majority of the amendments to the Law were of a tidying-up nature. However, I have been dealing with some of the more important amendments affecting policy. The amendment to section 4(b) ensures that non-Caymanians who are working on board Caymanian registered vessels are not required to contribute to a pension plan unless they are normally resident in the islands.

The amendments to section 8 (1)(b), 8 (2)(a), and 8(3)(a), are based on public consultation and strengthens the Law in regard to the qualification of individuals who can administer Cayman Islands pension plans, or who can invest the funds of these pension plans by ensuring that only qualified and experienced persons or bodies are involved.

After the Government produced its amendment leaving our expatriates—and took a sound lashing from the public—it has come again with another idea which is an attempt to compromise. Again, we could not agree with this compromise because it is not consistent with the objectives of the National Pensions Law which is to protect, improve, and establish pensions for workers in the Cayman Islands; to ensure that all workers have a retirement income and to reduce the ever increasing risk of Government having to make Social Services payments far beyond what it could afford to retired workers. Government took a position (as was outlined by the Third Elected Member for George Town) hoping that it would have gotten agreement which, from what has been said, Government saw fit to compromise.

Now, I can say that in the group that discussed these amendments mentioned by the Third Elected Member for George Town, I did not agree with the one concerning the time. I believe that we should have started on the date stated in the Law, and I will show the reasons why. But to accommodate everybody and to try to work with a compromise, we will move the amendments in Committee Stage, that is the Third Elected Member for George Town and I.

I would now like to deal with this matter of why we should include all workers as it was in the 1996 Law. It has always been my position. . . and let me make this clear, again: We cannot, and must not, discriminate against the working man regardless if he is Caymanian or foreigner; regardless if he is working in an office, a construction site or in a store or on a dive boat, they are human beings. That is the position I have taken since 1985.

I am not against anyone—I am for what is right, sensible and practical, and against what is wrong. I have always said that we should learn to live and let live.

I do not believe that the 1996 Law we passed would cause loads of money to be taken out and bankrupt the schemes. I cannot believe that because we had too much input from the business people and we worked such a long time on it. The way the Law is put together, where there are several plans and not one big scheme, is a safeguard against bankruptcy. It was made so that people could move their plans with them without problems. I have always said that I do not believe anyone will take their savings back to the United States or the United Kingdom to pay a large sum out of that dollar in taxes. Each worker has his own account.

Section 52 (2)(c) of the Law reads: "**(c) An administrator may, before paying a member pursuant to this subsection, deduct a sum to compensate the pension fund for actual or anticipated expenses and losses incurred in effecting such withdrawal.**" We included this section in the 1996 National Pensions Law to specifically ensure that persons remaining in a pension plan did not suffer any loss resulting from a member, or a group of members, electing to transfer their funds out of a pension plan either in the Cayman Islands or somewhere else. The Law is made to protect everybody.

The Government says that it needs to protect small businesses. It is a fact that in these islands we have a lot of small businesses. In 1996 the *Hansards* record that when we were putting the Law into place in this House I said that the phasing in of payments were for certain age groups. For instance, for people below age 40 (which is the largest group of workers in these islands) there would only be a payment of 1% by the worker and 1% by his employer in the first year. Therefore, this would not cause any great impact on the economy. So the cost to everybody, employer and employee, would be spread out. A person making \$2,000 per month would pay \$20 per month. Consider someone making \$300 per week. All they would have to pay is \$3 per week for the first year and the five year period, all they would have to pay (if their salary remained at the same level) is \$15 per week. That is money for their old age, with dividends.

If a business is so small that it cannot afford that, it is time that they asked themselves whether or not they should be in business. If it has ten employees each getting \$500 per week, then all that business would pay is \$50 per week for their ten employees in the first year. In five years' time all they would pay is \$250 per week for the same ten employees. At age 45 and over, the maximum payment for the business would be \$250 per week in the first year if all of the employees were age 45 and over. If that can destroy a small business, then they need to look at whether or not they should be in business.

On top of that, the Chamber of Commerce has said that employers and businesses made preparation to add on the anticipated increase. Now, this is coming from the businesses. That is what the Chamber of Commerce is. So, they have already put their anticipated increase in

cost on while the public of the country—expatriates and all—are not being covered.

Let me tell you what this will do if we left out the expatriates: The vast majority of dive businesses in this country are foreign and they employ foreigners, expatriates. They employ them cheaper because not many Caymanians get into that field. If we leave them out, the Caymanian owned dive business, if he has Caymanians employed (and some do) would be at a disadvantage compared to the foreign owned dive operation. These are the kinds of disadvantages that would arise out of the Government's actions, and they will arise for the six month period too. As the Chamber of Commerce has said (and I believe other Members have also said), if we had taken the expatriates out there would be more cost to the Caymanian. The cost for operation would increase and be spread out to the Caymanians in the plans. It would reduce the retirement benefits.

So this attempt to leave out all expatriate workers until 1999 (and now until January 1, 1999) will do exactly what the Government said it did not want to happen. First, it is going to create a lot more paperwork for the employers, the providers, and the pension Superintendent, as well as the Immigration Department and the Immigration Board. Under the Government's proposal for June 1999 (and now for the proposal that is agreed on the consensus for January 1), employers will have to keep much more detailed and sophisticated employee record systems in order to track the continuous length of service in order to show when the expatriate on work permit has to join the pension plan. The provider will also have less of a smooth transition than what obtained under the Law where the return of information to the provider was simpler.

Under section 18 of the Law, the administrator is required to ensure that all eligible employees are covered. If we were to have accepted what was proposed by Government (and, as I said, if it passes that we do the January 1 deadline), there are two separate classes of employees established—Caymanians and permanent residents, and then expatriates on work permits for one year or less (now to six months) will come into play. It makes it much more cumbersome to track and schedule the participation of eligible employees in the plan.

The small office staff of the Superintendent of Pensions will now have the added responsibility of policing and verifying the length of service and eligibility requirements for all expatriate workers if they are to satisfy clause 16 of the Bill which amends section 25 of the Law, and if we agree to the January 1 deadline. This extra work load—and it will be an extra work load!—will result in what was intended to be a small efficient staff expanding with additional staff and expenses which Government can ill afford. They will have to do this or they will not be able to keep track and police it as would be their duty.

The Immigration Department—which is already overburdened with paperwork—will now have to supply a steady stream of information to the Pension Superintendent so that he can verify information supplied by employers and pension plan administrators. Depending on

how hard it is going to be to police this aspect of the National Pension Law to avoid abuse by employers, there will be a need for additional resources.

The next drawback of this provision is that a loophole is bound to be created by use of the phrase "continuous period of 12 months or less," opening up the way for employers to manoeuvre and manipulate the period of service for work permit holders. Employers, and employees for that manner, can get around paying for employees on work permits who have been employed for a continuous period of 12 months or less.

The third major shortcoming of Government's proposal is the possible discrimination against employing Caymanian workers to avoid paying pensions. For example, with a contract for less than 12 months an employer will most likely opt for a work permit holder because it will be 5% cheaper to hire them when compared to the local person. There will still be ill-will and bad feeling created against those expatriate workers employed in the islands for a continuous period of 12 months or less and doing a job well.

I will not go into the Chamber's survey because other Members have spoken about it, but the Chamber of Commerce survey puts the Government's position in a bad light. It shows that the Government was dead wrong about its position of leaving out expatriate workers. Government encouraged the Chamber of Commerce to do that survey.

As I said, we have made some amendments and we are going to propose them in Committee stage. There are a lot of amendments to the Law, some by Government now and some when I was the Minister. Some of these amendments are sure to affect other sections in the Law. I believe that we need some time to see how these new clauses in the Government's Bill correlate to the section in the Law, and, very importantly, how they correlate to the Regulations.

When I say time, it is because it is such a complex matter. When the new Minister was bringing the amending Bill so that she could have time, I agreed that she needed some time because she was new. What I did not agree with at the time was for the putting off date. I could not see through it and they could not convince me about it. As I said, looking through the Law we can see (and I am no lawyer) where there are certain sections of the Law being affected by certain clauses being put forward now. I believe that we should take some time to do so.

We say that we are a God fearing country. We say that we do not like discrimination and we all follow the Bible closely (as much as we can). We remember that the Bible says to be kind to one another and "do unto others as ye would have them do unto you." That is my position in life. If I hurt somebody it is not because McKeeva Bush set out deliberately to hurt them. My philosophy in life has always been that if I cannot do good for you, I will not try to do bad to you. What the Government was attempting was not doing good for anybody—Caymanian or expatriate.

One Member raised the matter of domestics. It was my position that we should not cover domestics now. We

could have looked at it in many different ways. We could have looked at domestics in the light of people with certain income levels. The social situation in the country is that there are people who are not on high salary levels but who do have a helper because of their children. There again, we have a lot of elderly people who are being assisted by Government and the only income they have is that \$200 per month, but because they are old and feeble and handicapped in some way or another, they have to get a helper, as they are usually called. That group of people in the country would be affected.

I looked around the country and spoke to various people about that because there were those who wanted domestics to be covered immediately. I took the position that we could not cover them immediately, but once the Law was up and running and we saw how it worked, we could see how we could fit this in. I still stand by that position today. It is not that I do not want to cover domestics.

The Speaker: Would this be a convenient time to take the afternoon break?

Mr. W. McKeeva Bush: Yes, Sir.

The Speaker: Proceedings are suspended for fifteen minutes, and please, let us try to be back in fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.46 PM

PROCEEDINGS RESUMED AT 4.09 PM

The Speaker: Please be seated. Proceedings are resumed. The First Elected Member for West Bay continuing.

Mr. W. McKeeva Bush: I am going to leave this aspect of the percentage of a pension for spouses to the lady Member for North Side. It is noted that, real or perceived, there are people who do not care for their children. I do not know what statistics there are to show how much this is affecting children, or whether it is the mother or the father. I think it may harbour this attitude to put this clause that leaves the woman bereft of the entire pension of her husband. So there is an amendment to bring that back to 100% of the spouse's pension. The Member for North Side is very adamant that the 100% be put back in place.

Much has been said about the need for pensions, and the need for the pension to begin this year. Everyone has a right to speak their mind. There are those who feel that we do not need to put anything in place that costs too much on business. Those of us who have a sense of history and a knowledge of right and wrong; who have had to listen to the needs of the elderly thus far in this country, who have seen firsthand how they must live hand-to-mouth, know it would be completely irresponsible for us not to put in place the wherewithal for people to help themselves today for the future.

One only has to look at the number of elderly applying for financial assistance offered by Government, the paltry \$200 per month to supplement their small income—in some cases it is the only income they have to live on. We live in a country which boasts of much prosperity. One of the reasons I so strongly support pensions is because I have firsthand knowledge of the needs of the elderly because of the lack of retirement planning in the past, the blatant refusal to put the mechanism and provisions in place for pensions. That is why I am so adamant, and that is why I was so adamant during my term in Executive Council to see that we got a Law on the books.

I am aware that approaching the new millennium we have not put anything in place yet. One of the reasons for the Labour Amendments in 1995—which nobody wanted—was an attempt to deal with the issue of so many workers who had reached the age to either be pushed out of their jobs, as was happening, or were nearing the age and there was no form of retirement benefit for them. The only solution I had in the face of so much opposition. . . and we might say don't live in the past, but if we do not at least look at it, we will repeat the mistakes. . . the only solution I had in the face of so much opposition to the 1995 amendments, what I knew about the situation, was to propose and fight for an increase in the financial assistance and change the way it was handled by the Government in the past.

There is no use saying that we see a problem, if we then sit down and do nothing about it; there is no use saying we are sorry for the elderly but then refuse to assist them. There is no use seeing their need, carrying a little old fruit basket for them once a year, or giving them a lift home from church, dropping them off by their gate, saying, '*Poor old Miss Boddin, she is such a nice old lady.*' These nice old people have to live on a day-to-day basis.

I have taken much heat, accusation, and ridicule for putting that provision in place for the old people, the sick and handicapped. That is all right. They are our people. There has been much talk about people getting who should not get. Let me hasten to say that applications came in from every Member of this House. Those who did not bring in or send in an application, certainly knew about them and received the support from it.

I have always said that the one big drawback in this country is that there is so much jealousy, so much '*Tink hard,*' in good old Caymanian language; so much unwillingness to see somebody get something and say '*Let's live and let live.*' That is one of the problems. When you consider their needs, for instance, some have to buy medicine out of that \$200 per month. The cost of living is increasing.

Does anybody inside or outside of this House believe that we should be giving the \$200 per month? In fact, the National Team should pray about that one too, and make preparation to start giving the increase we promised in the elections so that by the new millennium we are all planning for in Vision 2008, these old people who built what we are enjoying today—who beat the hur-

ricanes, the mosquitoes and other hardships in this country devoid of any natural resources, except for the will, the brawn, and the goodness of its people—will by the new millennium be able to have the \$400 per month we promised them. Do you know what, Mr. Speaker? If McKeeva Bush was still in Executive Council, he would see to it that they get it!

Perhaps. . . well, I better not get too carried away here.

I would like to see the person who is to say that there are people getting it who do not deserve it. I would like to see them say why. Can you look at a person and say he or she does not need? Any one of us who has elderly parents knows what it is all about. Anyone who has family members up in age, who worked back then and has nothing, knows what it is all about—especially those old Caymanians who worked, who scrubbed the floors, washed the clothes, cleaned the hotel rooms, cooked the meals in the hotels and condominiums, washed the dishes in the hotels and condominiums, who swept the yards, some who got messed up with chemicals and got nothing for it, those who went to sea and kept us going. I want to see anybody in this Legislative Assembly or in this country say that these old people should not get!

[Members' applause]

Mr. Roy Bodden: You're on the right track now.

Mr. W. McKeeva Bush: These are the people who kept us going. And what a pity, at the end of the day they were left with nothing! The Cayman Islands boasts of millions of dollars from tourism, millions of dollars from finance, hotels, banks and per capita income that is some \$21,000 or \$18,000—yet, we cannot give our people \$400!

They did not just come and sign up for this and get it. Every one of them had to go through questions and answers—more than the Financial Secretary gets in this Legislative Assembly! They had to go through a means test down to the very gas they use. Those are the kinds of things I put in place because deep within my heart I felt the need to do something about that situation. But if you do not have a heart then you cannot feel the need. If you have not worn the shoe tightly, you will not feel the pinch.

These people worked for us, and I am challenging the Government today to find a way to bring that pension for these old people up, and put the Law I promised in place, or else! If I do not hear about it in June, they will debate it because I am going to move a motion.

The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, says she is okay with it.

Well, I am getting some new information that there is an audit. That's okay. Good! I love investigations! Do you know why? Because when it is done they will find out they're clean. That is what it is all about. I love it! In my time I have been accused, and accused, and I have taken more licks than many in this House could stand to know. If it had been left to some, McKeeva Bush would not be existing here today in this Legislative Assembly. You tell them I said that

they can go ahead and do an audit of the old peoples' benefits. Tell them to go and do it! And tell the old people they do not deserve it. Tell them that!

They can go and audit. I put it in place. There were changes upon changes, and there was not one Minister in Government with me who did not bring in applications, and there was not one Member of the House who did not bring in applications, so let them go and do an audit. I am glad that they are doing so. Let them see whose name. . . unless they wrote somebody else's name on the application. . . .

I know this much, Mr. Speaker: I am not ashamed that I put in applications because the people I put in applications for deserve it. But they believe that that will embarrass McKeeva too and send him into the wilderness. Learn this about a Bush: You chop it down, it will grow up again!

[Members' applause]

Mr. W. McKeeva Bush: I am glad that my friend, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, mentioned that there was some audit. That will not stop the Government from increasing the benefit to \$400—if they have the conscience to do it! I do not know, Mr. Speaker. I am not there, so I do not know what is going on. I am not in the loop of information. But they can go. I do hope that all the applications for the people who are getting it are there.

The old people I talked about who did the work in this country, who built the country, these are the people who are getting—the ones we never had the guts to put up a minimum wage for, and to write letters to the hotel industry so that they could get a proper salary. Those are the people who have to get assistance. Am I ashamed of it? I am not ashamed of it. Why should I be? They did a test.

All I would like to say to the Minister who gave me the information is that after they do the audit, let me know the results. I do not know who asked for it. I do not think it is your subject now anyway. But thanks for the information. Somebody let me know what it is all about.

People with handicaps need it, people who are permanently sick and do not have an income and cannot work are those who are getting it. The one great fault in this country is the eagerness of some people to be quick to judge and jump to conclusions with a willingness to embarrass, put down, speak down and kill when they want to do it. The end result is to hurt our brothers and sisters.

How about being a kinder, gentler nation, with a willingness to assist and allow for one another with sincerity and trust. Don't walk with daggers, don't stab me in the back when I am not looking. How about, "to do justly, and to love mercy," with a willingness to help your brother rather than trying to kill him?

Mr. Linford A. Pierson: Hear, hear!

Mr. W. McKeeva Bush: Even when they find out that you have done nothing wrong they still have an unwillingness to say, 'You know, I was wrong. Ladies and gentlemen, I was wrong.' How about things that make us good, kinder and gentler?

The Minister piloting the Bill. . .

The Speaker: Would you like to adjourn and finish tomorrow? It sounds like you have a lot more to say.

Mr. W. McKeeva Bush: No, Mr. Speaker, I am winding up. The Minister piloting the legislation began with a passage of scripture. I cannot remember, but it was very pertinent. One that I would like us to remember is ". . .to do justly, to love mercy, and to walk humbly with thy God."

Mr. Roy Boddén: Good statement.

Mr. W. McKeeva Bush: Mr. Speaker, I would like to thank all those persons who were involved with this exercise. As I said, I am glad that the Government has come to its senses, albeit screaming and kicking. But it had no need to get into all the fuss. Government should have done what it needed to do to give the Minister time, but it did not need to bring in the fuss about expatriates and cause the big fuss it did.

I do not want to get into the boiler room politics. What I do recall is that the message was given to Members that the Leader of Government Business had called down to say that he and the Third Elected Member for George Town were holding discussions and negotiations. I believe that might have given rise to certain things being said. I did not take part in it, but I can tell you that that was a long wait down here on Monday.

Mr. Roy Boddén: True!

Mr. W. McKeeva Bush: I suggested that Government take some time, or allow us (if they want to put it that way) to go through this Law. It is so important that the changes we make do not affect other sections of this Law. People from both sides have worked hard on this and we do not want to destroy a good thing. I hope they will go along with that request.

I am sorry if I upset the House today with this thing about the financial assistance, but that leads to the fundamental principle in the Law. The Law is made so that people will have a retirement income. We failed to do that, so we had to bring in financial assistance. If we do not do it now, later on there will be more and more financial assistance.

Thank you.

The Speaker: I will entertain a motion for the adjournment. The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until tomorrow morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock Friday morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.34 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 3 APRIL 1998.

**EDITED
FRIDAY
3 APRIL 1998
10.18 AM**

The Speaker: Prayers by the Third Elected Member for West Bay.

PRAYERS

Mr. John D. Jefferson, Jr: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have received apologies for late attendance from the Honourable Third Official Member responsible for Finance and Economic Development, and apologies for absence from the Honourable Minister responsible for Tourism, Commerce and Transport who is off the Island on official business.

Item 3 on today's Order Paper, Government Business, Bills, Second Reading debate continuing on the National Pensions (Amendment) Bill, 1998. Does any other Member wish to speak? The Elected Member for North Side.

GOVERNMENT BUSINESS

BILLS

SECOND READING

**THE NATIONAL PENSIONS (AMENDMENT) BILL,
1998**

(Continuation of debate thereon)

Mrs. Edna M. Moyle: Mr. Speaker, as you know, I am one Member of this Legislative Assembly who deals wholly and solely with the item before us when I get up to speak. But in order to clear up a matter that was aired on the radio in these Islands, and insinuated to the First Elected Member for West Bay, that it was I who requested an audit of the financial assistance to the people of this country, I intend to call upon the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to tell the people of this country whether Edna Moyle requested him to call for an audit of the financial assistance of the elderly in these Islands.

It is no wonder that the National Team Members are slowly drifting away from a team they have been loyal to for some five years. It was insinuated to that same Honourable Member, the First Elected Member for West Bay when he was asked to resign from Executive Council, that it was Edna Moyle who insisted upon his resignation. Edna Moyle was in Washington at a conference on domestic violence and she received a call at 11.00 PM to return to these Islands as quickly as possible and to bring the elected lady Member from Bodden Town. We did as we were asked, but I can assure this entire country, and the First Elected Member for West Bay, I did, and the entire National Team did, I did not insist. If I had the power over the National Team for them to do everything that I insist upon, maybe I should have been the Leader of the National Team and not on the Backbench.

I will speak very briefly on the National Pensions (Amendment) Bill, 1998. I am certain that before I move on, the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, being the gentleman he is, and the Member of Executive Council who hides nothing that his portfolio is carrying on from

the Backbenchers because he gives in-depth and honest answers, will clear up this matter when he gets up to speak.

I would first like to deal with section 25 of this new Bill, the one that has caused a tremendous amount of concern for the Backbench and also for members of the general public. I would like to have been told when the decision was taken to remove those persons in these Islands with three months or more employment on work permits, that the Immigration Department could have given us a percentage of those people who left these Islands at the end of those three-month contracts; and a percentage of those who stayed on for a year or more. I am certain that the majority have remained in these Islands, maybe not in the same job, but with other employers.

I personally, and with the representation I have received from people in the community, feel that we are bringing the "us and them" situation back more forcibly between the Caymanian and the expat. The expatriates who have spoken to me have said they would love to be able to contribute to these pension schemes on a mandatory basis, as is for Caymanians.

The next item I will deal with, because I think this entire Island knows my position when it comes to women's rights—and if you will just give me a minute to find the clause that deals with that section, Sir—section 36 of the Law. Having been on the committee for pensions, and receiving this amendment where 100% of the spouse's pension would have been paid to the surviving spouse, and at this point my Honourable colleague, the Fourth Elected Member for George Town, gave us a definition of the word 'spouse' from the dictionary. Be that as it may, I also know that the word 'spouse' means male or female. But when I asked for a clarification on this section—and I am not here to embarrass any Member of the Government by calling names—but I will say it was not the Minister bringing this Bill, what was said to me was, "This is to stop the woman from running off with her boyfriend and spending all the money with none left for the maintenance of the children."

I think in a day and age when this country is developing, and we are pushing more and more for the equality of women, this is a slap in the face of the voting population of women in these Islands. We must remember that they are the majority of the voters in these Islands. Let no one misconstrue that I am defending the women in my District, because it is the only district that does not have a majority of women voters. So what I say here this morning is for the women of these entire Islands.

I would like to read something that was sent to me by the Chamber of Commerce and I think other Members received the same thing. It is from the Chairman of the Theresa and H. John Hinds, III Foundation. It says: **"Women are far more likely than men to live out the ends of their lives in poverty. Six years ago the Theresa and H. John Hinds, III Foundation started examining why poverty in old age has a distinctly feminine face. What we discovered is a retirement system that is not well suited to the work patterns of**

women who continue to bear the overwhelming share of responsibility for caregiving in our society."

In my humble opinion, for far too long the job of the housewife in these Islands has been overlooked—the women who have chosen not to join the work force to bring in a salary, but have chosen to stay at home and keep the family together. These are my reasons for objecting to the 60% of the pension being paid. In my humble opinion, even though my colleagues on this side may disagree with me that this does not only mean women, I dearly believe that it refers to women.

Not only have surveys been done in the United States that tell us that women live four to five years longer than men, but the family survey laid on the Table of this Honourable House just a few days ago by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, has also shown us that our elderly consist of more women. In my District, looking through that family study just last night, the majority of our elderly are widowed women. To say to any of them that they should only receive 60% of their husband's pension is an insult. I thank God that the Backbenchers were in a position to sit down and put their heads together (the majority of the Backbenchers, that is) and after discussions by the Third Elected Member for George Town and the Honourable Minister and other Members of Executive Council, have had the 100% put back into the Law. I am indeed grateful for this.

Mr. Speaker, the other section that gives me some concern is in the Regulations dealing with the conjugal date. I looked up 'conjugal date' in the dictionary and that refers to marriage. The definition of that word in this Law is so in-depth. But it even goes beyond what a marriage is defined to be in the Matrimonial Causes Law. In this country, we all recognise a marriage to be between a man and a woman. Our Penal Code does not allow marriage between two people of the same sex. So we know that the matters dealing with this section—which I had marked, but somehow forgot that copy—anyway, the section that I am dealing with is under the General Regulations, in which the spouse will only be entitled to a percentage of the member's pension after the marriage. I interpret this to mean that if the person she marries has been contributing to a pension for ten or fifteen years prior to her marrying him, and there is a divorce, she is not entitled to any contribution he (or she) might have made to this pension scheme prior to the date of the marriage.

I think this was explained on national TV on *Issues* 27 the other night. It was to protect whichever spouse would be paying the pension, should there be a divorce. Because of the first divorce a man or woman may have had, a contribution would have had to have been paid to that former spouse. I would like to see in this Law, or explained to me by that Honourable Minister, how we can handle a situation where one or the other of the spouses were previously married and had been paying a former spouse a part of their pension, but the person now has another spouse because that former spouse died. The person is no longer contributing to another

spouse. Why is the present spouse, in the case of a divorce, not entitled to a part of the contribution made prior to the marriage?

Normally in a divorce, the rights of the former spouse are specified in the divorce proceedings or settlement. So I would like to see included, somehow, where a member does not have a former spouse alive, that some consideration could be given to a portion of a pension contributed to before he married that spouse if the former spouse is no longer alive.

It has been found that once there is a divorce and upon retirement, a woman will need 60% to 80%, if there is a divorce, of the pre-retirement income when she retires. That is all persons. The woman will need 100% of their pre-retirement income because the woman's income and therefore her savings are often lower. They live longer, inflation erodes buying power of those additional years.

There is no consideration being given, now that we are bringing in a National Health Insurance policy which everyone in this country must pay. She will have to pay health insurance for herself as well as for her children from this small pension benefit. I would ask the Honourable Minister if, rather than taking me to task because I have dared to question, she will explain to me if anything can be done to assist in this area.

Maybe it is time for Members of this Parliament to fight for equality of salaries and wages for the women. Maybe then there will be no need, because when we retire, we can retire on the same size pension as our male counterparts.

With that, I thank you, Mr. Speaker, for your indulgence. At Committee stage I will have other questions of concern, but I do not see the need to stand here and go through this Law section by section and then in Committee stage do the same.

Thank you.

The Speaker: Does any other Member wish to speak? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I rise to give support to this piece of legislation before the House. It is of paramount importance to the development of this country, and as we go forward, I think it will continue to improve the status of our people in these Islands. Much has already been said, and I will not go over these territories. I just wish to touch on a few points. As usual, I will be as brief as possible.

I, like the Fourth Elected Member for George Town, feel that we must give due consideration to domestics, whether our Caymanian people, or expatriates. It is not fair for some of them to be in place for as long as fifteen years, some of them, and when they reach retirement age, we have not provided for them.

Personally, once I knew of the coming in place of this Law last year January, I looked to take out protection for my own helper who is a wonderful Caymanian lady. She has meant a lot to my youngest son, espe-

cially, who spent a lot of time with her in the evenings. Much of his discipline and good behaviour I attribute to spending several hours with her each day. I think we, as responsible Caymanians, need to look at this. It is not fair, and as this House knows, when I brought the Health Insurance I also included those people.

We have to look at this as a point of security and as my good friend, the Fourth Elected Member for George Town talks about, the social area. When we have happy people here, it means Cayman will continue to be a good place. This happiness can only come about by providing these people with some security so they know, after working for a number of years, when retirement time comes, they will have a little 'kitty' in the bank.

The other area I have personally had representation on, and whatever the House rules on this will stand, is in regard to some of the small businesses. They have represented to me that the time of taking effect, when the contribution could be delayed for X number of months, or even a year, but that has to be what the majority of this House says. I, as a representative have been asked to make this representation even though I am on Executive Council and am bound by collective responsibility.

The last area I want to touch on is in regard to the situation before the House adjourned yesterday afternoon in regard to financial assistance. I was the person that asked for a review, an audit, of this new responsibility I was taking on. As all colleagues on Executive Council and in this House knew, when I took over the full responsibility of Health back in March 1994, one of the first things I did was ask for a review and an audit of the Health Services. As a matter of fact, I think my Permanent Secretary and possibly the First Official Member who took part in this.

As a person responsible for taking over something of this magnitude, and any business person accepting new responsibility, I think it is only fair to know at what point and at what position we are taking over. We can then make a mark and go forward. It was at no time my feeling of any undue concern, but as a business person I wanted to make sure where I was, at what point I took over. That financial assistance, Mr. Speaker, is now up to \$1.8 million per year. When I am dealing with and responsible for funds of that magnitude, I want to know what is going on. I need to get the feel, Mr. Speaker. I do not like going into things unless I know what I am getting into, and more for my understanding of how the system works, the qualifications and so on.

Mr. Speaker, I have no problem increasing the amount of assistance to those who need it, but I feel it must be demonstrated that there is a sincere need. Once this Honourable House approves that increase, I would love to implement it. I have no problem in implementation.

With those few words, I give my support to this Bill before the House. Thank you.

The Speaker: Debate continues. Does any other Member wish to speak? (Pause) I will wait a few more min-

utes and then I will have to call upon the Honourable Minister to reply.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If I may, Sir, the proposed amendments by the First Elected Member for West Bay, to be seconded by the Third Elected Member for George Town, were meant to be debated. That Member had to leave for a few minutes and he should be back soon. I was (not just me, but all of us) hoping that we would be able to debate those amendments—not necessarily vote on them, but debate them because if they wait until Committee stage I do not think there can be any debate on it. So I am wondering if it is possible to take a short break to allow him to come back, so we may debate those before the winding up.

The Speaker: I think I should clear up the situation. That is a Committee stage amendment. But I have given scope to the Third Elected Member for George Town and the First Elected Member for West Bay, and I will continue to do that, to make reference to it. You are at liberty if you want to go ahead.

Mr. D. Kurt Tibbetts: Yes, Sir. It is just that if I were not going to speak now and the winding up occurs, neither one of those Members will be able to speak on the amendments. I thought that was the proposed situation even though the vote on those amendments will be taken at the Committee stage. That is all I am trying to explain.

The Speaker: I understand. It is a bit early to take the morning break, but if it is the wish of the House we can suspend for fifteen minutes if you think that would help.

Is that the wish of the House? We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 10.47 AM

PROCEEDINGS RESUMED AT 11.55 AM

The Speaker: Please be seated. Proceedings are resumed. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, this amending Bill to the National Pensions Law, 1996, has been dealt with in a lot of detail so far by those Members who have contributed. Certainly, the mover of the Bill has gone into a lot of detail. I will not be dealing with many of the specific sections and I will be brief, but I think, generally speaking, we need to give the country a synopsis of what we are dealing with.

I think one of the biggest problems we face with this Bill is the fact that however you tear it apart and go through each section, society will find it is totally, physically impossible to have a national pensions law which is satisfactory to everyone. So we will continue to hear, as we are now hearing, some persons or sectors being dissatisfied with the way they see an immediate effect

which might be negative on the way life has been for them. For instance, as mentioned before, there are some sectors, specifically what has been termed in the debate 'small businessmen' within the country, who feel that the way the Law is to be structured with the proposed amendments will certainly diminish their profitability, their viability, and other areas in business.

I am sure in the short term what they are thinking about is something real, but I think what we need to understand and accept at this time is that if we do not engage in a national pension plan, the end result for the entire country and all of the people in the country is going to be one in which there will be many more individuals as time goes by who will reach the age where they are not contributing to the labour force and cannot contribute to the labour force, and they will not be in a position to be self-sustaining. The only thing that will happen is, the way this country is, we will find ourselves, at a national level, having to take care of more and more people. I think that is the general principle that surrounds the whole thing.

So, while there may be some individuals or groups who feel it is a noose around their necks, the truth is that in the long run they too are going to have to be taxed to help pay to take care of the increasing number of individuals who will not be able to take care of themselves because they will not be in a position to. One might ask, using that argument, Why include expatriates in a scheme? It has been proposed that expatriates should be included, not on a compulsory basis, but on a voluntary basis. But there are other ramifications to that which have been explained.

It is obvious that as it is happening now, there will be some people who feel dissatisfied. Mention was also made of the domestics, and there is a fairly large number of them. As the amendments proposed are passed, at present this category of worker will not be included. But while I accept, at this point, that it might be difficult to include them immediately, I wish to see a commitment from the Government that the situation will be looked into. I think it has to be examined carefully. But I think Government has to take the view that some situation has to be created whereby this category of worker can be included. The details of the pros and cons, and the way in which this can happen can be worked out, but I would like to see Government give a commitment to some kind of timeframe, whereby the situation will be examined closely so that once it is possible, it can be dealt with.

There has been an argument put forward that because of the wage scale of such a category, the amount of contribution made by these individuals and their employers would not be much more than the cost of administering these contributions, so there might not be much sense in it. I do not subscribe to that view at present because having looked at the rates the providers are charging, it seems it is possible. But because I do not know all about it, I will take the view that leeway can be given if they are not to be included presently. But, again, as I said, I seek that commitment.

While we will haggle and argue over individual points about this Pensions Law, I think by and large, as legislators, because we all realise the impact such a Law will have on the community and the society at large down the line, we feel it is necessary to sell the whole idea to the public.

One of the problems which has not really been addressed yet is that we have all been trying to hear everyone's gripe, trying to defend our constituents' positions as they come to us, but perhaps we should be stepping back and taking a different view. This is the view I propose at this point. As with most legislation as complex as this, and also as is common with legislation of this nature which has an immediate and direct impact on the pockets of certain sectors of the community, I think Government and all of us as legislators should take the position that, *'Listen, to the best of our ability, having listened to all concerned, these are the amendments being proposed and we believe, with the knowledge we have at present, this is the best we can come up with.'* But we must be able to tell the public, and I think we should tell them today, that we understand it is not only possible, but quite likely that as the Law is put into effect and acted out, and the public has to begin to participate, that as we discover changes which are obviously necessary, we will make these changes. I think that is the only way we will get the best results possible.

There is no sense in our digging in deep, taking our positions and holding fast to those positions, and not being pliable enough to say, *'Listen, if we find out and prove, by the Law coming into force, that certain areas must be changed...'* or if we have to run the slight risk of certain negative effects actually occurring for us to see what we have to do, if there is no alternative to get a better result, we should be quite willing to do this. I would hope that the Government would take this position because this is the position that I am taking. I have not really spoken at length to all of my colleagues on the Backbench. I have spoken with some of them, and I do believe it is a reasonable position to take and I am sure they will support this.

People see a law, if in their minds it is going to affect them negatively, as one they have to fight before it comes into force. I do not think anyone can blame them for that because they have that right. But I think it would be comforting for the public to know that the Government is going to closely monitor the circumstances under which the Law comes into force and be proactive in being willing to make any changes necessary. I think I can give a commitment from the Backbench that we will be looking at it as carefully as we can and we will not be afraid to put forward any changes we think should take place, or to talk to the Government about it.

Some unfortunate incidents have occurred during the course of events here, and I will not bother to go into them, but suffice it to say that regardless of all of the little problems that will come up daily, let us ensure that we look at the broader picture to make sure that we are doing our jobs as we should be—which is to bring about betterment for as many of our people as possible.

I think if we can live with the comfort, and we can hear it from the Government Bench, that that is the position they are going to take with the Law, as we go into Committee later on and deal with any amendments that might be coming forward, once we get those out of the way, perhaps for the next three or four sittings of this House we can make sure it is not just something that is left alone to work. If there are problems festering, that we come back here and deal with any other problems as they arise as it is put in force so that we can, within a year, perhaps, have it to the point where it is the best working situation the people of the country can live with.

I am not suggesting that lip service is common with all of us. I am only saying that I trust the position I am putting forward is one that might be listened to and might allay some fears in the eyes of the public. There may be those who will say that it is, again, only saying something. Let us prove to them that it is not that we have tunnel vision, or not about to satisfy any specific sector of the society, leaving others out. Let us ensure that what we have is across the board as best as it can be for all concerned.

The specific situations mentioned earlier about the amendments proposed have been dealt with and I will not go into it in any more detail except to make one point. With regard to expatriates, as a principle I think it is necessary that pensions on a national level should include our expatriates. What we need to be looking at that has not been addressed by Government (and I am almost willing to say successive governments) is our Immigration policies. Many of the problems that are obvious, because it shows up with the plan being proposed at a national level, are caused by the lack of Immigration policies in our country. We need to address that area, otherwise we will be forever having problems with any national pension law that exists in this country. That may seem to be a totally separate situation, but the truth is that if we examine it closely we have to accept that one affects the other.

The other situation we have to look at is that there are many individuals who feel that certain categories of workers should not be included because of the salary they earn, and because of the circumstances that surround those categories. It is not a farfetched thought that we may be having to look at a minimum wage law, especially in certain areas. Let us not be frightened by that, because I liken the whole situation to several rows of blocks that are side by side. If we start off with all of them at the same height and if we add the same amount to each of them, each row will end up being the same height. What we cannot do is add to a few of them and leave the rest out. That is when the huge disparity occurs.

I think it is important, when looking at this type of legislation, to accept the other areas that affect it, and we have to deal with all. If we deal with pieces of it and not the other areas, it will not bring about the right results. Perhaps, at another time, we can get into more detail but I think we want to act now rather than talk. So, we need to get some things going, but I can assure this

Honourable House that we will not be leaving all of those other areas alone, and I trust that the Government will be conscientiously looking into those areas to see that we are doing what should be done.

I will wait to hear the wind-up to see if we are all on the same track, and the Backbench will be watching closely as we go through implementing this Pensions Law to ensure it brings about the best results for as many as possible in the country.

The Speaker: Does any other Member wish to speak? (Pause) If not, does the Mover wish to exercise her right to reply? The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I would like to thank all Members for their contribution to the National Pensions Law and the accompanying three sets of Regulations, and to say that I look forward to this most important Bill and Regulations moving into Committee stage in the very near future, so that we can progress with the passing and subsequent implementation of this most important piece of legislation.

In the interest of time, I will desist the temptation to respond to some of the comments passed during the course of this debate, in particular this morning. Suffice it to say, I will take consolation in the statement coined by the Fourth Elected Member for George Town, that time is longer than rope.

I would also like to publicly congratulate the Honourable Third Elected Member for George Town for setting the record the straight regarding the negotiations which transpired last Monday at the Glass House. I can attest without fear of favour or contradiction that the Third Elected Member for George Town conducted the negotiations in a very professional, firm yet friendly manner. I take my hat off to him. I was extremely impressed by the level to which he took the negotiations and at all times completely satisfied that he was carrying out the mandate given him, and purely in the interest of our country. I would like to publicly thank that Honourable Member.

With those brief words, I thank all Members for their indulgence, patience, and their assistance. I look forward to Committee stage when further debate can ensue.

The Speaker: The question is that a Bill entitled The National Pensions (Amendment) Bill, 1998, be given a second reading. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE NATIONAL PENSIONS (AMENDMENT) BILL, 1998, GIVEN A SECOND READING.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

STANDING ORDER 14(4) - ORDER OF BUSINESS

Hon. Truman M. Boddien: I understand that it is the wish of the House that the Committee stage be debated next week Thursday. I am wondering if I may thus waive Standing Orders to move on with the amending motion relating to dredging which has been circulated to Honourable Members, if that is the wish of the House, which I think it is.

The Speaker: Under Standing Order 14(4) you have that authority, but I will put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THAT COMMITTEE STAGE ON THE NATIONAL PENSIONS (AMENDMENT) BILL, 1998, BE TAKEN ON THURSDAY, 9 APRIL 1998, AND GOVERNMENT MOTION NO. 1/98 TAKE PRECEDENCE OVER THE REMAINING STAGES OF THE BILL SET OUT ON THE ORDER PAPER.

The Speaker: We will move on to item 2, Government Business, Motions. I would entertain a motion for the suspension of Standing Order 24(5).

SUSPENSION OF STANDING ORDER 24(5)

Hon. Truman M. Boddien: I move the suspension of Standing Order 24(5). Mr. Speaker, the Honourable Member is not here now. Either I will have to put the motion and move on, or we—it seems to be the wish of the House that I do that, Sir.

The Speaker: That seems to be the wish of the House.

The question is that Standing Order 24(5) be suspended. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 24(5) SUSPENDED TO ENABLE GOVERNMENT MOTION NO. 1/98 TO BE MOVED.

The Speaker: The Honourable Minister for Education, Aviation and Planning will move Government Motion No. 1/98, North Sound Dredging.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 1/98

NORTH SOUND DREDGING

Hon. Truman M. Bodden: This motion is a very short one, carrying out the intent put forward in [Private Member's] Motion No. 2/98, which dealt with dredging generally. The original motion stated, among other things:

“WHEREAS Private Member’s Motion No. 2/98 was passed by this Honourable House;

“AND WHEREAS such Motion provided, inter alia, in the first recital:-

‘WHEREAS the Throne Speech delivered by His Excellency on 16th February, 1997 (sic) [1996], stated that, “Executive Council has decided that there shall be no further dredging in the North Sound, except for an approval granted to Caymarl Ltd to excavate the balance of material (784,100 cubic yards) that remained under a licence granted in 1988 for the dredging of 2 million yards of material from the borrow pit offshore the marl pit, just north of the George Town Barcadere.”;

“NOW BE IT THEREFORE RESOLVED THAT extension of time be granted for Caymarl Ltd to dredge the balance of material remaining (being 289,000 cubic yards) under the approval previously granted within six months of the date of such extension.”

This basically allows Caymarl Ltd. to continue its operations for a further six months until there is a completion of the amount of material in the licence granted in 1988. I believe it was the view of the House that this should have been excluded and, indeed, in the recitals there was a referral to the exclusion.

I am not going to get into anything beyond that or into dredging generally. I so move that motion, Sir.

The Speaker: Government Motion No. 1/98 has been moved and is now open for debate. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, there is that side of me suggesting that I exhibit some sympathy towards the National Team because they are now reduced to one Minister. *[Members’ laughter]* One Elected Minister!

While that Honourable Minister and I are always at loggerheads, my heart really goes out to him because he is not even supposed to be the Minister moving this. But I suppose that is the price of leadership and loyalty. I tell you what, if I were his friend, I would not leave him at an hour like this—and I want him to know that. I would not leave him in this lurch. I suggest that he begin re-thinking his position. Maybe he should come over here!

I say that to inject a bit of humour, but this situation is indeed serious, because as the mover of the motion, I certainly did not intend to have to come, after establishing a position, and set this kind of precedent a few weeks later. What happens now, one has to realise that once the door is open on this occasion, the precedent is set for the door to be opened on a subsequent occasion. Hence, the effect of the motion approved by the House falls away.

Now, I believe this situation which the Honourable Minister has brought to the attention of the House is an administrative matter. If the Minister who had responsibility for dredging was doing his Ministry’s work, instead of doing other things he perhaps should not have been doing, this would not have had to come to this. I am not pleased at all!

This borders on making a mockery of the legislative process and taking for fools those of us who laboured to bring a motion, which obviously has the support of the public, to the House and to ask me to come here now to support this—my position can best be conveyed in this little anecdote which I crave your indulgence to relate.

The Honourable First Official Member responsible for Internal and External Affairs will be very familiar with this situation. At the Mico, we had an elderly Mistress, a very softspoken lady. I will never forget her. She was responsible for instruction in Geography and Religious Education. Her name was Miss Duncan. She was the epitome of a lady. But she was one of the stingiest persons in the world in spite of her profession of Christianity and religious charity. If you were even one mark short of the passing grade in any course she offered, she would call you in, counsel you, pray with you, but be you sure, you were never getting that mark to achieve that passing grade. So, today, I am going to be Miss Duncan. I will pray, I will counsel, but I ain’t voting in support!

I set myself up as an intelligent person, and I know when the motion was brought what the motion was meant to do. I also know what this is meant to do. Hence I ask the question. Certainly the Government must have known ere this, that the time was soon to be expired. Why was it not mentioned, even at the late hour that I brought the motion, that there were some extenuating circumstances worthy to be considered? That was the time to bring something like this. That was the time to have introduced this, because that was the time at which the motion could have been further amended, even as we amended it to accommodate certain wishes. But to bring this now, I cannot accept that, and I certainly will not.

I really do not want to belabour this point, but I have to remark, as a historian, how the National Team has fallen. They came in with such a sweeping mandate and have now lost so many limbs that they are lame to the point of having two Ministers. The Honourable Member who piloted this motion used to accuse my colleague, the former Second Elected Member for Cayman Brac and Little Cayman and me of being a leader with one follower. Well, Mr. Speaker, that is what he is now! I do not know if he is going to blow a conch shell, ring a bell

or whistle, but he better do something because he is going to need more than that.

The people of this country are serious about this. While I, too am going to stay far from the fundamentals of dredging generally, I am going to say that the National Team at this point has to do a lot of convincing to change my heart and change my mind. I have taken my position.

But I want to say this before I conclude: I consider that the National Team—particularly the Minister who holds responsibility for this—have abnegated their responsibility to the *nth* degree. He cannot escape culpability and blame for this situation, and he cannot now come to the Parliament and expect the Legislative Assembly to bail him out. For whatever reason, he failed to do his job. This is clear to me. And I am not a lawyer, as I am often reminded, but it is clear to me that this is an administrative problem that could have been handled at the desk of the Minister or whomsoever he designated to handle it.

To bring this here now and ask me—Mr. Speaker, it flatters me. I have to remind the Government that when we brought the motion they told us we were trying to take policy from them. Well, is this not giving us too much policy? Is this not giving us too much control over policy? This is what I was talking about. This is an Executive Council-level decision. This is what I am talking about with the greying of the area and the confusion of the process. This should have been handled at the Glass House not at the Legislative Assembly!

It should have been brought, at the very latest, when we were discussing that motion. Is the Government saying they are so confused and so shell-shocked, and so overwhelmed by the solidarity of this block over here that it did not realise that if it were not handled before this should have been introduced when we were debating the substantive motion on dredging earlier?

I refuse to touch this situation, and I have no guilt on my conscience. But this is clearly not within the parameters of the Third Elected Member for Bodden Town. I am suspicious. I wonder who is being the *samfie-man* because I suspect that this is a move to samfie someone. Do you know what a *samfie-man* is? According to the *Dictionary of Jamaican English*, a samfie man is “a person who tries to take advantage by playing upon the gullibility of someone else.” When the country boys come to town, the *samfie-man* tries to sell them the stadium, and tries to sell them the racecourse, and trams. Mr. Speaker, I will not fall prey to the *samfie-man*!

Thank you.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: There was a motion passed here the other day and we had our ideas on it. But to my friends on the National Team, I will simply say that I have to pray about it, and I might even cry about it. Thank you.

The Speaker: Does any other Member wish to speak? The Third Elected Member for George Town.

Mr. Linford A. Pierson: I will just make a few brief comments on this motion and will endeavour to deal with the principles of the motion before us.

The application made in 1988, the original licence granted in that year was granted during the period when I was the Member responsible for that Portfolio. As a matter of principle, I feel that the application before us today, however brought, is worthy of some merit.

We did not sit as a group on this side of the House to decide how we would vote on this matter, so I am assuming that it is one that will be dealt with as a matter of conscience. I am not here to criticise the Minister responsible for this. I am not sure why he is not here, and I think it would be somewhat unfair for me to make remarks in his absence. That is not what this motion is about. The fact that the Minister for Education took it upon himself to move this motion, I am going to assume—rightly or wrongly—that he had the authority to do so. I am only concerned with the merits or demerits of this motion and I will not read any motives otherwise into the motion.

During this meeting of the House, a motion was passed regarding a policy on dredging. I think it is important to note that the effect of that motion provided a policy position where any new application for dredging regarded to be of significance must come to this Honourable House for approval. The fact that this old licence has expired would suggest to me that the application now before us is technically a new application and should rightly come before this House for approval. I do not think it would have been proper or right for this to have been approved administratively by Executive Council. So I believe the right procedure is being followed, bringing this motion to this Honourable House.

This motion is seeking to allow the person granted the licence in 1988, or the company, Caymarl Ltd., to be granted permission to extract the balance of the remaining material under that old licence. But because that old licence expired, it is now important that a new application be granted. The original licence for 784,100 cubic yards expired on 23 March this year. It is therefore important that a new licence be obtained. The balance remaining under this licence is 289,000 cubic yards.

We know from experience that contingencies do arise, even in the best organised situations. That is why even in building contracts we add a certain amount for contingencies. Contingencies are unexpected things that happen. I believe it would be unreasonable for us not to look at this situation in the same sort of favourable light. We also know that the person behind Caymarl Ltd. is a very outstanding citizen in our Island, a person who has given much to this Island. I am not saying this because he is a supporter of mine. He does not vote in George Town. So I hope no one thinks that. But I do know this gentleman, and I hold him in the very highest regard. I do not think he would try to abuse any privileges in this matter.

Accordingly, I give this motion my support, not only at this time, but as a matter of consistency, because when the approval was given back in 1988, I supported this licence. Again, because the 289,000 cubic yards that remain under that old licence is within that same approval, I think it would be inconsistent of me to get up here and say that I could not support this. I say that regardless of any problems at the Glass House at an administrative level. As I said, that is not part of my business in looking at this motion.

As far as I am concerned, I should be more concerned with the principles, merits, or demerits of this particular motion. Accordingly, I wish to give this motion my support.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I was hoping that since it is 12.30...

The Speaker: Is that the wish of the House?

Dr. Frank McField: Mr. Speaker, I am quite willing to take up this position now, but since we normally break at 12.30, I was hoping that...

The Speaker: 12.45.

Dr. Frank McField: All right. I will go on.

First of all, I would like to address some of the statements made by my colleague, the Third Elected Member for George Town. It is important, since we have had questions about whether the Backbench is together to the extent that one Member can speak for other Members. It seems to be a question of convenience, when people feel it is okay. In this particular case, we had all the time in the world to consult one another regarding this amendment, because it has been known to us for some time, yet no consultation was done. As I have said, perhaps it is best for me to wear my hat as an independent Member of this House so as not to cause any confusion.

I believe that some of the statements in regard to the administrative difficulties here are relevant. If an application comes before us to consider the granting of a new licence—and this is legally a new licence—and if this is brought before the House at this time because of the motion passed very recently making it necessary for all applications to be brought before this Honourable House, then it is important that we not have just the motion, but that we have the substantive information that makes it necessary for us as Members of the Legislative Assembly to make judgement regarding granting of that licence.

Some of us know this particular marl pit has a history that extends, as the Third Elected Member for George Town said, back to his time when the licence was granted in 1988 for a period of two years to 1990. The licence was extended and extended and he is talking about continuity, or giving companies the possibility

to continue. But this is eight years that this company has had that possibility.

It is important that we can refer to people as good, outstanding citizens—so are my parents! But when my mother brings things in we have to go through the same regimentation in this country that the normal grass-root, so-called 'little man' has to go through. It is one law for all, scrutiny of all. I believe that if the Government would like to seek an amendment to this particular motion, or an exception; if they would like to grant a new licence, they should bring all the information so that we can look at the case history of this particular dredging exercise, so that we can know that everything is okay.

I would like to briefly refer to some comments made by the Auditor General in his 1994 report to show that there was, from an administrative point, some question as to whether this particular enterprise had taken the full amount of marl by 1994 that they were given licence to in the first place. I am not suggesting that anyone is dishonest, but we have to scrutinise the situation.

What would be the point of the Legislative Assembly taking policy decisions from Executive Council if when the thing comes here it will not be scrutinised? That is one of the concerns I had in the beginning in saying that if we were going to treat this on this basis, we would be jeopardising the whole decision-making process in this country, simply because people could see how easily we make decisions for certain people, and how difficult it is for others. You have to have more than a name, you must demonstrate that the enterprise you are involved with, since you are taking from Crown property, whatever it is you are taking, you are compensating the citizens of this country fairly, you are not damaging the environment. You have to demonstrate that. If I am to be involved in this decision, I have to be sure, beyond a reasonable doubt, that this is not the case.

Now, I would like to know why this has come before the Legislative Assembly. Why, with all the information, was this not dealt with before, since I know that applications were made, that it was asking for an extension. Why now the change? Why? If the Ministry had already been approached since last year to have dredging royalties waived, and if the Government's position was to continue to collect those royalties regardless, if Caymarl is now saying they have pre-paid this, why did the Government continue to collect these funds, and not talk about the time extension Caymarl was asking them for before the time expired? It is reasonable to assume that a company does not wait until their licence expires before they apply for the licence to be extended, or to apply for a new licence.

If I am caught tomorrow with a driving licence or passport which has expired, it would be seen as negligence on my part to have not obtained a new licence or passport before it expired. I believe the people who manage this company made every effort to see that the licence was extended, because they realised the difficulties at hand. My question is, why was it not dealt with on an administrative level when it could have been? Why,

at this particular time—Mr. Speaker, the situation here is critical.

It is critical because, as the Third Elected Member for Bodden Town said, if the decision is being brought in order to create a precedent, and we go ahead and make this decision now without scrutinising it as if it were a new application, if we do not call for an environmental impact study, then when another person comes for permission to dredge, in principle, what are we going to do then? Are we going to say, *'Well, the Government granted it in principle so there was a licence granted in principle before and all we are really bringing it here for is to get the rubber stamp approval.'* It does not work that way.

The Minister responsible for dredging and for this specific aspect should have been here when we were discussing the substantive motion regarding dredging. If there were no evidence that this company had already applied to that portfolio for an extension of a licence and to have the fees waived, then we could understand why that Minister was bringing this motion at this particular time. Without imputing any improper motives, it has to be explained to me why the change. Why did he change his position? It would have been good if he had been here to present this particular motion.

I would just like to read some things from the Auditor General's Report to show that it would not be right for us to just accept the granting of this licence just so.

The Speaker: May I just interrupt you for a moment? Will you be going on for a considerable period of time?

Dr. Frank McField: Mr. Speaker, this is so important, I just might be going on for the rest of the day.

The Speaker: I think this would be a convenient time to take the luncheon break. We shall suspend until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.52 PM

PROCEEDINGS RESUMED AT 2.27 PM

The Speaker: Please be seated. Proceedings are resumed. Continuation of debate on Government Motion 1/98, the Fourth Elected Member for George Town continuing.

Dr. Frank McField: Thank you, Mr. Speaker. I have the advantage of being a full-time Member of the Legislative Assembly, which means that I have considerable time to think about motions or bills being brought to this Legislative Assembly, and I have time to do research, ask questions, which are part of my discipline anyway—to ask questions and form conclusions as a result of the information available to me.

Regarding this particular motion, I have done exactly that, and I am trying to find out whether the National Team, which was responsible, until last month, for policy decisions regarding dredging, were in a position to

have made the decision about this situation. Why was it necessary for it to be brought to the House? And since this has been brought to this House as more or less an application for a licence to dredge. There is a history behind it, but that history is supposed to be assumed. It is assumed that good Members of this House are supposed to know the history. It is assumed that good Members of this House are supposed to know the correctness of the individuals involved in this particular enterprise. But developed society does not work by assumptions. It works by proof. It is incumbent upon the Government and the Minister responsible for dredging to bring the proper paperwork to this Legislative Assembly to get something of this magnitude done.

I am not sure how it is constructed regarding dredging. Why, for instance, is there a time limit? Is the time limit supposed to be significant? Or is the quantity dredged significant? Or are they both significant? Which means, if I am allowed in the original contract, to take some 1-point-something million cubic yard, and I take ten years, which means I am taking about 170,000 cubic yards per year, the question is, that is what it would add up to.

I would like to see from the Government what methods they have used to assess the situation, to know this is the amount taken over this very long period of time, and not more. Also, if an amount for which a licence given is left, but the time is expired, the person cannot claim the amount or a right to the amount, since part of the licence has to do with the time. We could say that morally it would be nice to say there should be no penalties, but it is just like signing a contract with someone, and that person is to complete a contract within a specified period of time, let us say a year, and that person does not complete that contract within that specified period time. There are particular penalties, because the time factor is an important factor in the consideration of the contract; otherwise, it would not be put into the contract. It is the same here. The time factor is important. I do not know if the time factor is important because of environmental considerations. I do not know if that is the reason the time factor is important, but this is the type of information that needs to be brought before the House.

When we talk about transparency in Government, when we bring certain decisions to the Legislative Assembly so we can have greater transparency, it is important to realise that transparency must exist here. We must not forget that people are listening to us, and that the press is present with us, and that what we say here can be reported and scrutinised by the general public. One of the first things the general public will want to know is whether the Members of the Legislative Assembly, in bringing the dredging motion last month, the major motion, were serious about the principles motivating them to bring the motion, or if it was just a political exercise. Because if we were serious about the dredging motion, we cannot treat the first application—and this is the first application to dredge—in such a casual manner, as if all facts are known about the situation, as if it is a *fait accompli*. We have to start with this application in

exactly the manner in which we will start the next application for dredging.

We must request that some type of environmental assessment is made. We have no obligations to the parties whose licence has expired. If we decide to show some consideration because of the administrative misadministration, then it will depend solely upon the Government that is trying to correct its wrong by bringing it here. They must now show us the sense of allowing a continuation of the extraction of this amount of marl.

I would like to read a bit from the Auditor General's report of 1994. It is relevant. This is page 34 of the report of 1994, 162: **"I could find no relevant and reliable evidence of the total amounts dredged for any of the five projects examined, all of which have or should have terminated. As a result, I am unable to calculate the total amount of royalties payable by each of the licensees. Closer study revealed a disturbing history of inertia by those involved. For example, the licence of Project C terminated on 31 March 1995; however, no action had been taken as of the end of June 1995 to establish the total quantities dredged. A much worse situation was evident in respect of Project B, which licence to dredge two million cubic yards was issued in October 1988. No volume reports submitted by the licensee could be located by my officers. The project was originally scheduled to end in October 1990 but was extended up to early 1992. However, as of the end of June 1995, the licensee had failed to submit an acceptable report of the total quantities dredged, despite repeated reminders by the Ministry. The limited evidence on file indicates an element of confusion in the quantities dredged. Correspondence dated December 1993 refers to the licensee's own calculations (not on file) of the 884,000 cubic yards removed, but no supporting documentation was available."**

It is important, since I am involved in the decision, that I be satisfied in regard to the quantity that has been taken. It is important that I be informed of the price this Crown property will be sold for, because it is being sold back to us, the people. It belongs to us, the people. If we permit someone to remove those resources, and then we have to buy them back, at least the people should get fair royalties for what commonly belonged to them. If the licence was granted in 1988, what has been the change in terms of the selling price for this fill material since then? Has there been a substantial change in the price? What will it sell for when this 280,000 cubic yards is removed? What will be the selling price? Will it be fair when compared to the royalty the people will get? I think this is a consideration that should be taken into account, because if you apply for a licence, and the original licence is to be two years, and the licence goes on for ten years—ten years!—it is necessary for us to make some serious considerations as to perhaps a readjustment of price, since the seller, the dredger, can go on the open market and get the price on the open market.

It is unfair to put the people in a position where their royalty is tied up with the original contractual agreement, when the selling price of the persons who excavate it is not tied to that at all. When we start talking about that, and do not give the people the benefit, we cannot talk about transparency. We have an opportunity now, in debating this, to do exactly what the people have hired us to do—look into the loopholes; ask the questions objectively, and come up with objective answers without favour to any particular person. I would like for us to take this application as a first application, for there to be the proper type of scientific research to allow this to happen. I do not want to be accused by anyone of trying to make other people's lives difficult, but I have had a very difficult life myself. I have in my heart the ability to be merciful, but I still believe that I am here to see that there is one justice for all, one law for all, one criterion for all. If tomorrow I were to come here, or some member of my family or of my community were to come here with an application, I would have to scrutinise that objectively and show the people that I was objective in making my decision.

I feel that the Government, the National Team Government, has demonstrated to the people of this country their inability to be objective when it comes to making decisions, because if they had been objective in the very beginning they would have solved this problem outside the Legislative Assembly. They would have solved this problem on an administrative level, and they would not give me the impression that somehow, someone was being held for ransom. That is my suspicion of the motive behind bringing this to the Legislative Assembly. I just hope that all those who get up and speak, who vote, realise that this decision will have more repercussions than they might have thought. This decision will be spoken about again in June. Thank you.

The Speaker: Does any other Member wish to speak? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Unlike some others who have spoken before, I consider the motion before us today to have some very wide-reaching effects. First of all, before I say the little bit I have to say about it, let me make it very clear that in principle, the fact that what the motion is asking for does not exceed the original amount approved to be dredged by Caymarl Ltd., allows me to think that it is not necessarily something which cannot be allowed. As the motion asks, according to the records, there are 289,000 cubic yards of fill remaining of the original grant of 784,100 cubic yards to be taken from the seabed. The motion also has a time limit applied to it. Within those confines, it is not necessarily something that should cause great consternation or argument.

But there are a few areas which I think need to be addressed, and I will do the best I can to paint a picture of a sequence of events, to show why there should be concern, and to prove that there was good reason for

the Private Member's Motion passed on March 13 this year, to have been brought to this Honourable House.

First of all—and I will table these documents, Mr. Speaker—let me go through a sequence of events. The first thing I wish to deal with is a letter from Roland Bodden and Company addressed to Mr. Jay Bodden of Caymarl Ltd., on 13 November 1997.

“Dear Jay,

“To date, 494,600 cubic yards have been removed from the approved dredging area. The approval was for 784,100 cubic yards. Therefore, 289,500 cubic yards can be further removed from the approved dredged area without any penalties.”

There is another section to the letter which has no bearing on the point I wish to make, but it is in the letter and I will table it.

We have established from Roland Bodden and Company Ltd., that there are **“289,500 cubic yards of marl which can be further removed from the approved dredged area without any penalties.”** Then we have a letter dated November 21, 1997, addressed to the Honourable John McLean, Ministry of Agriculture, from Caymarl Ltd.

“Dear Mr. McLean,

“Because of the erosion of the silt screen used in dredging, we had to stop dredging until suitable replacement can be found. Actual dredging was stopped on October 10, 1997. In view of the aforementioned, we hereby request that Government waive our royalty payment until dredging resumes. Also, we are requesting that an extension to the time period to dredge under our current licence is extended to cover the period of inactivity. Your favourable response to this request will be greatly appreciated.”

This letter is dated November 21, 1997. Therefore, from that letter, we have established that five months ago the principals of Caymarl Ltd. advised the Government of their dilemma and asked for consideration of an extension.

The next letter is from the Ministry of Agriculture, Environment, Communications and Works, referring to Caymarl's letter of 21 November.

“Dear Mr. Bodden,

“Reference is made to the General Manager's letter dated 21 November 1997 advising that dredging had ceased as of 10 October 1997, and further requesting that Government waive royalty payments until dredging resumes. Please be advised that your request to waive the royalty payments would require that an amendment be drafted to your licence, and that same be approved by the Governor in Council. In light of the concerns expressed a few years ago by the Auditor General, and indeed the Public Accounts Committee re the status of outstanding dredging royalties and the subsequent improvements we have made in this regard, I am not prepared to make a recommendation to Council at this time for a waiver of royalty payments. I would im-

plore you to try and get the operation mobilised again with the new pipes and silt screen which we have spoken about for many months, so that dredging can be completed within the eighteen months stipulated in the licence. From our register of dredging royalties, we note that you have been keeping your payments current, and that the last payment was due on 28 November 1997. Please be reminded that fourteen days following a late payment a reminder will be issued as per Government policy. I trust that you will understand our position in this matter.

“Yours sincerely,

“Honourable John B. McLean, O.B.E.”

So we have a letter of 21 November from Caymarl Ltd., and we have a reply to that letter. Before I go any further, let me say what I noted in those two pieces of correspondence. I noted that one of the requests made by Caymarl Ltd. was for an extension to the licence for the time the dredge was down, so they could be allowed to complete the dredging of the quantity the licence allowed. In the reply, I do not see that that request has been addressed. The reply that came from Government dealt with the request for waiver of royalties.

We move on to February 12. November, December and January are gone, and we are into February. This is another letter from Caymarl Ltd.

“Dear Mr. McLean,

“This letter serves to formally request an extension of six months to the time period for dredging under our current licence agreement with Government. This extension became necessary due to stoppage from weather conditions and problems with the silt screen, which we had to replace. We are now in a position to start dredging once again, but would be restricted if an extension to the time period for dredging is not waived. Also, we have endeavoured to keep our royalty payments up to date, and as such, our outstanding payments for royalties would be completed in its entirety within the next month.”

That means the dredging was ceased in October, but the royalty payments continued to be made until February. We have a reply to that letter, dated 17 March from the Ministry—no, Mr. Speaker, I am sorry, this is not a reply. The February 12 letter from Caymarl Ltd. has had no reply yet, and we are up to March 17. So March 17 comes, and Caymarl writes to the Ministry again.

“Dear Mr. McLean,

“Further to our letter dated February 12, 1998, I am writing in respect to the same. To date we have not received a reply from Government as to its position in granting an extension to the time period to dredge. As was outlined, we have not dredged since October 10, 1997. Our inability to dredge was due to the following:

“(1) Poor weather conditions that would negatively affect the dredging process;

“(2) Replacement of the silt screen and piping system.

“This was done in an effort to comply with the requirements of our licence agreement in respect to siltation. Since our stoppage date, we have spent approximately C\$400,000 in improving our dredging facility. We sincerely hope that a favourable response can be anticipated, and that the reasons given will be considered. Thanks once more for your continued support.”

This is March 17. We come to March 24, the day after the licence expired. We have another letter from Caymarl Ltd. to the Ministry of Agriculture. A letter in November was answered, but the request for an extension was not addressed. Another letter was sent on February 12 requesting the extension, and there was no answer. We have another letter dated March 17 regarding the same request—still no answer. So on March 24, another letter goes out to the Ministry.

“With reference to my letter dated March 17, I am writing to provide additional information of the same. I have enclosed a copy of the last survey done by Roland Bodden and Co. Ltd., Licensed Surveyors. As you will notice from his report, the total amount of marl dredged to date is 494,600 cubic yards, which means we still have 289,500 cubic yards left to be dredged under our current licence. Also, it is important to note that due to the current demand for marl, we were obliged to sell approximately 200,000 cubic yards. This included significant amounts for road works and other Government projects. From the 289,500 cubic yards that remain to be dredged, we are hoping to use 189,000 cubic yards for land reclamation, while the remaining balance will be sold. I trust that the foregoing provides the necessary information as to the present state of our dredging activity, together with my letter of March 17, 1998, outlining our request for an extension to the time period for dredging under our current licence. I am also pleased to state that all royalty payments have been met except for the final payment of \$43,560, which will be made no later than the end of the current month. This means we would have paid the \$289,500 in royalty fees. Sincere thanks for your continued efforts in assisting us in this matter.”

It seems from this letter that there may have been some communication, and I am not questioning that, I just do not have copies of any written communication. It is possible that communication was made via telephone or some other method. So as of March 24, we have a series of requests over an almost five-month period, regarding an extension, because Caymarl Ltd. had found themselves in a position in which it was physically impossible to excavate the total amount they were allowed under their licence within a given time from the seabed. While all this was going on, they were still told to continue paying royalties, even for marl which had not been dredged. An explanation was given for the Ministry not being prepared to change that stance, and I do not have a big problem with that, but we just wanted to make sure we have the picture painted.

The motion brought by the Third Elected Member for Bodden Town and seconded by me was passed on 13 March. Before I go any further, let me state clearly—and I hope no one has it in mind to muddy the waters here—that any statement I may make regarding this in my debate has nothing to do with the Civil Service, because I have every confidence that the Civil Service will do whatever it is directed to do in a timely fashion. In fact, the vibes I am getting are that the political directorate has such a great fear of God in the Civil Service that if it don' mind sharp, they gon' do things before they're asked to do it! Anyway, that is not the point at hand.

I need Government to answer and explain why this sequence of events took place. If they were not minded—bear in mind, until the 13th of March, or whenever the motion came, there was no reason for them to think about this motion, so they would be dealing with whatever the affairs of whichever Ministry it was in their normal fashion. They would have known when the licence would have expired. It brings to mind the question, were they prepared for the licence to expire and to simply deal with it as they saw fit, whenever they saw fit? Were they minded to give the extension? Was there something else behind not dealing with the request? I do not know. I want them to tell me.

The difference with my line of argument here is, as far as I am concerned, with the knowledge I have, I simply want some answers. In previous debate, the Fourth Elected Member for George Town referred to transparency, and to this Member, that is of utmost importance. It must not only be transparent in the deliberations, but it must appear to be transparent. Whenever it is not clear to me, I am going to ask. This is one time I am asking.

I will go a little further—and again, I am happy to table what I read from today. I will just pass the bundle when I am through. I am going to show why questions stick in my mind about the method in which certain things are dealt with. Whenever the answers are forthcoming, however they are forthcoming, I trust the answers will be in good order, but the point will have been made, that the manner in which things are dealt with must not only be transparent but they must appear to be transparent.

In an earlier debate, I referred to a letter dated September 1995, addressed to Mr. Heber Arch, c/o Arch & Godfrey (Cayman) Ltd.

“Dear Mr. Arch,

**“Re: Intercoastal Waterway Proposal, North Sound
“I am directed by His Excellency the Governor to advise that approval in principle has been granted in respect of your North Sound proposal dated 12 July 1995 which would serve to link all canal developments between Batabano and Omega Bay, as well as the main channel. Please be advised, however, that approval for the issuance of a coastal works licence to dredge the six million cubic yards of material is reserved at this time following the outcome of a full technical review of the application, including an environmental impact assessment by a firm approved by Government and at the expense of the applicant.”**

This letter caused much furor. But in recent months, after certain happenings, another one has appeared. The one I just read is approval in principle dated, I think, September 11. We have another letter dated 18 October, 1995.

I am trying to be a little careful here so that—I do not necessarily want to call names, because the names involved in the letters are not involved in the point I am going to make.

“Re: Marl Mining Proposal

“I am directed by His Excellency the Governor to advise that approval in principle has been given to Equipment Ltd., to excavate 1.9 million cubic yards of material from the North Sound at the location indicated on the proposal as Section AA1. The issuance of a dredging licence, however, is subject to the completion of an environmental impact study, and the conditions and royalty recommendations from the Department of Environment. This letter should not in any way be construed as permission to commence works.”

But bear in mind, the way the letter reads, once an environmental impact study is completed, and the “conditions and royalty recommendations from the Department of Environment” met, it is literally saying you can go ahead. I think we want to finish this evening, so I am not going to spread too many wings here, but believe me, I could. I happen to know by what I have seen that the first approval in principle done in September, this second one, done in October, both of them in principle. . . . Yeah, go ahead and call. Hurry!

Mr. Speaker, I am a funny person. I have the greatest desire for the truth, and once it is forthcoming, there is nothing else that matters to me. But when I want to know it, I want to know it. And as far as I am concerned, all of us here have the right to know it, and all I want to do is hear it.

The position is this: The first letter was dealing with—and I will just read a section again, **“which would serve to link all canal developments between Batabano and Omega Bay.”** This second letter—I do not have the map here, but I can get it—the section which reads AA1 in the second letter is just a minor portion of the canal waterways between Batabano and Omega Bay. Basically speaking, location-wise, one is part of the other. However, I believe the second one was a totally different and unconnected application.

My first question is, If you give approval in principle for an entire project and someone else comes along (because there are two different entities here) asking for approval in principle for a small portion, which is a part of the original portion, and you give that person approval in principle too, then it must mean both of them get approval, and you are going to dredge the same place twice. That is what it means to me. That is not a bad thing if you could! You might have less trouble! You could stay in one place and keep dredging all the time. But we know that is not how it works.

The thing that really, seriously disturbs me—and listen now, the difference in all that is happening here this evening—everyone behind me and alongside of me can disappear. This is me. I did not say anyone is going, I am just saying, everyone feel free, because this is me. Both approvals—and if anyone wants to test me, I will finger who I need to finger—at least two Ministers of Executive Council have said to me, on both occasions now, these approvals in principle that I just read—two Ministers have said, for the first approval, they knew nothing about it. For the second

one I just read, two Ministers have told me they knew nothing about it. Now unless it is the greatest coincidence that when each of them was dealt with, the specific two Ministers were off Island or absent from the meeting, then something is strange. I just want someone to show me what is what. That is all I want. I am accusing no one of anything. But if there is mud in the water and we want to swim, and we like the water to be clear, let us clear it so we can swim. That is all I want to happen.

If it was not such a great coincidence, then, how were these approvals in principle dealt with? If it was a coincidence, unless I have no idea how the system runs. . . if Ministers are absent from certain meetings I am sure they get minutes, and I would assume that they read those minutes. So the minutes should tell what went on. We are not going to start digging up any more. Let us talk about what is really happening now.

I do not know if there are any more approvals in principle. I only knew about this first letter of 1995, because it was passed all over the place, and tabled in the House. But then, if this recent dredging motion had not been dealt with, this other one might not have popped up. I do not have a problem with any one of them, Mr. Speaker, as a matter of principle. I am talking about due process. When you hear us call for an environmental impact study, it is because of these fears that we ask for it. Both letters giving approval in principle referred to an environmental impact study. Fine! I do not have any problem with that. But again, I am talking about the process, and I am not trying to bend or twist anything. God forbid! I just want to know the truth. I want to know how things happen so we can understand. I want to know what the due process is, and how it takes place.

Getting back to the original motion: It is my belief that if Government understood the problems of Caymarl Ltd., and was sympathetic to the situation, it would have dealt with the situation before the licence expired. In fact, what really made my head start to turn and twist was when the situation was brought to light, the manner in which it was attempted to be dealt with originally. Two separate attempts were made—what’s that word? Cornswobbled? Yeah, that’s the word. Either one—cornswobbled or samfied. Two separate attempts were made, because it was a Backbench motion, to try to get us to deal with it, one by way of—and I do not know how this is going to happen—amending the motion that was approved, and another one by us putting our John Hancock to some lines on a piece of paper.

One of these good days, perhaps God will see fit for all of us to learn that if you are open with all you do, no one will instinctively start to have feelings of distrust. Even when everything is done right, if it appears to people that something is being hidden, the automatic human reaction is, *Something is wrong*. I do not know how else I can say it in this Honourable House. It causes personal feelings of one against the other. They blow up and fester, and you do not know what else will happen. This one wants to do this to the other one, and back and forth and back and forth, and it is all caused through distrust. If there is no reason for the distrust to take place. Open it like the Bible so everyone will know! That is my contention. If it takes ill feelings, and not talking to one another to make it stop, so be it! So be it! I don’t care! That is all we are looking for.

I am not going to bother to go into other matters, because I think the purpose of saying what I said here today is served. I will simply sum up. I have no problem personally

with dealing with the motion and what it calls for, simply because if I understand the problems Caymarl Ltd. got into—and the fact remains that the request is not for any more marl to be dredged than what the approval given calls for—they are simply asking for a little more time to complete the original contract. In summary, that is what it is, and I understand that. That is not why I am arguing.

Before I finish I just remembered something, Mr. Speaker. When the Governor gave his Throne Speech in 1996, and mentioned the ongoing licence for Caymarl Ltd., he also mentioned an approval in principle for Simmons Enterprises. As the motion reads now it does not involve Simmons Enterprises, but if we pull the *Hansards* and go over the Throne Speech, the Governor was talking about an approval in principle re Simmons Enterprises. This Throne Speech, if I remember correctly, was either late February or early March 1996.

The Speaker: This says, 16 February 1997.

Mr. D. Kurt Tibbetts: No, Sir, that is a typo. It is 1996. I understand what you are saying, but there was a typo. It is 1996 if I remember correctly.

But if it is 1997, it is worse. Let's give it the benefit of the doubt and leave it at 1996, because if it is 1997, it is worse. Anyway, we are saying it is 1996 now, but whether it is 1996 or 1997, it was dealing with an approval in principle for Simmons Enterprises. These two approvals in principle were dated September and October 1995. Now doesn't it seem like Simmons Enterprises is being curry-favoured? If that one is going to be included and these two are going to be excluded? Who is who? That is the kind of stuff we need to understand. That is all we need. Once we understand exactly what has gone down, how the process is handled, we do not have any problem. But until such time. . . . You know, Mr. Speaker, and I am going to say this because however I am interpreted today does not really matter to me. I know what I have said goes no further than what I have said, and in my mind, I am clear on what I am looking for. If someone wants to bend or twist it, that does not matter to me. The point I make, when things like this pop up—and they pop up in the funniest ways, Mr. Speaker, unexpected, you don't know, you don't think about it when it happens. If you don't have any answers, or you cannot get any answers, the very nature of the surroundings we are in, once people start talking to each other everyone is going to try to figure out what is behind it. If there is nothing behind it, then the simplest way is to clear it up quickly, and then you will have to find something else to talk about. But you cannot talk about that any more. I hope the point is made.

The truth is, and I say this with all sincerity, whatever goes down from here on in matters not to me. I can swim, I can walk, I can stand with anyone inside here. If they deal with it in a way I understand and accept, I am happy, and that is the way I will deal with it. If they come with it any other way, I will be the same way I have been now. Simple as that. It is not a question of me giving quarters and asking quarters. When that time comes, everyone knows how it goes. I can live with that, too. All I want now is to understand this situation clearly so I do not have to think about it at a later date, or wonder anything about it. Once I understand that, it is fine.

As for Caymarl, I am sure the Government must support the motion by bringing it. I do not believe there is a will to make an attempt to defeat the motion, but I do believe that there are many of us in here who have questions in our minds. I think the questions have been raised, and I would hope that the Government—not accept a challenge, because it is not a challenge—but will accept its responsibility to clear up those questions, so we will understand what is what, and we can move on with the business of the country. Thank you.

The Speaker: Does any other Member wish to speak? If no other Member wishes to speak, does the Mover wish to exercise his right of reply? Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. We have heard a lot of politics being played today, and I believe that the public is tired of listening to politics and listening to philosophy, and listening to a lot of talk that really leads nowhere. The Government's position on dredging was clearly set out in the Throne Speech by His Excellency the Governor on 16 February 1997 (sic) [1996], and stated there would be no further dredging except for the approval to Caymarl and Simmons Enterprises. Maybe at some stage, Simmons Enterprises should ask why they have been left out of this motion.

Two exemptions were made because this licence today is an ongoing licence from 1988, and despite all the philosophy and rhetoric, it would be unfair for a company, a Caymanian who has had a licence since 1988, and because of mechanical breakdowns, not to be allowed to continue.

Several statements were made about this being handled administratively. The difficulty the three Members of the Opposition, the Fourth and First Elected Members for George Town, and the Third Elected Member for Bodden Town have, is that they cannot have their cake and eat it. We discussed dealing with this administratively, and we were told, in the course of that, to deal with it through a resolution. You then bring a resolution, and they say, Deal with it administratively.

My teacher always told me that talk is cheap, and that actions speak louder than words. Unfortunately, this House is getting to a stage where talk—in fact, we cannot get out of one session until we are into the next one! Talk, talk talk!

The Third Elected Member for George Town, in the course of negotiations on the pensions, and to a lesser extent, this was discussed, dealt very ably, very professionally and very forcibly, and more than that, Mr. Speaker, in a very gentlemanly way, with the talks that went on with Government. Between the press and the Opposition, we have them in what I guess is a frustrated state. One minute the Opposition is saying the Government has the votes, they are putting everything through, and they should talk to us. When we go to talk to the Opposition, they do not want to take decisions and stand by them. The difference between being a responsible Opposition and a destructive Opposition is that a constructive Opposition will sit down and discuss with the Government and bear the responsibility. This is what is lacking in those three Members of the Opposition. It is a lack of responsibility! Any child can get up and talk and talk and talk, but it takes a man or a woman to get on

and deal with solutions to problems. That is what this Chamber is all about. Solutions! Criticism without a constructive solution is a waste of time!

What is clear is that the company involved, Caymarl Ltd., has paid up its fees. Why the criticism in this area? Nothing to hide there. And I would like to mention one other thing. A lot has been said about transparency. But transparency does not only apply to Government. It applies to the Opposition as well, and they should remember the biblical saying that he who is without sin should cast the first stone. Why get up, as the Fourth Elected Member for George Town has done, and imply that something has gone wrong with Caymarl Ltd.? Why get up and cast aspersions anyhow?

This motion is one that I had hoped and believed—because the talks we had with the Third Elected Member for George Town, as I said, were forcible from his side, but very cordial, and it is really unfortunate that that Honourable Member seemed to have been hit from all sides—the press, his other Members around him, and if this country is going to move forward, those three Members of the Opposition I mentioned, must become responsible and deal with the responsibilities that go with their positions in this Legislative Assembly. Communication, Mr. Speaker. We communicate. We have tried this time and again. We are prepared to continue trying it. When you communicate, we hear that you are doing things in boiler rooms or some nonsense. On the other hand, when you do not communicate, you hear, because you are the Government, you have the votes, you put things through! It has to be one or the other, Mr. Speaker! Either we are going to sit down and discuss matters, as the Third Elected Member for George Town has very ably done, and we made a lot of progress. It saved this House a lot of time, despite those short delays. Because the country can only run when people sit down and sensibly discuss where we are going. This is a good example where good people, people who own Caymarl, have now been dragged into some attempt to muddy the waters around them, so to speak.

The motion here today is fair, equitable and just, that that company be allowed to carry on with the balance of what remains of the original 1988 licence. More important than transparency is for Members in this Honourable House to get their facts right, to stop casting aspersions, and to constantly be putting hypothetical situations and calling for explanations to everything their minds can think up.

I would like to thank the Honourable Members who spoke on this motion, and to thank and say that I appreciate at least that one Member, the Third Elected Member for George Town does, and with all due respect, he has the experience of Government. That is very important. Because several of the others, quite frankly, have no experience of running Government. I have taken more in this House, I believe, than any other Member who has been here. There have been constant attacks. But what I have decided is that I will continue to pray for those three Members I originally mentioned, that they will be reformed and try to deal with the business of this House in the best interests of the country. With that, I wish them well until the House sits again. Thank you.

The Speaker: I shall now put the question on Government Motion 1/98. Those in favour, please say Aye. Those against, No.

AYES and NOES.

The Speaker: The Ayes have it.

Mr. Roy Bodden: May we have a division, please?

The Speaker: Certainly. Madam Clerk, please call a division.

The Deputy Clerk:

DIVISION NO 4/98

AYES: 9

Hon. James Ryan
Hon. Richard Coles
Hon. George McCarthy
Hon. Truman Bodden
Hon. John McLean
Hon. Anthony Eden
Hon. Julianna O'Connor-Connolly
Mr. Dalmain Ebanks
Mr. Linford Pierson

NOES: 0

ABSENT: 3

Hon. Thomas Jefferson
Mr. McKeeva Bush
Mr. John Jefferson

ABSTENTIONS: 5

Mr. Kurt Tibbetts
Dr. Frank McField
Miss Heather Bodden
Mr. Roy Bodden
Mrs. Edna Moyle

The Speaker: The results of the division: Nine Ayes, five abstentions, three absent. The motion passed.

AGREED BY MAJORITY: GOVERNMENT MOTION NO. 1/98 PASSED.

The Speaker: That concludes the business on the Order Paper for today. May I remind Members, before I call the motion for the adjournment, that there is scheduled to be the AGM of the Commonwealth Parliamentary Association here immediately following the adjournment of this House in this Chamber.

I would now entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: I move the adjournment of this Honourable House until next Thursday, 9 April at 10.00 AM.

The Speaker: The question is that this House do now adjourn until 9 April at 10.00 AM. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 9 April at 10.00 AM.

**EDITED
THURSDAY
9 APRIL 1998
10.23 AM**

The Speaker: Prayers by the Honourable Minister responsible for Education, Aviation and Planning.

PRAYERS

Hon. Truman M. Bodden: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number two on today's Order Paper, Administration of Oaths or Affirmations to be taken by the Honourable Donovan W.F. Ebanks to be temporary Honourable Acting First Official Member. Mr. Ebanks, would you come forward to the Clerk's table please?

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE

Mr. Donovan Ebanks

Mr. Donovan Ebanks: I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

The Speaker: Mr. Ebanks, please take your seat as the temporary Acting Honourable First Official Member. We

welcome you to the Assembly for the time of your service here.

At this time, I would ask Mr. A. Joel Walton, J.P., to come forward to the Clerk's table and take the oath as Acting Member responsible for Finance and Economic Development.

OATH OF ALLEGIANCE

Mr. Joel Walton

Mr. A. Joel Walton: I, Arthur Joel Walton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

The Speaker: Mr. Walton, would you take your seat as the Acting Third Official Member. We welcome you to this Chamber and hope the time of your service here will be enjoyable. Please take your seat.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

The Speaker: Item number three, Reading by Honourable Speaker of Messages and Announcements. I have received apologies for the absence of the Honourable First Official Member, who is acting as Governor; the Honourable Third Official Member, who is overseas on official business; the Fourth Elected Member for George Town, who is off the Island; and from the Third Elected Member for Bodden Town, who has a serious illness in his family. They will all be absent today.

STATEMENTS BY HONOURABLE MEMBERS/MINISTERS OF GOVERNMENT

The Speaker: Item number four, Statement by Honourable Members/Ministers of Government, the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

PROPOSED DRUG REHABILITATION CENTRE ON THE HAWLEY ESTATE IN BREAKERS

Hon. Anthony S. Eden: Thank you, Mr. Speaker. Before I begin my statement, I am sorry to know of the illness in the family of the Third Elected Member for Bodden Town.

I beg your permission to make a statement to Members of this Honourable House concerning a news story carried by *Cayman 27* on yesterday's evening news, and again on this morning's *Daybreak* show. The reason I

wish to bring this matter to the attention of this Honourable House is that one of our Members was interviewed by the *Cayman 27* reporter on the subject of so-called construction work being carried on at the site of the proposed drug rehabilitation centre on the Hawley Estate in Breakers. Had I been contacted by the reporter for my comments, the truth would have been told.

I have a copy of a news item which appeared in the 1 May 1997 issue of the *Caymanian Compass*, captioned "Hawley Estate Under Repair." This article was in response to a press release issued to the media by Government Information Services on behalf of my Ministry. What was reported is this: **"The Public Works Department is scheduled to begin repair work today on the government-owned Hawley Estate, including complete replacement of the roof for the main building, at a cost of \$165,000.**

"The work is being carried out to prevent further deterioration of the property in Breakers, and to secure it from further vandalism, . . ." I went on to say in that article, **"whatever the outcome of the appeal, the property is government-owned and it is incumbent upon the ministry in whose charge it is currently placed to ensure that the buildings are preserved and maintained."**

At that time, the matter was before the Appeals Tribunal. A *Caymanian Compass* headline on 10 July 1997 declared, "Rehab Centre Gets Green Light," and the story stated: **"The Ministry of Health, Drug Abuse Prevention and Rehabilitation was officially informed on Wednesday, 2 July, that the tribunal has upheld the Central Planning Authority's (CPA) approval of the project. The objectors, however, have a further 14 business days to appeal the decision to the Grand Court."**

Further study of the main building revealed that in order for the new roof to be secure and safe, some strengthening to the structure of the building was necessary. With the necessary review of costing, putting the work out to tender, and other tasks associated with getting the works underway finally completed, the contract was awarded to a local contractor. The contractor took possession of the site on 7 November 1997, with an estimated completion date of 20 May 1998.

That completion date has now been revised to 24 April this year. The MLA, while being interviewed by the *Cayman 27* reporter, implied that this Government is going ahead with construction of the residential drug rehabilitation centre, despite the ruling of the Court on 6 April in favour of the objector. Mr. Speaker, I believe that statement to be mischievous and misleading. I made my intention to preserve the Hawley Estate from further deterioration and to protect it from ongoing vandalism known to the public well in advance of commencing the works at the Hawley Estate. I have never set out to deceive the residents of Breakers, nor indeed this country, as to my intentions. What is being done at the Hawley Estate is precisely what I said would be done. When the work is completed later this month, the property will re-

main closed until a decision is made for its future use by Government.

However, I am compelled to say that I will continue to seek the necessary approval to open a drug rehabilitation centre at the Hawley Estate in Breakers. You have my word, Honourable Members of this House, that I will go about doing it in the right way, as I always have. Thank you, Mr. Speaker.

Mr. W. McKeever Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Under Standing Order 30(2), I wonder if you would allow a short question on the matter.

The Speaker: Yes, I will allow a short question, but let us not prolong it.

Mr. W. McKeever Bush: Thank you, Mr. Speaker. I wonder if the Honourable Minister could say in absolute, clear terms, whether in fact in pursuing the drug rehabilitation centre, he is looking at the Hawley Estate.

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

Hon. Anthony S. Eden: Yes, Mr. Speaker. The way I look at this situation, the Ministry won rounds one and two; the objectors had their democratic right on round three; but we reserve the right to appeal, which is my intention. With the help of God, this will go forward.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you very much, Mr. Speaker, and I also thank the Minister for the very frank answer.

I wonder whether, in light of new regulations under the Planning Law, that in fact, as I believe was mooted in the paper, is the intention of the Minister.

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

Hon. Anthony S. Eden: Thank you, Mr. Speaker. That is a good point; however, I am awaiting the official word from Crown Counsel on the actual decision, and I would like to see that before I elaborate further on it.

The Speaker: Item number five on today's Order Paper, Government Business, Bills, Committee on Bills. The House will now go into Committee to consider a bill entitled The National Pensions (Amendment) Bill, 1998.

GOVERNMENT BUSINESS

BILLS**COMMITTEE ON BILL****HOUSE IN COMMITTEE****THE NATIONAL PENSIONS (AMENDMENT) BILL,
1998**

The Chairman: Please be seated. The House is now in Committee. With the leave of the House, may I assume that, as usual, we should authorise the Second Official Member to correct minor printing errors and such like in these Bills?

Would the Clerk state the Bill and read each clause?

The Deputy Clerk: The National Pensions (Amendment) Bill, 1998.

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3. Amendment of section 3, Definitions.

Clause 4. Amendment of section 4, Establishment of a pension plan.

Clause 5. Amendment of section 5, Greater pension benefits and previous pensions.

Clause 6. Amendment of section 6, Prohibitions of administration of an unregistered pension plan.

The Chairman: The question is that clauses 1 through 6 do stand part of the Bill. It is now open to debate. If there is no debate, I will put the question that clauses 1 through 6 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 6 do stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 6 PASSED.

The Deputy Clerk: Clause 7. Amendment of section 8, Administrator.

Clause 8. Amendment of section 10, Contents of pension plan.

Clause 9. Amendment of section 11, Accrual of pension benefits.

Clause 10. Amendment of section 12, Registration of amendment.

Clause 11. Amendment of section 13, Reduction of benefits.

Clause 12. Amendment of section 16, Duties of administrator.

The Chairman: The question is that clauses 7 through 12 do stand part of the Bill. It is now open to debate. If there is no debate, I will put the question that clauses 7

through 12 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 7 through 12 do stand part of the Bill.

AGREED: CLAUSES 7 THROUGH 12 PASSED.

The Deputy Clerk: Clause 13. Amendment of section 17, Diligence, care and skill.

Clause 14. Amendment of section 21, Duties of administrator.

Clause 15. Amendment of section 22, Annual statement of pension benefits.

The Chairman: The question is that clauses 13 through 15 do stand part of the Bill. It is open to debate. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Chairman, in section 16(4)...I am sorry, Mr. Chairman, I am at 16 and we are only through section 15.

The Chairman: The question is that clauses 13 through 15 do stand part of the Bill. It is open to debate. If there is no debate, I will put the question that clauses 13 through 15 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 13 through 15 do stand part of the Bill.

AGREED: CLAUSES 13 THROUGH 15 PASSED.

The Deputy Clerk: Clause 16. Amendment of section 25, Eligibility for membership.

The Chairman: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Chairman. We have circulated an amendment to clause 16, that "clause 16 be amended by (a) deleting "June" whenever it appears and substituting therefor "January" and deleting "twelve months" and substituting "nine months".

Mr. Linford A. Pierson: Mr. Chairman.

The Chairman: The amendment has been moved. Do we have a seconder? The Third Elected Member for George Town.

Mr. Linford A. Pierson: I second the amendment.

The Chairman: Does the Member wish to speak?

Mr. Linford A. Pierson: Mr. Chairman, I wondered if it would help, in the smooth running of the Committee deliberations, if the Committee Stage Amendment that concerns three clauses could be moved at the same time, since they were accepted by the Government; and other than the normal discussion on it, it would seem there are really no objections to these Committee Stage Amendments, rather than taking them at each point. It is completely up to the Chair, but since there do not seem to be any objections to them, perhaps we could move the Committee Stage Amendments at one time.

The Chairman: I am in the hands of the House, but I think that the amendment to each clause is going to have to be put as amended, and then pass each clause individually; I think we should take them separately, but I am in the hands of the House.

Mr. Linford A. Pierson: Mr. Chairman, as you wish on that. That is just a suggestion.

The Chairman: Is there any other debate?

Mr. W. McKeeva Bush: Mr. Chairman.

The Chairman: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: We do not want to cover old ground, but I would like to point out that my personal wish is to have everyone start contributing at the same time, as I said in my debate. It will cause some problems—fewer problems than would have on the Government's original amendment; however, I must say that when we looked at it as a group, it was the consensus to go this route, and therefore I am sticking with the consensus of the group. My personal opinion is that we should have started everyone together.

The Chairman: Does any other Member wish to speak? I shall put the question that the amendment stand part of the clause. Those in favour, please say Aye. Those against, No.

AYES.

AGREED: THE AMENDMENT PASSED.

The Chairman: The Ayes have it. The question is that the clause as amended do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clause 16 do stand part of the Bill.

AGREED: CLAUSE 16 AS AMENDED PASSED.

The Deputy Clerk: Clause 17. Amendment of section 26, Normal retirement date.

Clause 18. Amendment of section 27, Deferred pension for past service.

Clause 19. Amendment of section 28, Deferred pension.

Clause 20. Amendment of section 29, Termination by member.

The Chairman: The question is that clauses 17 through 20 do stand part of the Bill. It is now open to debate. If there is no debate, I will put the question that clauses 17 through 20 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 17 through 20 do stand part of the Bill.

AGREED: CLAUSES 17 THROUGH 20 PASSED.

The Deputy Clerk: Clause 21. Amendment of section 30, Minimum benefit.

Clause 22. Amendment of section 31, Value of deferred pension.

Clause 23. Amendment of section 32, Ancillary benefits.

Clause 24. Amendment of section 34, Transfer.

The Chairman: The question is that clauses 21 through 24 do stand part of the Bill. It is now open to debate. If there is no debate, I will put the question that clauses 21 through 24 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 21 through 24 do stand part of the Bill.

AGREED: CLAUSES 21 THROUGH 24 PASSED.

The Deputy Clerk: Clause 25. Amendment of section 36, Joint and survivor pension benefits.

The Chairman: The question is that Clause 25 do stand part of the Bill. It is now open to debate.

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Chairman. I move that clause 25 be amended by (a) deleting "at least 60%" and substituting "100%" and (b) deleting "on trust for such children" and substituting "to be used".

The Chairman: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Chairman, I second that motion.

The Chairman: The amendment has been moved and seconded. Do you wish to speak to it? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Chairman, I think enough has been said on the matter. I do not have anything new to say. A trust is a very sophisticated instrument, and I do not think we would be helping anyone by using that wording, therefore, as to that aspect of it; and I think everyone is in agreement that the 60% should be 100% for the spouse.

The Chairman: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Chairman. Like the First Elected Member for West Bay, I too had covered this pretty comprehensively on the Second Reading debate, but I would like to highlight that this is a most important amendment to this Bill, in that the amount of pension now available to the surviving spouse is increased from 60% to 100%, or the full amount the pensioner would have received. This is felt to be an equitable way of treating this particular section. I am very pleased, Mr. Chairman, that this amendment is being approved.

The Chairman: Does any other Member wish to speak? If there is no further debate, I will put the question that the amendment do stand part of the clause. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The amendment do stand part of the clause.

AGREED: THE AMENDMENT PASSED.

The Chairman: I shall put the question that the clause as amended do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The clause as amended do stand part of the Bill.

AGREED: CLAUSE 25 AS AMENDED PASSED.

The Deputy Clerk: Clause 26. Amendment of section 38, Remarriage of spouse.

Clause 27. Amendment of section 39, Pre-retirement death benefit.

Clause 28. Insertion of new section, Cash-out of small benefits.

Clause 29. Amendment of section 42, Payment on breakdown of marriage.

Clause 30. Amendment of section 46, Contribution rate.

The Chairman: The question is that clauses 26 through 30 do stand part of the Bill. It is now open to debate.

Mr. W. McKeeva Bush: We did not circulate an amendment, but as I indicated during the Second Reading debate, there would be amendments to look at. If we look at clause 30, which amends section 46...

The Chairman: If you do not mind, let me back up, if you are going to deal with clause 30, let me take clauses 26 through 29. I shall put the question that clauses 26 through 29 do stand part of the Bill. It is now open to debate. If there is no debate, I will put the question that clauses...

Mr. W. McKeeva Bush: Mr. Chairman, I think we would have to look at clause 22. I know we passed that—and we might have to take some advice from the Legal Draftsman—but I believe that is also affected. Once you take these clauses, I will ask you to go back to that.

The Chairman: Would your amendment be a consequential amendment or a substantive change? The Second Official Member can make consequential amendments.

Mr. W. McKeeva Bush: There is wording—after you take these clauses, I will ask you to look at it.

The Chairman: I will again put the question that clauses 26 through 29 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 26 through 29 do stand part of the Bill.

AGREED: CLAUSES 26 THROUGH 29 PASSED.

The Deputy Clerk: Clause 30. Amendment of section 46, Contribution rate.

The Chairman: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Yes, Mr. Chairman. I should turn this into a query so that those with the legal knowledge can advise on it. In clause 30 amending section 46, 30(d) “for a defined benefit”, am I not right that the words “pension plan” are left out and should be added? Should it not read “for a defined benefit pension plan”?

The Chairman: Would the Honourable Minister wish to reply?

Hon. Julianna O'Connor-Connolly: Mr. Chairman, could I have a moment please?

The Chairman: Certainly.

Hon. Julianna O'Connor-Connolly: Mr. Chairman, perhaps if my colleague, the First Elected Member for West Bay, could provide, for purposes of clarification and edification, the reasoning for choosing—we would be in a better position to accommodate his request.

The Chairman: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Chairman, my little bit of knowledge is that we are talking about defined benefit, and I am asking whether the words “pension plan” should be added. I thought that is what it is meant to be.

The Chairman: Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Against that background, the Government has no objection to the inclusion of the two additional words.

The Chairman: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I would then ask that we move to amend clause 30(d) and the wording be “defined benefit pension plan”.

The Chairman: Are you saying (b) or (d)?

Mr. W. McKeeva Bush: (d).

Hon. Richard H. Coles: Mr. Chairman, I think the Member is actually referring to clause (c) of the amending Bill; within that clause (c) he is referring to 3(d). The clause 3(d) is of the original Bill. It is confusing, I know, but I think that is what he means.

Mr. W. McKeeva Bush: Sorry, yes. It is page 22 on the Bill I have.

Hon. Richard H. Coles: The amendment would be to subclause (c) of clause 30.

The Chairman: Could the Honourable Second Official Member—where do you want the words inserted?

Hon. Richard H. Coles: It is not I who want them inserted, but I think the Member wants them inserted into subclause (c) of clause 30, at the end of that subclause, the final paragraph, which is also entitled (d). At the beginning of that paragraph, after the words “for a defined benefit” it would read “for a defined benefit pension plan”.

Mr. W. McKeeva Bush: Yes.

The Chairman: I need a seconder for this amendment, once the wording is formulated.

The Deputy Clerk: That clause 30(c) be amended by inserting the words “pension plan” after the word “benefit” as it appears in the first line of that proposed new subparagraph 3(d).

The Chairman: Do we have a seconder? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I beg to second it.

The Chairman: The amendment has been moved and seconded. Does anyone wish to speak to it? If no one wishes to speak to it—the First Elected Member for West Bay.

Mr. W. McKeeva Bush: I do not know if you want to revert to clause 22, or wait until the end to do it, but this is a query I have of the Government, which deals with clause 22, amending section 31(1).

The Chairman: You would have to move that clause 22 be recommitted to the Committee, and then we would...

Mr. W. McKeeva Bush: Mr. Chairman, I so move, if that is the way I can get the query in, I move that we recommit clause 22.

The Chairman: You need a seconder for that. Before we do, let us finish clause 30. The question is that the amendment to clause 30 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The amendment to clause 30 do stand part of the Bill.

AGREED: THE AMENDMENT TO CLAUSE 30 PASSED.

The Chairman: The question is that clause 30 as amended do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clause 30 do stand part of the Bill.

AGREED: CLAUSE 30 AS AMENDED PASSED.

CLAUSE 22 RECOMMITTED TO THE HOUSE

The Chairman: Do we have a seconder for clause 22 being recommitted to the House?

Mr. D. Kurt Tibbetts: I second that motion.

The Chairman: Seconded by the First Elected Member for George Town. The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Chairman. I am asking the Government whether in clause 22 amending section 31(1), (a)(ii) should read “contributions and the earnings thereon”, deleting the word “interest” and changing the word “interest” to “earnings” throughout this clause.

The Chairman: The amendment to clause 22 has been duly moved and seconded. Does anyone wish to speak to that amendment?

Mr. W. McKeeva Bush: I do not think we should put it to the question until the Government—I am asking—my understanding is that the word “interest” should be changed to “earnings” throughout this particular clause, because the investments of pension funds are credited with earnings and not interest. That is the reason we feel the word “interest” should be deleted and “earnings” substituted.

Hon. Truman M. Bodden: Mr. Chairman, it appears to me that if something has to be substituted for interest, it would have to be “income” thereon, because earnings is defined and means “**in the case of an employee, any wages, salary, leave pay, fee, commission, bonus, (to the extent that the bonus is equivalent to more than 20% of the employee’s basic salary or wage for the period in question), or gratuity, expressed in monetary terms, paid or payable by an employer (directly or indirectly) to that employee in consideration of employment, but does not include severance payments, retirement, long service recognition payments or health insurance premiums;**”.

I do not think it is ‘earnings’ that the Honourable Member is looking for. It is probably the word ‘income.’

Mr. W. McKeeva Bush: Income from what?

Hon. Truman M. Bodden: Income from the fund that is invested.

The Chairman: The Second Official Member.

Hon. Richard H. Coles: I was just going to say, Mr. Chairman, that is absolutely right. I think the definition of earnings is, in fact, they are the earnings of the person who is contributing to the pension scheme. They are not the earnings of the scheme itself, so if what the Member is trying to incorporate is income derived from the scheme, then earnings is not the appropriate word, because it is defined as something totally different.

Mr. W. McKeeva Bush: ‘Credited with income,’ so you are saying is that investment of pension funds are credited with income and not earnings. I am saying it should be credited with earnings and not interest, but if you are

agreeing with me that ‘interest’ should be taken out, then we will go with the word ‘income.’ Do you agree that the word ‘interest’ should come out throughout the clause? And the word ‘income’ substituted? That would be the motion, then, Mr. Chairman.

The Chairman: The Clerk will read the proposed amendment.

The Deputy Clerk: That clause 22(a)(ii) be amended by deleting the word ‘interest’ and substituting therefor the word ‘income.’

The Chairman: The amendment has been duly moved and seconded. Does any Member wish to speak to it?

Mr. Linford A. Pierson: Not to in any way speak against this, I need a bit more information as to the reasoning for the change. Maybe the Minister could explain why you are changing ‘interest’ to ‘income.’ What is the principle of this, the significance of this change? I am not quite clear as to why this change is necessary, in that the interest is really the income derived from the investment, and it seems to me that the meaning would be one and the same. I would appreciate it if the Minister could explain this.

The Chairman: Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O’Connor-Connolly: Thank you, Mr. Chairman. I would like to thank the Honourable Member for his last comments. In fact, I have to agree that he is correct. In other words, it is like a synonym, but if, in the interests of peace and tranquillity, it is the wish of the House, on that basis, the Government has no objection. But basically the concept is the same. We would have problems, as stated by the Honourable Attorney General, with the word ‘earnings,’ as that is described on page 11 in the definition section. With the substitution of the word ‘income’ it is a matter of semantics. The word ‘interest,’ as far as the Government Bench is concerned, covers it adequately. If it is the wish of the House to use another word because of literary preference, we have no objection there. We would say, however, that if the word ‘income’ is used, the word ‘thereof’ should be included as well, to make it more appropriate.

The Chairman: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Chairman, the understanding I had from members of the Advisory Committee was that, universally, the investment of pension funds are credited with earnings, they said. If the House chooses ‘income’ and it means the same thing, well, so be it, but that was the Advisory Committee’s advice on that aspect of it.

The Chairman: I will get the Clerk to read the proposed amendment one more time and then we will put it to the question.

The Deputy Clerk: That section 22(a)(ii) be amended by deleting the words 'interest thereon' and substituting therefor the words 'income thereof.'

The Chairman: I will put the question that the amendment do stand part of clause 22. Does anyone wish to speak to that? I will put the question. Those in favour, please say Aye. Those against, No.

AYES.

AGREED: AMENDMENT TO CLAUSE 22 APPROVED.

The Chairman: The Ayes have it. Clause 22 is amended. I shall now put the question that clause 22 as amended do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

AGREED: CLAUSE 22 AS AMENDED STANDS PART OF THE BILL.

The Chairman: The Ayes have it. Clause 22 as amended do stand part of the Bill.

Hon. Julianna O'Connor-Connolly: Mr. Chairman, perhaps before we go on, I should draw to your attention that if we are going to make that amendment, the substantive Law already contains the same words, 'interest thereon', in section 31, so in the cleaning-up exercise, that should also be rectified.

The Chairman: The Second Official Member.

Hon. Richard H. Coles: I would have thought that is a consequential amendment that would be necessary, otherwise the same section of the Law will contain two different wordings, and that cannot be right. If we are going to amend it here in Committee, there will have to be a consequential amendment.

Hon. Truman M. Bodden: Mr. Chairman, I join the Honourable Attorney General on that. The word 'interest' is used throughout the whole Law. I would suggest we state in the front, 'interest shall include income' and leave 'interest' throughout, otherwise we will have to go back and change multiple sections of the Law. It is not as simple as changing one word.

The Chairman: Honourable Second Official Member, what would be your recommendation? How should we handle it?

Hon. Richard H. Coles: We are just considering that, Mr. Chairman.

Hon. Truman M. Bodden: Mr. Chairman, rather than having to recommit all the sections that have 'interest', if we could follow and use it as a consequential with the Attorney General, would maybe be the best. I think that is the simplest way of doing it.

The Chairman: If that is the wish of the Committee, that is fine with me. The Second Official Member.

Hon. Richard H. Coles: I am sorry, I did not hear those last remarks.

The Chairman: I am saying if we want to decide that will be a consequential amendment, should we make a statement in the Bill, or will you just deal with it with the preamble I read out at the commencement of the Committee?

Hon. Richard H. Coles: I would propose that I deal with it under the authority you have already given me, because there will be some consequential amendments. I think it would be unwise for us to try and deliberate what those will be at this stage. As the amendment is then made to the text of the Bill, those consequential amendments will become apparent, and under the authority I already have, we will make them.

The Chairman: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Chairman, for what it is worth, I wonder if we should change the word 'interest' and make it 'income' and then have to go through all the Law and make these changes, or whether we should leave it alone, given that we understand what it means.

Mr. W. McKeeva Bush: Mr. Chairman, that is why I was making a query of the Government. I should say that in the Advisory Committee's draft of September and October, they also use the word 'earnings', and in my last discussion with them, that is what they said. However, in the Government's new amendments, they changed the wording to what it is in the Law. Perhaps the Advisory Committee was moving in that direction in any event when they were putting forward their amendments. We have to remember that we have the Advisory Committee's amendments, and we have the Government's amendments, and we have amendments from this side of the House.

Hon. Thomas C. Jefferson: It seems to me it would be a lot easier if we all agree to leave in the word 'interest', given that we all understand what it means. It is interest from the investment.

Mr. Linford A. Pierson: Mr. Chairman.

The Chairman: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Chairman, I think a suggestion was made by the Minister for Education which I believe is a good suggestion. I believe this problem could be satisfied by putting a definition in the Bill for the word 'interest' which would include 'income.' By doing that, it would not be necessary to go through the whole substantive Law and make the consequential changes to 'income.' If you include a definition for 'interest' which would include 'income', then there should be no need for that. This is certainly a matter for the Second Official Member and the Legal Draftsman.

Hon. Truman M. Bodden: Mr. Chairman, I should say, if we do that, someone has to go through this and make sure that where 'interest' is used, it is not changed as a result of the definition. It is not as simple—when you change one word in a law, there is a domino effect throughout. Not just this, also the hundreds of pages of Regulations. If I could just qualify what I said by that, that is why I bent toward—since I do not know how often it is used, I have seen about two or three places in just flipping through, but I believe it was used quite a few places. There are other places where 'interest' may be used which means only interest. That is what worries me about what I have said, so the Attorney General would have to be left with the power to apply the definition only to the sections to which it should be applied.

Mr. Linford A. Pierson: Mr. Chairman, my only comment on this was that in the broad sense, you are talking about a synonymous meaning, because interest is income. Income is not necessary interest, but interest is always income. There is no way of changing that meaning. If the Attorney General wants to use some other definition, that is completely up to him. But if we use the word 'interest' it is all-encompassing, and it could cover the same meaning as income, because interest from your contribution is an income.

Mr. W. McKeeva Bush: Mr. Chairman, as I said, in the draft of the Advisory Committee, you will find the word 'earnings', and perhaps in the direction they were moving—as I said, I drew it to the attention of the House, and I am left in their hands as to what they want to do with it. I am not moving an amendment, but I drew it to their attention.

Hon. Julianna O'Connor-Connolly: That being the case, I would respectfully recommend that we leave the word 'interest' and if we find it necessitates amendments, we can do that at a later stage when everyone has the opportunity to look at the ramifications of it.

Hon. Truman M. Bodden: Mr. Chairman, I think that is the better course, because we do not know what the knock-on effect of this is going to be. It is also in the

Regulations as well, and they would have to be amended.

Hon. Richard H. Coles: Mr. Chairman, I would concur with that. At first blush, it seems an attractive idea to change the definition itself in the definition section, but that has inherent dangers, because the word is not always used in exactly the same circumstances throughout the Bill and Regulations. Before we went down that route, we would have to very seriously look through the entire Bill. That really is not possible in Committee Stage, so I think the safest course is to leave this word the way it is, and if that is the proposal, I would certainly support it.

The Chairman: I would call to the Members' attention that we have already amended clause 22 and that has been passed. To change, we would have to recommit it, because we are now dealing with clause 31.

Hon. Truman M. Bodden: To complicate it more, the word 'profit' is also used in the Regulations to mean the same thing as 'income' so it is not as simple—it may be better to just leave that one, leave the balance of it, and we take the Member's question, and let the draftsman take his time to look through. In due course, there could be amendments to this before a year from its coming into operation, and we can take it then.

Hon. Thomas C. Jefferson: Mr. Chairman, I suggest that we put it to the vote and agree to leave it the way it is for the present time, until we have had sufficient time to consider the full ramifications.

The Chairman: Let me clearly understand what we want. We are now dealing with clause 31, and I will leave that as it is, that is no problem.

Mr. W. McKeeva Bush: Mr. Chairman, we are dealing with clause 22, amending section 31.

The Chairman: I beg your pardon. We passed clause 22. You then said it was also affected in 31. We would be going on to 31.

Hon. Thomas C. Jefferson: Mr. Chairman, I was of the view that the First Elected Member for West Bay had recommitted 22 to discuss it. That is what I was referring to.

The Chairman: But the question was put and passed, so that is history, as far as this Committee is concerned, unless we recommit and reverse it.

Hon. Thomas C. Jefferson: The recommittal was passed, Mr. Chairman? I do not know. I do not think so.

Mr. Linford A. Pierson: Mr. Chairman, my understanding is that because of the difficulties raised on clause 22 amending section 31, the wish of the House was that it be recommitted so the word 'interest' would remain,

rather than changing that, because to change it would have a domino effect on the whole Law. I think that is where we are now—a recommittal of that section that had been changed to 'income' so it would revert to 'interest.'

The Chairman: To clarify this, could I get a motion for the recommittal of clause 22 a second time, so we can reverse it to what it was originally?

Mr. Linford A. Pierson: I so move.

Mr. W. McKeeva Bush: To assist the Committee, I will withdraw the recommittal.

The Chairman: Let us do it this way. We have our records here. It has been recommitted. Do I have a seconder? The question is that clause 22 be recommitted. Those in favour, please say Aye. Those against, No.

AYES.

AGREED: CLAUSE 22 IS RECOMMITTED.

The Chairman: The Ayes have it. The question is that clause 22 do stand part of the Bill. Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I am a little unclear. Are we voting to leave 22 as it is?

The Chairman: You will have to move an amendment to the affect of reversing that wording to 'interest'.

Hon. Thomas C. Jefferson: I am happy to move that the word 'interest' remain as part of clause 22.

The Chairman: The question is that the words 'income thereof' be removed and the words 'interest thereon' be reinserted. Those in favour, please say Aye. Those against, No.

AYES and ABSTAIN.

Mr. W. McKeeva Bush: I would like a division, please.

The Chairman: Madame Clerk.

The Deputy Clerk:

DIVISION NO. 5/98

Ayes: 8

Hon. Richard H. Coles
Hon. Truman M. Bodden
Hon. Thomas Jefferson
Hon. John McLean
Hon. Julianna O'Connor-Connolly
Mr. Linford Pierson
Miss Heather Bodden

Mrs. Edna Moyle

Abstentions: 1

Mr. McKeeva Bush

Absent: 8

Hon. Donovan Ebanks
Hon. Joel Walton
Hon. Anthony Eden
Mr. John Jefferson
Mr. Dalmain Ebanks
Mr. Kurt Tibbetts
Dr. Frank McField
Mr. Roy Bodden

The Chairman: The results of the division: 8 Ayes, 1 Abstention, 0 Noes. The Ayes have it. Clause 22 stands as amended. I shall now put the question that clause 22 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clause 22 as amended do stand part of the Bill.

AGREED: CLAUSE 22 AS AMENDED PASSED.

The Deputy Clerk: Clause 31. Amendment of section 52, Refunds.

The Chairman: The question is that clause 31 do stand part of the Bill.

Mr. W. McKeeva Bush: Mr. Chairman.

The Chairman: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: The amendment as circulated asks that we, and I so move, amend clause 31 by (a) deleting subsection (2)(a); and (b) inserting after 'deduction' where it first appears, the words 'from that payment or transfer'; and (c) by deleting 'as may be' and substituting 'as is'.

The Chairman: Do we have a seconder?

Mr. Linford A. Pierson: I second that motion.

The Chairman: Does any Member wish to speak to it? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I do not think I have anything further to add.

The Chairman: Does any other Member wish to speak to it? The Third Elected Member for George Town.

Mr. Linford A. Pierson: As in the other sections amended, this was pretty well debated in the second reading, but it is just to mention that the effect on this clause is that the period of six months has been reverted

to the two years previously repealed; also, in section (c) of this amendment, it is made abundantly clear by inserting after 'deduction' where it first appears 'from that payment or transfer'. The significance of this is that there should be no doubt at all that any expenses in relation to the transfer or payment would come directly from the individual pensioner, and not spread over the whole scheme. Also, by deleting 'may be' where that appears, it makes it abundantly clear that it is referring to the particular amount, and is then substituted 'as is'. I think these make significant changes to section 52.

The Chairman: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: As I said, I said what I had to say about it in the second reading debate.

The Chairman: Does any other Member wish to speak to the amendment? The question is that the amendment to clause 31 be passed. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. The amendment is passed.

AGREED: CLAUSE 31 AMENDED.

Mr. W. McKeeva Bush: Mr. Chairman, I do not want to take up your time, but if you look at clause 31, you will see that clause repeals 'interest' and substitutes 'earnings' throughout that clause; as I said, that was the way the Advisory Committee was going. However, the House has already decided on that.

The Chairman: Let us not go back. The question is that clause 31 as amended do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it. Clause 31 do stand part of the Bill.

AGREED: CLAUSE 31 AS AMENDED PASSED.

Mr. W. McKeeva Bush: Before you move on to other amendments, we put forward these three amendments, and there are several amendments that the Chamber of Commerce have recommended. I certainly did not have time to look at them, but I believe they deserve to be investigated. They have offered seven substantial amendments, it would seem to me, amending section 36(1), 36(5), 36(6), 40(1)(a), 46(3)(b), 46(3)(d), and 46(9)(e). I do not know where the Government wants to go on it, but I would think they deserve to be looked at, seeing that there was such a short time period given by the Government. Also, providers need to see how the final legislation will come out, with the amendments

made. This affects employers, employees, providers, everyone. I feel obligated to ask that these amendments be looked at somehow.

Mr. Linford A. Pierson: Mr. Chairman.

The Chairman: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Having had a look at the Chamber of Commerce proposals, and as the First Elected Member for West Bay quite rightly said, these did come in somewhat late. They were sent to the Minister responsible on 1 April. I would like to say that I agree these are important—or at least some of them—are very significant amendments. I would also like to mention that at least three of them, the three we have just passed in the Committee stage amendments submitted by the First Elected Member for West Bay and myself, have already been dealt with. The others would seem to be less important, but nonetheless, I would have no objection if we were able to deal with these. I think we could have a little bit more time and perhaps consider bringing these back as Committee stage amendments or substantive amendments in the next meeting of the House, rather than trying to deal with them at this point, since no notice on these has been circulated for these to be amended at this time.

The Chairman: The Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: If I may assist here, if we take these amendments, the first one deals with 25(1) and (2). That has been done. The second one deals with section 31(4) and was a question of earnings and interest, which we have dealt with. Clause 3 is a consequential amendment. It is saying because (c) has been deleted, it should not be (d), it should be (c). That would be changed. That has been dealt with. 36(1) was a substantive amendment put by the First Elected Member for West Bay, so that has been dealt with. 36(5) was the one that has been dealt with through—that was about children and maintenance, so that has already been looked at and an amendment has been put to 36 where it says—let me get my bearings on this again—that has also been dealt with. This is about the children, where they wanted the word 'use' instead of 'trust'. 36(6) was dealt with. That was amended by the Member. Their paragraph number 7 is 41(a)—that is not right, I am just trying to find that one. "Put the word 'shall' instead of 'may'"—I do not follow that one. They have no reason on that—I do not know what that even relates to.

Mr. Linford A. Pierson: Mr. Chairman, if I may, if the Minister does not mind, I think we have already dealt with the problem raised in 36(6) because we already deleted the word 'trust' and replaced that with something else because of the difficulty in defining trust, and the difficulties Members had determining how it would be

administered. So this would be somewhat redundant at this stage, because we have already passed an amendment in the House deleting the word 'trust' so there would be no need now to try to seek a definition for the word 'trust'.

Hon. Truman M. Bodden: That is correct. From what I can see, the only one is number 8, 46(3)(b), and perhaps the Member would like to put that one. If I may read that, it says, "delete this section"—I think we could save a bit of time if I could...

The Chairman: Would it be convenient to take a suspension for a few moments?

Hon. Truman M. Bodden: I do not think it is necessary, because...

The Chairman: We really need to get back to clause 32.

Hon. Truman M. Bodden: Yes, Sir, there are only three clauses on this that remain, from what I can see, and perhaps if the Member would like to raise 46(3)(b), that one has not been dealt with. We dealt with section 46(3)(d), but there is also 46(3)(b), if we look at paragraph 8 of Mr. Adam's letter from the Chamber.

The Chairman: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: While the Minister is trying to deal with all of these at one time, I think your suggestion, if we are going to try to deal with them, perhaps the small suspension of the Committee could allow us to take fifteen or twenty minutes to go through them. I think the way we are dealing with them now is going to be very confusing. That is my thought on the matter.

The Chairman: Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Perhaps it would be prudent to take a ten-minute break and come back after that, seeing the Easter season is upon us and this is important legislation which we would like to conclude today.

The Chairman: The Committee will suspend for fifteen minutes, and I beg, let us try to be back here in fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.41 AM

PROCEEDINGS RESUMED AT 12.38 PM

The Chairman: Please be seated. Proceedings in Committee are resumed.

The Deputy Clerk: Clause 32. Amendment of section 54, Void transactions.

Clause 33. Amendment of section 55, Exemption from execution, seizure or attachment.

Clause 34. Amendment of section 56, Commutation or surrender.

Clause 35. Amendment of section 57, Winding up.

Clause 36. Amendment of section 61, Notice of entitlements.

The Chairman: The question is that Clauses 32 through 36 do stand part of the Bill. If there is no debate I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 32 THROUGH 36 PASSED.

The Deputy Clerk: Clause 37. Amendment of section 62, Determination of entitlement.

Clause 38. Amendment of section 63, Combination of age and years of employment.

Clause 39. Amendment of section 64, Liability of employer on termination.

Clause 40. Amendment of section 66, Continuing pension plan.

The Chairman: The question is that Clauses 37 through 40 do stand part of the Bill. If there is no debate I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 37 THROUGH 40 PASSED.

Deputy Clerk: Clause 41. Amendment of section 68, Adoption of a new pension plan.

Clause 42. Amendment of section 78, Superintendent.

Clause 43. Repeal and substitution of section 82, Liability of members and employees of the Board and Superintendent.

Clause 44. Amendment of section 87, Obstruction.

Clause 45. Amendment of section 94, Regulations.

Clause 46. Regulations.

The Chairman: The question is that Clauses 41 through 46 do stand part of the Bill.

Mrs. Edna M. Moyle: Mr. Chairman, maybe the Honourable Minister moving the Bill can explain to me why a Member of Executive Council has been included in section 43 of this Bill, as I have never seen this included in any other legislation brought before Parliament.

The Chairman: The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: As I recall, that was included when the Superintendent of Pensions would be subject to Executive Council. I have amended this section dealing with the hiring of the Superintendent so it becomes a regular civil servant. So the Government would not have a problem, if the Member so moved, to have that deleted.

The Chairman: The Elected Member for North Side.

Mrs. Edna M. Moyle: I would so move that "Executive Council" be deleted if it plays no important part by being included.

The Chairman: For clarity, I will put the question that Clauses 41 and 42 do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 41 AND 42 PASSED.

The Chairman: The Elected Member for North Side, we will take your amendment now on Clause 43.

Mrs. Edna M. Moyle: I do not have a legal mind, but this is what I would like to see. Perhaps it should read, "Neither the Superintendent nor a member of the Board or of the staff of the Board shall be personally liable for anything done in good faith in the execution or intended execution of a duty or authority under this Law or the regulations or for alleged neglect or default in execution in good faith of such a duty or authority." In other words, we would delete the words "a Member of Executive Council, nor".

The Chairman: We need a seconder for that amendment.

The Second Elected Member for Boddan Town.

Miss Heather D. Boddan: I second that amendment.

The Chairman: The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: I am happy to concur with the deletion of those six words, commencing with the word "a" and ending with the word "nor" in the first line.

The Chairman: Would you please repeat that?

Hon. Julianna O'Connor-Connolly: I am happy to concur with the amendment as put forward by the Elected Member for North Side.

The Chairman: I will ask the Deputy Clerk to read the amendment as she understands it.

The Deputy Clerk: That Clause 43 be amended by deletion of the words "of the Executive Council" as they appear in the new section 82 of Clause 43.

Mrs. Edna M. Moyle: Incorrect. Mr. Chairman, we would have to delete "a Member of the Executive Council, nor". It would read, "Neither the Superintendent nor a member of the Board..."

The Chairman: The amendment has been duly moved and seconded. If there is no debate I shall put the question that Clause 43 be amended. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 43 PASSED.

The Chairman: The question is that Clause 43 as amended do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 43 AS AMENDED PASSED.

The Chairman: The question now is that Clauses 44 through 46 do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

Mr. W. McKeeva Bush: Mr. Chairman, are you including Clause 46 in that?

The Chairman: Yes. Did you want to speak to Clause 46?

Mr. W. McKeeva Bush: Well, Mr. Chairman, we were discussing...

The Chairman: Well, let me go back and take Clause 44 and 45. The question is that Clauses 44 and 45 do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 44 AND 45 PASSED.

The Chairman: Clause 46.

Mr. W. McKeeva Bush: Mr. Chairman, we were discussing some amendments and when we took the break we looked at what the Chamber of Commerce had offered. I am just wondering what conclusion the Government came to on the matter.

The Chairman: We are discussing Clause 46. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: As I understand it, what was meant to happen was that during the stage when the employee pays less than 1% during the phasing-in period, the employer would pay an amount equal to what the employee is paying. The draftsman has put in an addition on page 22. It is a little (c) at the top that deals with 46(3), (d), and—I am sorry. It is on page 23, the little (e) is 46(9)(e). It says, **“An employer may, subject to the obligation to compensate for underfunding contained in subsection (3), during the period that any employee is contributing at a rate less than the rate prescribed by the plan, contribute to a pension fund on behalf of that employee an amount equal to that contributed by the employee.”**

As I understand it, during the stage where younger employees are paying, say, 1%, the employer would pay 1%. The amendment to 46(3)(b) is actually covered in 46(9)(e).

Mr. W. McKeeva Bush: Mr. Chairman, when I moved the Law on 10 July 1996, this is what I said. Let me quote from the *Hansard* so the intention of that section can be clear. I quote from the *Hansard* of 10 July 1996 [page 488]: **“In order to minimise the impact of the contribution on the employee's take-home pay, and on the employer's bottom line, the law and regulations will prescribe a phasing-in mechanism for contributions for the first 5 years of the legislation coming into force. Employees up to age 45 may choose to phase-in their contribution rate for the first 5 years. That is from the acceptance age of 18 to age 45 can phase in their 5%. They can chose to put in 1%, 2% or 5%. Employees who are 45 years or older will be required to begin contributing at the prescribed rate of 5% at the minimum. While this phase-in provision may seem to be convenient, it is obviously better for contributors to begin at the required minimum (now proposed at 5% each), because the lower contributions in the early years will translate into lower retirement or disability benefits when needed. All workers will be encouraged to make ‘additional voluntary contributions,’ however, these would be voluntary on the part of the employee and employer.”**

It is clear what the intention of the Law was. Suffice it to say that some people thought it was not clear and needed clarification, but the employers understood and the employees understood that it would be equal in the first years (up to five years) and the minimum for those over age 45 would be 3% to 4 or 5%. I do not think we should get it confused. If they look at the discussion draft as submitted by the advisory committee, they will find that is what they were attempting to do.

The Chairman: Does anyone else wish to speak? The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Having spoken to the senior Legal Draftsman I am reliably advised that that intention has been duly drafted and incorporated there with the amending Bill.

Mr. W. McKeeva Bush: Mr. Chairman, I am concerned about the wording of it and the drafting of it because I clearly remember that there was some, let us say, disagreement between the council and the Committee—his wording and what they preferred to see. So, if the Government continues as it is, I will abstain from that section.

The Chairman: Does any other Member wish to speak? If not, I shall put the question that Clause 46 do stand part of the Bill. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

Mr. W. McKeeva Bush: Mr. Chairman, may I have a division?

The Chairman: Certainly.

Hon. Truman M. Bodden: Mr. Chairman, I wonder if there were any Noes, because we can only have a division if there were Noes, as I understand it.

Mr. W. McKeeva Bush: Well, Mr. Chairman, having given you my intention to abstain, I trust that this Committee would be generous enough to allow that.

The Chairman: Call the division.

The Deputy Clerk:

Division No. 6/98

AYES: 9

Hon. Donovan Ebanks
Hon. Richard H. Coles
Hon. Joel Walton
Hon. Truman M. Bodden
Hon. John B. McLean

NOES: 1

*Mr. D. Kurt Tibbetts

Hon. Anthony S. Eden
 Hon. Julianna O'Connor-Connolly
 Mr. Linford A. Pierson
 Miss Heather D. Bodden

ABSENT: 5

Hon. Thomas C. Jefferson
 Mr. John D. Jefferson, Jr
 Mr. D. Dalmain Ebanks
 Dr. Frank McField
 Mr. Roy Bodden

ABSTENTION: 2

Mr. W. McKeever Bush
 Mrs. Edna M. Moyle

** The First Elected Member for George Town was present for the Division but was not present for the vote.*

The Chairman: The result of the Division is nine Ayes, no Noes, two Abstentions and five Absent. The Ayes have it.

The First Elected Member for George Town was not present for the vote.

Mrs. Edna M. Moyle: Mr. Chairman, he was in his seat for the Division.

The Chairman: He was in his seat for the Division but not for the vote. That is what the Standing Orders say.

[Inaudible comments]

AGREED BY MAJORITY: CLAUSE 46 PASSED.

The Deputy Clerk: The Schedule.

The Chairman: The question is that the Schedule do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: THE SCHEDULE PASSED.

The Deputy Clerk: A Bill for a Law to amend the National Pensions Law, 1996, to promulgate the regulations made under that Law, and for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled The National Pensions (Amendment) Bill, 1998. The question is that the Bill be reported to the House. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: THE BILL BE REPORTED TO THE HOUSE.

The Chairman: The House will resume.

HOUSE RESUMED AT 12.57 PM

REPORT ON BILL

The Speaker: Please be seated.

Reports. The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

THE NATIONAL PENSIONS (AMENDMENT) BILL, 1998

Hon. Julianna O'Connor-Connolly: I beg to report that a Bill entitled, A Bill for a Law to amend the National Pensions Law, 1996, to promulgate the regulations made under that Law, and for incidental and connected purposes was considered by a Committee of the whole House and passed with amendments.

The Speaker: The Bill is set down for third reading. Bills, Third Readings.

THIRD READING

THE NATIONAL PENSIONS (AMENDMENT) BILL, 1998

The Deputy Clerk: The National Pensions (Amendment) Bill, 1998.

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

Hon. Julianna O'Connor-Connolly: I beg to move the third reading of a Bill entitled, A Bill for a Law to amend the National Pensions Law, 1996, to promulgate the regulations made under that Law, and for incidental and connected purposes, be given a third reading and passed.

The Speaker: The question is that a Bill entitled, The National Pensions (Amendment) Bill, 1998, be given a third reading and passed. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE NATIONAL PENSIONS (AMENDMENT) BILL, 1998, GIVEN A THIRD READING AND PASSED.

The Speaker: That concludes the business on the Order Paper for today. I will entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until the Finance Committee is ready to report back to this Honourable House. The Finance Committee sits on 20 April.

The Speaker: The question is that this House do now adjourn until the Finance Committee, which commences on 20 April, has completed its deliberations. We will be advised in Finance Committee as to the exact time that the House will resume. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 1.01 PM THE HOUSE STOOD ADJOURNED UNTIL THE CONCLUSION OF THE STANDING FINANCE COMMITTEE MEETING TO BE HELD ON MONDAY, 20 APRIL 1998.

**EDITED
WEDNESDAY
20 MAY 1998
11.19 AM**

The Speaker: Prayers by the First Elected Member for George Town.

PRAYERS

Mr. D. Kurt Tibbetts: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF MESSAGES AND
ANNOUNCEMENTS**

APOLOGIES

The Speaker: We have received apologies from the Third Elected Member for George Town, and from the Fourth Elected Member for West Bay.

Item 3 on today's Order Paper, the Presentation of Papers and Reports, Report of the Standing Finance Committee, the Honourable Third Official Member.

**PRESENTATION OF PAPERS
AND REPORTS**

**REPORT OF THE STANDING FINANCE COMMITTEE
(Meetings held, 20, 22, 23, 24, 30 April;
and 1, 4, 15 May, 1998)**

Hon. George A. McCarthy: Mr. Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Finance Committee, covering meetings held on 20, 22, 23, 24 and 30 April, and 1, 4 and 15 May, 1998 respectively.

The Speaker: So ordered.

In accordance with the provisions of the Report, it will be necessary for the suspension of Standing Order 74(5). The Honourable Third Official Member.

SUSPENSION OF STANDING ORDER 74(5)

Hon. George A. McCarthy: Mr. Speaker, before I move the suspension, I would like to mention the practice which has emerged in dealing with the meetings of Finance Committee for Members' benefit. Because details embodied within the Report have been given extensive coverage, the practice has been not to repeat those details once more. I am therefore seeking the indulgence of Honourable Members and the Chair to avoid having to repeat those details once more.

At this time, I would like to mention that it is the recommendation of the Standing Finance Committee that Standing Order 74(5) be suspended in accordance with the provisions of Standing Order 81 to allow the Report of the Finance Committee to be Tabled in the absence of the Minutes being available.

The Speaker: The question before the Honourable House now is that in accordance with the provisions of Standing Order 81(1), Standing Order 74(5) be suspended so that the Report may be laid on the Table without the Minutes. I shall now put the question.

Mr. W. McKeeva Bush: Before you put the question, Mr. Speaker, looking at the Report, there are inaccuracies in it, and I do not know how you propose to deal with them.

The Speaker: Could you state the inaccuracies? Are they lengthy?

Mr. W. McKeeva Bush: Well, for one, Mr. Speaker, on page 3 there is a note on the motion to decrease item 10 by \$200,000, which says that we voted against the

\$200,000 being moved for the multi-purpose hall, and that is not correct.

The Speaker: Honourable Third Official Member, would you care to speak to that?

Hon. George A. McCarthy: Mr. Speaker, I can appreciate the concern raised by the Honourable Member, but that is not an inaccuracy because when we look under item 6.1, we see that the sum against item 10 was for a value of \$400,000, and there was a motion for this \$400,000 to be decreased by \$200,000, leaving a balance of \$200,000 against this item.

Mr. W. McKeeva Bush: No, I must disagree with the Third Official Member because there were actually two items dealing with this matter, and you would have to refer to the minutes to see what I am talking about.

The Speaker: Would it not be proper to continue with this, and you and the Third Official Member can discuss this issue at a later time?

Mr. W. McKeeva Bush: That is fine with me, Mr. Speaker, once we get the agreement to make the necessary corrections, if I am correct.

The Speaker: Do you agree with that, Honourable Third Official Member?

Hon. George A. McCarthy: Mr. Speaker, please allow me a minute to review the record.

[Pause]

The Speaker: Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I would like to consult with the First Elected Member for West Bay on this item for a moment. The records are showing that the item was voted upon, eight in favour, four against this specific item.

Mr. W. McKeeva Bush: That is the matter, and if you could allow us to discuss it, I would be thankful.

The Speaker: Is it the wish of the House that we suspend for five or ten minutes? We will remain in our seats while you discuss this.

[Pause]

The Speaker: Further to the apologies I gave earlier, I would like to state that the Honourable Third Elected Member for George Town is off the Island. I also have apologies from the Fourth Elected Member for West Bay, who is ill.

[Pause]

The Speaker: If we cannot conclude this, we should suspend for ten minutes.

Mr. W. McKeeva Bush: Mr. Speaker, I think we should do that, Sir.

The Speaker: We shall suspend for ten minutes.

AT 11.32 AM PROCEEDINGS WERE SUSPENDED

AT 11.50 AM PROCEEDINGS RESUMED

The Speaker: Proceedings are resumed. The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, we have now sorted out this item. On page three it shows that for Item 10 there was an amount of \$400,000 being sought to allow for the male cell block extension. There was a motion put to decrease this item by \$200,000, and the motion reads: "That the sum for the male cell block extension at Northward Prison be decreased by \$200,000; and that Item 108 which is West Bay Multi-purpose Hall under Head 38 be increased by \$200,000." With the reduction of \$200,000 from the \$400,000 it meant that the value of the sum remaining against this item was then \$200,000. A question was then put for the \$200,000 to be voted upon to allow for the male cell block extension, and the majority of Members were in favour, or the "Ayes" had it. At that time, Mr. Bush asked for a division and when the division was taken, it showed that there were eight Members in support of allowing the \$200,000 to remain, while there were four against allowing the \$200,000. Mr. Bush was one of the Members who did not support the motion to allow the \$200,000.

The Speaker: I shall now put the question that Standing Order 74(5) be suspended to enable the Report to be laid on the Table without the Minutes of the proceedings. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Standing Order 74(5) has been duly suspended and The Report of the Standing Finance Committee is therefore laid on the Table without Minutes.

AGREED: STANDING ORDER 74(5) SUSPENDED TO ALLOW THE REPORT OF THE STANDING FINANCE COMMITTEE TO BE LAID ON THE TABLE OF THE HOUSE WITHOUT MINUTES.

The Speaker: That completes the business on the Order Paper for today. I will now entertain a motion to adjourn this Honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move that this Honourable House do adjourn until 10.00 AM Thursday, 4 June 1998, at the Aston Ruddy Civic Centre in Cayman Brac.

The Speaker: Before I put the question, I will ask Honourable Members to take a few minutes to meet informally in the Committee Room so that we can discuss the proceedings that will take place in Cayman Brac.

The question is that this Honourable House do adjourn until 10.00 AM Thursday, 4 June 1998 at the Aston Ruddy Civic Centre in Cayman Brac. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House is adjourned.

**AT 11.53 AM THE HOUSE STOOD ADJOURNED
UNTIL 10.00 AM THURSDAY, 4 JUNE 1998, AT THE
ASTON RUTTY CIVIC CENTRE IN CAYMAN BRAC.**

**EDITED
THURSDAY
4 JUNE 1998
10.10 AM
MEETING IN CAYMAN BRAC**

The Speaker: I will ask the Reverend Eddie Tatum to say prayers.

PRAYERS

Reverend Tatum: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. The Legislative Assembly is in session. Item 2 on the Order Paper, Reading by the Speaker of Messages and Announcements.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I have apologies for absence from the Honourable Minister for Tourism, Commerce and Transport, who is unwell; the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, who is overseas due to an illness in his family; the Fourth Elected

Member for West Bay, who is unwell; the Third Elected Member for Bodden Town, who is overseas with his mother, who is ill; and the Elected Member for North Side, the Deputy Speaker, who is overseas attending her son's graduation.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

The Speaker: Item 3 on today's Order Paper, Questions to Honourable Official Members and Ministers, Question number 56, standing in the name of the First Elected Member for West Bay.

QUESTION 56

No. 56: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Education, Aviation and Planning: What is the number of students presently enrolled at the John A. Cumber Primary School, giving a breakdown of the number in each class from years 1 through 6?

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

Hon. Truman Boddén: The number of students enrolled for the 1997-1998 academic year in years 1 through 6 at John A. Cumber Primary School is as follows:

Year	Boys	Girls	Total	Number of classes
1	51	31	82	4
2	33	57	90	4
3	42	43	85	4
4	38	34	72	3
5	34	38	72	3
6	40	35	75	3
TOTAL	238	238	476	21

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. I wonder if the Minister can give the total number of students per class.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddén: Mr. Speaker, could I have a moment to do the calculations, please?

The Speaker: May I take this opportunity to say to the students in the back that there are many empty seats in the front, if you would care to come to the front of the assembly, so you hear better. That is your choice, of course.

Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddien: Mr. Speaker, the average number in year 1 classes is 20; in year 2, 23; in year 3, 21; in year 4, 24; in year 5, 24; and in year 6, 25.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. Could the Minister state if there are any classes at the John A. Cumber Primary School with over 25 students, and if so, how many classes, with how many students?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddien: Mr. Speaker, I do not have the answer to that. I have been able to give the average, but I do not have a total breakdown of every class here. I am sorry.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. The intent of the question was to determine how many students were in each class. It was not to establish an average. Perhaps the Minister could give an undertaking, even if it has to be done in writing, to give the number of students in each class, not just per year. His answer simply gives the way to determine an average, but the intention was to determine how many students were in each class.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddien: Mr. Speaker, I am happy to give that undertaking. I can get a breakdown of all the classes. I just do not have access to it here, Sir.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I crave your indulgence. I wonder if this side of the House could be provided with similar microphones as over there. This one is very uncomfortable to use, and unhandy even, and maybe at the break, we could look at that. Thank you.

The Speaker: I think that is what we have, but we will do our best.

The Third Elected Member for George Town.

Mr. Linford Pierson: Thank you, Mr. Speaker. The answer gives an average number of children per classroom. Is the Minister in a position to give the size of the classrooms so that we can get an indication of whether or not there is any crowding in the classrooms?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddien: Mr. Speaker, I could not give the size of the classrooms. When we visit there, we always invite the four MLAs—and we do go there together every quarter—and they know the size of the classes. But I believe, since plans for the older buildings do not exist, we would probably have to measure these. Some of the older classrooms, as the Member is pointing out, are small, and as students get older, they obviously need more space than the younger children do. The new block that deals mainly with the younger children would be quite spacious. Some of the older classrooms are smaller in size, and we could only take a certain number of the older children in them.

There was discussion with Members for West Bay at one stage about extending the old block, which could have been extended to the back. But, in the end, I think the decision was to do another school. Once that comes on stream, it will be very easy to accommodate everyone with the split that would come in, Sir.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. It does not go without saying that the Honourable Minister is moving post-haste to have the new building come on line as quickly as possible, since we have an overcrowded school at West Bay.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddien: Mr. Speaker, that is correct. The Government has given that undertaking. The property has been located. The purchasing process has started. Honourable Members raised with us that there was another section of land within the overall that would have made it a lot better. Without a piece indented, the shape of the land would not have been as good. We have moved that on for purchasing as well, and it will be a very nice site for that school, very adequate, from what I have been told.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I thank the Minister very much. I did not intend to raise the question, but since he raised it, can he say whether that makes the property a total of ten to thirteen acres?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Mr. Speaker, I believe the Member knows the property better than I do, so I am prepared to bow to his better judgment in this case and answer 'yes', out of an abundance of caution!

[Members' laughter]

Mr. W. McKeeva Bush: Mr. Speaker, I did not tell him to say yes, you know!

[laughter]

The Speaker: The Third Elected Member for West Bay.

Mr. John Jefferson Jr.: Thank you, Mr. Speaker. From the information provided by the Honourable Minister, we see that the present enrolment is 476. What is the anticipated enrolment at the West Bay Primary School for September 1998? That is, new students. And do we presently have sufficient classrooms to accommodate the new enrolment?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: The process of enrolment is now going on, and we do not have figures. This is one of the problems we face in education. It is not until fairly soon before the new academic year that we get exact figures. But we expect it will probably increase somewhat. Occasionally we have very significant increases, and I hope we will not have that here, because it would create a very serious problem. Forecasts can be done, but until actual registrations are in, it is really hard to tell, as we found a couple of years ago when some of the schools went up more in one year than they had in the previous five years.

The Speaker: The Third Elected Member for West Bay.

Mr. John Jefferson Jr.: Thank you, Mr. Speaker. I know forecasting or anticipation of additional enrolment is very difficult, but when does registration start for the September semester? If it has started, how many new students to date have registered for the September semester at the West Bay Primary School?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Mr. Speaker, the process starts in April, and should close off in May. Unfortunately, it continues going on because the children should be admitted and they do not abide by the registration date. We cannot just say no to them. We anticipate, based on the numbers

seen, another fifteen students, and it will probably settle somewhere within that area, give or take a few.

But may I say, Mr. Speaker, it does bring out the fact that we should move very quickly with the new school, which I am sure Members here support and will release funds for in due course, once we have an amount for the building.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I would defer to the Third Elected Member if it is a follow-up question.

The Speaker: The Third Elected Member for West Bay.

Mr. John Jefferson Jr.: Mr. Speaker, I thank the First Elected Member for West Bay. Taking into consideration—and this is something about which I feel very strongly—that we have limited classroom space and all this demand for new enrolment, does the Education Department or the Ministry have a policy regarding who gets preference for enrolment?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Mr. Speaker, the policy is very clear that Caymanians have to be enrolled. There has been a combined policy between the Education Department and Immigration that unless the student who is non-Caymanian has the proper temporary residence for Immigration, they are not admitted to the process at all. If they are here legally as the dependent of someone who is working here, then, obviously, under the Law as it now stands, they have to be looked at, and most of the time accommodated. So it is not quite as simple as saying, '*Only Caymanians, and what space we have left over moves to non-Caymanians,*' even though we try to do that. If there are people here, the Law basically says we have to educate everyone within school age.

But there has been far better control in the last year or so. Instead of students going to one place, getting acceptance, say, from Immigration or Education and being sent to the other, there is now liaison. We actually have an officer who deals with this, along with an officer in Immigration, in an effort to try to give far more certainty as to who can be admitted and who cannot. But there is no doubt about it, if we try to admit every non-Caymanian student who is here, the schools cannot take it. That is the hard fact of life. The policy, I should say, is an attempt to get the non-Caymanian students to go into the private school system, which now has one-third of the total number of students.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Can the Honourable Minister say what the Education Department standard is for number of classes per school, and students per classroom?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddin: We basically try to keep schools, at the best level with two entries. Several of the schools run three entry classes. Naturally, the smaller the class down to a certain number—if it gets too small, it has a problem as well—but on average a class of 20, preferably not going above 25. If it does have to go higher—which we have, in some classes, gone to 30—then a teacher's aide is put in, so there is basically one fully qualified teacher and an aide within it.

The problem we have is that while there is some predictability in the number of students coming in, it is normally too late by the time final registration finishes to do major construction work for extra classes. This is why, with the good graces of this Honourable House with the budget, the quicker we can move on the new school, the happier I, and I believe everyone in the three Islands, would be, to get the extra schools in place early so we have the capacity.

We are very tight, especially in West Bay. We have to get that school there early, and it is important that we have more capacity than we have. It would be good to have possibly two extra classrooms within each school that could be used, for example, for extra computer work or some other extracurricular activities within the school, so we would have a buffer in each school if the registration goes up.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. I wonder if the Minister could say if I am correct in assuming, from the figures given by him, that we had 82 new students enrolling in John A. Cumber Primary School last year. I wonder why we only have fifteen students anticipated for the new school year, as we were just informed.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddin: Seventy-five from year 6 will be going out, Sir.

The Speaker: Before I call for another supplementary, I think we have pretty well beat this question around. There have been four Members asking questions, so I am going to allow four additional supplementaries.

The Third Elected Member for George Town.

Mr. Linford Pierson: Mr. Speaker, thank you for your kindness. This is a very important subject, and I want to

thank the Honourable Minister for the answers he has given thus far. As a follow-up to the supplementary question I asked earlier, I wonder if the Honourable Minister can say, now that he has given this acceptable average of 20 to 25 students per classroom, what ratio, and size of the average classroom is acceptable. If you have 20 students. . . . The point is, if there are 20 students in a 400 square foot classroom, that is not too bad; but if that classroom is 200 square feet, then you are going to have crowding. This is the real reason for asking about the average classroom, the standard accepted by the Education Department.

Additionally, could the Minister say what the teacher/pupil ratio is in the classrooms?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddin: Mr. Speaker, it seems that Member brought in the four supplementaries you allowed! [laughter]

I am purely giving an estimate. I point out that I am not an architect, but the class sizes for the older students, years 4, 5, or 6, are obviously no bigger than the smaller classes. The classrooms, by and large, are between 750 and 950—the new ones are now 840. They are built to that size so if we have to go up with the number of students, they can take them. So if you see 20 students in them, they may look quite large, but if you see 25 or 27. . . . But we have to build with a view to expansion with those upper levels.

In the primary levels, they are the same size, except part of the classroom is a carpeted area where they can rest. They have storage within that area as well, and for the younger ones you need a lot more storage. Also, they have sinks in primary 1 and 2, and in the pre-school, which we still have in Cayman Brac.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: While we respect the fact that you wish the business to move on, we have one or two more supplementary questions on this subject. We are asking you to bear with us because the subject is very important, and we would like to get a few matters cleared up. I will go on with my supplementary.

If the Minister will look at his answer, he will see that in year 1 there are four classrooms—well, not classrooms, but classes, which means classrooms, because they have to be held in a classroom. So years 1, 2 and 3 have four; and years 4, 5 and 6 now have three. The Minister has said that the three classes in year 6 are going away, because they will graduate in June. From the way he answered the question, it means that as of the end of May it is anticipated that 90 students are coming into year 1—75 plus 15. Seventy-five are leaving, and he said 15 more are coming. That is what you said!

That being the case (that 90 students are coming in), it is obvious that there will be four classes in year 1 in Sep-

tember, as there are now. Please follow me. Everyone is moving up a year—in September, year 1 will have four classes; year 2 will have four classes; year 3 will have four classes; and year 4 will have four classes; because the four classes now in year 3 will go up to year 4 in September.

The question is, where is the extra classroom going to come from? Because you are going to need it!

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddén: Mr. Speaker, the Honourable Member is substantially correct, but there are some students who will go into other classes. As new ones come in and some go out they change schools, for example. The Chief Education Officer has assured me that we will have to accommodate them within the school. As you have pointed out, the West Bay School is fast becoming a four-class school. That is why the splitting becomes more urgent.

You are right: An extra room is needed as it progresses each year. That is why we are now dealing with a brief with Public Works and the architects to try to get the primary school moving, because it is urgent that the splitting comes early. We would have two schools running basically two classes, then the pressures ease up again.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you. I wish to clarify the point. Perhaps I can tie everything together so the Minister will not suggest I am asking four in one!

The way the Minister has explained it, the end of May was supposedly when the Department stopped accepting registration applications for new students. He has said it never fails that after the deadline we still have to deal with applications because that is just the way it is. I would like to know from the Minister, while he knows that he cannot give a final figure because others come late, and we understand that, he must know by now what he has. If it is 90—and he is suggesting it might be 90—it is obvious he is going to end up with 100 by the time it is all over.

[inaudible comments]

Mr. Kurt Tibbetts: Tell him to wait until I finish.

The question is, and I am serious about this—because whether or not they assure you, and you assure us—come September, the trouble is going to be real. If you have 100 students and only three classrooms for them, that means every classrooms will have in excess of 30 students. I am saying that while he can use words to say he has been assured this will be okay, by September, and we are talking about John A. Cumber, I know, and you know that we are talking about—

The Speaker: May I remind the Member to limit it to a question?

Mr. Kurt Tibbetts: Yes, Sir, I am sorry.

Therefore, is the Minister prepared to give an undertaking that whatever happens, if we have to deal with this thing together, we cannot allow the situation to get any more acute? We have been dealing with this for years, and the same thing has happened again and again. So could the Minister say how many students are really anticipated, and try to explain what is going to happen with them?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Boddén: Mr. Speaker, the Chief Education Officer has stated to me that they anticipate 90. It is not 90 yet. But—

[inaudible comments]

Hon. Truman Boddén: He does not have the figure with him. I could get that and send it in—he anticipates 90.

But the only answer—and I come back to this—to being certain in the schools, is to please give me at least two classrooms in each school so I will have the flexibility to go ahead and deal with the problem when it comes. There is no way you can anticipate with any certainty the number of students. We found a couple of years ago that we had more in one year than we had in aggregate the past two, three or four years.

So the answer has to be, as we upgrade the schools, to add to each school at least two extra—or better still, if it is a two-stream school, two classrooms; if it is a three-stream school, three classrooms; so we will have the capacity. The problem now is that there is no capacity in the schools; and while the policy remains that Government has to educate all children in the Island, while that Law remains the numbers are not within the Education Department's decision on what to do. External factors—Immigration, for example—the number of Caymanians who repatriate to Grand Cayman. There is no way of determining this with certainty, so I would ask that each school be given one extra class for each stream.

The splitting in West Bay will give that capacity. But it brings out the urgency of getting the school in West Bay completed. The process, we know, takes a while. That is why the upcoming motion is an opportunity to fix some of these problems. I can merely say to you what we need, and it is really up to this Honourable House to decide where the extra schools are needed. George Town is getting to the stage where an extra school in the primary is needed. The splitting helped, but we need that. We need another school in the high school stage. That problem is not going to go away. At some stage, we have to get our priorities right—

Mr. W. McKeever Bush: Right! I agree with that!

Hon. Truman Bodden: —and we have to build the necessary schools to take the children. The best investment any country can make is in its youth. They are the leaders of tomorrow. They will be standing in this House, carrying on this country when we are gone.

Members: Hear, hear!

Hon. Truman Bodden: And it is short-sighted not to do what is necessary for the education system to give them every chance to excel to the maximum capacity they have.

The Speaker: The Third Elected Member for West Bay.

Mr. John Jefferson Jr.: Thank you, Mr. Speaker. This is my last supplementary, but I think it is a very important area.

In light of the recent findings through research in education, with respect to the importance of the one- to three-year old age bracket of children, what is the Minister of Education, and the Department of Education, doing in addressing or taking advantage of the new findings?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: The Member is quite right. The early years of a child are the most important. If the proper grounding is not there in the early years, it is far more difficult to correct what is lacking at a later stage. As a result, a lot of emphasis has been put on upgrading the pre-school curriculum. I think Members know my view very clearly. That should never have been abolished. The pre-schools should have remained throughout the schools.

The same problem we have in each school is that once the classes were used—and abolishing the pre-schools instead of building more classrooms and putting extra children in them was short-sighted. Having said that, we have to work with what we have. It was not possible to just bring that system back, so we told the private sector we would subsidise them.

But for the first time they are now registered, and the upgrading of the curriculum is in place. Not only there, but also in years 1, 2 and 3, work continues, and must continue to be done, putting emphasis on the very early years. More training is given to teachers in these areas. We have also employed more specialty staff that can look at specific problems within these areas. As Members know, I have always believed that unless you get the primary school system right, you can never get the higher school system totally right, because one depends on the other. For the first time now we are seeing specialists taking a comprehensive look at the younger children.

The Speaker: This is the final supplementary.

The Third Elected Member for West Bay.

Mr. John Jefferson Jr.: Thank you, Mr. Speaker. In light of what the Minister said regarding subsidising private pre-schools, I think subsistence starts at three years and goes through three years, nine months, or four years (I cannot remember exactly). In other words, the age at which they go into the public schools. In light of the recent findings, is Government prepared to subsidise the private schools, but start at an earlier age, maybe two? Research has proven that the pre-school experience of children is very, very important. To ensure that that happens, is the Ministry and the Department of Education prepared to consider subsidies for children at a younger age than is now recognised?

The Speaker: I think this supplementary is well outside the substantive question, but if the Honourable Member wishes to answer, he may.

The Honourable Minister responsible for Education, Aviation and Planning.

Hon. Truman Bodden: At present, the subsidy is for three years nine months, to four years nine months. What has been done before, and I ask the Department to do again, is to look into this matter. We have the early intervention programme which identifies at-risk children from the time they are a year old, or maybe before, but that is only a part of this. Where you have children who have been through a pre-school going into year 1 in the primary with children who have not been in pre-school, you have a very mixed ability class in year 1. While it substantially levels out by year 2, it is very difficult for the teachers taking in a mixed ability group of children in year 1—some well advanced, some not too well advanced. It is something I would be happy to ask the specialists at the Education Department to look into. If it is felt it is justified, I will bring it back to Members to vote on.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

STUDENTS FROM PRIMARY SCHOOLS IN CAYMAN BRAC, AND CAYMAN BRAC HIGH SCHOOL

The Speaker: Before I take the next question, I would like to recognise that we have students from the primary schools in Cayman Brac, and from Cayman Brac High School in the gallery. We welcome you and appreciate you being here. We hope it will be an educational experience for you, and thank you very much for coming.

Question number 57 is standing in the name of the First Elected Member for West Bay.

QUESTION 57

No. 57: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture: What is the Superintendent of Pensions doing to ensure that people who had a pension plan before the National Pensions Law came into effect are not worse off?

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

Hon. Julianna O'Connor-Connolly: The Law applies to the Pension Plan from 1 June 1998. The Superintendent will, in fact, monitor pension plans, and the terms and conditions that apply to the benefits which arise from the contributions paid after 1 June 1998. The Superintendent can only do this if the plan is registered, or the Law requires the plan to be registered.

If a plan that is to be registered was already in existence prior to 1 June 1998, then as part of the registration process, it will be necessary to ensure that benefits earned before the commencement of the Law are indeed protected. The Law specifically protects such benefits for persons who have been there for a continuous period of ten years, have reached the age of 45, and leave their employment, as well as those who retire at the specified retirement age. Such benefits must be paid from retirement date.

SUPPLEMENTARIES

The Speaker: Supplementaries? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Perhaps the Honourable Minister will agree that the Pensions Law makes it possible that any person, specifically in the Law, who had benefits of a pension of whatever kind, was protected, meaning they could not get something worse off. When I say 'worse off,' I mean worse off in new provisions.

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

Hon. Julianna O'Connor-Connolly: As I understand it, all the new Law can do is ensure that all future plans reach the standard of the provisions as set out therein. It is always open for employers and employees to agree to a plan that provides benefits better than the prescribed minimum.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I do not want to be seen at cross-purposes with the Minister, but I do not know if she answered my question, that is, that the Law provides that no one can be worse off if they had a pension plan.

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

Hon. Julianna O'Connor-Connolly: Perhaps the Member could clarify what he means by 'worse off'? Perhaps he can assist by saying the particular section dealing with it, if he is aware of it.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Yes, basically what I mean is just that. If a person had a pension plan, they cannot be told to throw away that pension plan and take up a new one, if the new one does not give him better benefits than what he had before.

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

Hon. Julianna O'Connor-Connolly: Again, as I understand it, it is that the original Law, not any of the amendments, specifies that the plan must come up to the minimum requirements in the Law, and it is always subject to the terms of the original plan. In such cases, employees may well have accrued rights which may not be taken away from them, but the Law as I understand it cannot affect events which occurred before its commencement.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Is the Minister saying she agrees that the Law, now with amendments, and the substantive Law before, protects the person who had the pension plan before? The Law specifically says that a person cannot be worse off under new provisions.

The Speaker: Before calling on the Honourable Minister, I would invite a motion for the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond the hour of 11.00.

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

Mr. W. McKeeva Bush: Mr. Speaker, I move that Standing Order 23(7) and (8) be suspended so we can have questions taken after the hour.

The Speaker: The motion has been moved. Do I hear a seconder?

Miss Heather Bodden: I second the motion.

The Speaker: The Second Elected Member for Bodden Town seconded the motion. The question is that Standing Order 23(7) and (8) be suspended so that Question Time can go beyond 11.00. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Question Time continues.

AGREED: STANDING ORDER 23(7) & (8) SUSPENDED.

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

Hon. Julianna O'Connor-Connolly: All I can say to that is that the pension plan has to comply with the existing Pensions Law.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I think we are at cross-purposes, and I had better leave it at that. Thank you.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you. For clarity, would the Honourable Minister state if it is possible, once having had access to certain pension benefits prior to the coming-in of this Law, to have the employer change that plan simply to comply with what the Law requires now. It is possible that the benefits derived after the Law came in are less to the employee than the benefits derived prior to the Law coming into existence.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. As I understand it, under the old Law that was possible. I am aware of situations in which there were existing pension plans, and persons have chosen to freeze those benefits and come up to the minimum of the Pensions Law. But that is not across the board. And, as I said, the Law is not retroactive, as I understand it.

The Speaker: Are there any further supplementaries? The Fourth Elected Member for George Town.

Dr. Frank McField: On a point of clarification, when the Minister says 'persons,' does she mean corporations or individuals?

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

Hon. Julianna O'Connor-Connolly: 'Persons,' as described under The Interpretation Law, incorporates not only the single and the plural, but also a corporate entity.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would just like to find out if the Honourable Minister is saying that in fact certain companies are using the Law as it now exists to avoid giving maximum pension benefits to employees.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. All I can say is that as far as the Government is concerned, they have to comply with the minimum standards as set out in the Law as passed by this Honourable House. It would be remiss of me to speculate as to their motive, as I am not cognisant of those factors.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I am not trying to say any more than that I believe the Ministry is responsible to know what the situation is, and whether citizens will be at a disadvantage as a result of the Law. If a law is not perfect when it is instituted, we would like to know, in terms of monitoring possible effects of the Law, whether at this point—and I will rephrase it into a question: Is it perceived by the institution set up to regulate pensions, that certain companies and particular banks are using the Law at this point to find a situation whereby their pension payments, to their Caymanian employees in particular, can be lessened; and what is the Government going to do to see that this situation is not exploited?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. The Superintendent of Pensions is now in place, as well as the full Pension Board, which I am happy to report has met this week. The office of the Superintendent has been keeping a daily log as to any possible loopholes or problems, and is taking suggestions and recommendations, not only in-house, but also from the public in general. I anticipate that there are going to be a number of necessary amendments, and that during the course of the year we will have to come back to amend it. This Law is like most things nowadays—an evolving process.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Since the office of Superintendent of Pensions has recently opened, can the Honourable Minister state if she has heard of any complaints from individuals saying their employers have changed the plans they had prior to the Law coming into effect, and the benefits are now less? If that is the case, can the Minister give us some idea of what action will be taken to allow for some

type of arbitration? We do not want to get into a situation where people are discovering it, and everyone jumps to do what they can before the Law is sorted out.

The Speaker: Are you asking the Honourable Minister for an opinion?

Mr. Kurt Tibbetts: I understand what you have to do, Sir, but I am sure the Minister understood what I was saying because she nodded her head, and I am sure she is happy to answer it.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. To date, I am not aware of any such problems in the specific area the Member is asking about. But I can say that as far as I understand, there may be an employer, for example, who had a generous pension plan before the commencement of this Law, and he or she may have started to make it less generous before the Law came into effect. Based on my instructions, and I stand to be corrected, so long as the amended existing pension plan meets the minimum requirements of the pension legislation—and again, always subject to that original plan—they may have accrued rights, which are taken into consideration, as well as they may not have been, because that area seems to be a discretionary area.

The Law, as I said, cannot affect things prior to the Law because, as we understand it, it is not retroactive. That is not attributing fault to any particular individual, it is just a fact of life, and if we have to amend it, or try to get around it, that is what we are here to do.

The Speaker: Are there any further supplementaries?

If there are no further supplementaries, Question number 58 is standing in the name of the First Elected Member for West Bay.

QUESTION 58

No. 58: Mr. W. McKeever Bush asked the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture: If a company closed down its pension plan, which was in existence before the National Pensions Law, what procedure does the Superintendent of Pensions use to review pension plans to ensure that the correct accrued benefits due to the employee are being transferred to any new pension plan?

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

Hon. Julianna O'Connor-Connolly: A registered pension plan will have powers to accept a transfer from another pension plan. An administrator of a pension plan must not transfer assets from an original pension plan without the

prior consent of the Superintendent of Pensions or contrary to the prescribed terms and conditions of the Law.

The registration process and the renewal each year of the registration process will involve the administrator answering questions each year relating to transfers even if separate application for the approval of a transfer has been made.

The Superintendent will not approve a transfer of assets or register a plan involving a transfer of assets that does not protect the pension benefits and any other benefits and rights of the members.

SUPPLEMENTARIES

The Speaker: Supplementaries? The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. For purposes of clarity, can the Minister state, in the first paragraph of the substantive answer where she talks about the 'prescribed terms and conditions,' which prescribed terms and conditions are referred to?

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

Hon. Julianna O'Connor-Connolly: They are set out in the actual Law, which I do not have here with me, unfortunately. But I can undertake to meet with the Member to discuss it if that is his desire.

Mr. Kurt Tibbetts: But it is not the terms and conditions of the pension people, it is our Law? That is what I was trying to determine.

The Speaker: Are there any further supplementaries? If not, we will move to Question 59, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 59

No. 59: Miss Heather Bodden asked the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture to give a progress report on the Bodden Town playfield.

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

Hon. Julianna O'Connor-Connolly: Top-soiling of the field is now complete, as is the car park, all underground services, and the irrigation system, with the exception of the porous rubber pipe on one half of the field. Installation of this is scheduled to commence this week, with seeding to be carried out in approximately two weeks.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Bodden: Thank you, Mr. Speaker. Can the Honourable Minister confirm whether a decision has been taken to name the Bodden Town playfield after the late Honourable Haig Bodden?

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

Hon. Julianna O'Connor-Connolly: I can so confirm. I believe I would be correct to say that when the former Minister broke ground, it was announced at that time it would be named after the Honourable Haig Bodden. This Ministry has no reason to deter from that, because I believe he was a man who was greatly respected within the Islands, and it is an honour which we find great delight in supporting.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather Bodden: Thank you, Mr. Speaker. I would like to take this opportunity to thank the Minister and her staff for ensuring that the field will soon be completed. It is a long-awaited project, and my people of Bodden Town are anxiously awaiting and looking forward to having this field very soon.

Can the Honourable Minister say when the playfield is expected to be useable?

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

Hon. Julianna O'Connor-Connolly: It is expected, according to my instructions, that the field will be useable on or before August of this year, subject to the germination process and the rains, which we badly need.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would like to ask the Minister how her Ministry arrived at the conclusion to name the playfield after the late Mr. Haig Bodden. I am not disputing the fact that he made tremendous contributions to the Cayman Islands, but I would like to know how the process took place. We have one sports centre in George Town named after another politician. I was just curious.

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, on a point of clarification, I should re-emphasise that the Ministry endorsed the naming of the Centre, but I cannot take credit for naming it after the late Honourable Haig Bodden.

My friend and colleague, the past Minister did this, and I am sure his reasons were justified.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. Could the Minister state if there is any more property owned by Government adjacent to that playfield? If there is, can the Minister state who decided what size that playfield would be? After that is finished, can the Minister state if that playfield is the correct size for standard soccer games to be played?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. Because the combination of those questions is significant, coupled with the fact that I do not have my support staff, and I was not in on the initial decision-making process but came in midstream, I would be extremely grateful if my colleague would agree to an answer in writing.

The Speaker: Any further supplementaries? The Third Elected Member for George Town.

Mr. Linford Pierson: Thank you, Mr. Speaker. Could the Honourable Minister indicate the cost of the playfield at its completion?

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

Hon. Julianna O'Connor-Connolly: The estimated project cost is \$965,000. Expenditure to date is \$822,907.

Mr. W. McKeever Bush: Could the Honourable Minister give us a breakdown on how they arrived at this cost?

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

Hon. Julianna O'Connor-Connolly: After having so nicely defended the Honourable Member, I was hoping he would give me a break, in that I do not have my support staff. But I am happy to provide it, because Mr. Max Jones, who is the person to provide it, is on vacation and was unable to come across with me today.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: That is all she needed to say. That tells me why it is \$965,000!

[laughter]

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Recognising the limitations of the Honourable Minister because of not having her support staff, I ask this question, and if there is a problem, I will take the answer in writing. I certainly appreciate her position.

We have been dealing with sports fields in the various districts, and other district amenities over the years. Could the Minister state if there is a set policy (whenever it is decided to move ahead with any one of these specific projects) which, first of all, predetermines the costing and projects the length of time it is going to take to complete the project, so that it is not a question of having to keep coming back and voting money until it is finally over? The reason I ask the question is that it is rare, if ever, that we on the Backbench know what the projected total costs of such projects are, and it is merely because we wish the various communities to have access to these things that we move on emotion rather than facts.

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, as far as I am aware, ideally that would be the perfect situation. I know since I have been there that is not always what happens because of other pressures. I can say that often estimates are given for a project, and you find that when we come down to actuality, those estimates, for whatever reason, seem to be escalated. As a recent example, we were trying to put in the steeplechase at the Truman Bodden Sports Centre for the upcoming games in July and were given an estimate for some \$30,000. This week I was informed that it is going to be \$90-something thousand dollars. That is the kind of intrinsic factor that we have to play with.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you very much, Mr. Speaker, and I appreciate the Minister's position. Perhaps the Minister could give us a bit of a comfort zone by giving a commitment that at least whatever she has to deal with, she will ensure that what we ask at this point is done, and done properly, so neither your good self, Mr. Speaker, or us on the Backbench get these kinds of surprises.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I believe that I can go as far as to give an undertaking that I will take all reasonable steps during my tenure to ensure this is done. I do not think I can extend it to ensure that you will not get surprises, because surprises vary according to the individual, but I am sure the Member knows where I am coming from.

The Speaker: Are there any further supplementaries? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would like to ask the Minister where the next big sports centre or park is going to be? Where are we going to spend the next million dollars?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. To answer this question fully, and perhaps there is a bit of humour in my response, if the million dollars could be identified I could quickly find a spot to spend it. Unfortunately, we did not have that luxury this year and most of our projects have been cut tremendously, especially where parks are concerned. I did, with the money available after the cutting exercise, try to ensure that all the six districts got work done to their fields. We tried to complete those in progress, for example, the Bodden Town field and the North Side field. Money was put in as well for completion of the irrigation at the Ed Bush field. There is improvement at the Truman Bodden Sports Complex, and for the first time, I am proud to say we have some money here, to the tune of a quarter million dollars, for the Cayman Brac football field.

[applause]

Mr. W. McKeeva Bush: If you all had spent less on Pedro Castle, you would have had a couple million there too!

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, there was a bit of humour in my question, simply because when we note the concern about education and the need for educational facilities, by my humour I was just hoping that we would not be pursuing the same type of competition between the districts, duplicating the same amenities. I think it is important we begin to deal with what I—

The Speaker: Would you please turn this into a question?

Dr. Frank McField: I was not asking a question, but was restating the previous question, trying to say that I was concerned. I was expressing my concern in that vein about the policy. I would like to know what the Government policy is toward the continuing development of sporting facilities, not in terms of repairing them, but creating them.

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

Hon. Julianna O'Connor-Connolly: Thank you. The policy, even before I came on, and which I fully endorse, is that we should have sports for all, regardless of the location or physical capabilities. I believe if we look at education from a much rounder perspective, one can surely agree that education is not only to the mental faculties, but also to the physical faculties, which would make a much better and wider formed citizen, be it Caymanian or otherwise.

Mr. W. McKeeva Bush: Hear, hear.

The Speaker: That concludes Question Time for this morning. At this time, we shall suspend proceedings for fifteen minutes. Prior to suspending, I would like to remind Members that a group photograph will be taken immediately after we suspend. I imagine it will be in front of the building.

PROCEEDINGS SUSPENDED AT 11.26 AM

PROCEEDINGS RESUMED AT 12.10 PM

The Speaker: Please be seated. Proceedings are resumed. The next item on the Order Paper, number 4, Statements by Honourable Members/Ministers of Government, a statement by the Honourable Minister for Community Affairs, Affairs, Sports, Women, Youth and Culture.

STATEMENTS BY HONOURABLE MEMBERS/MINISTERS

RESPONSE TO THE NEWSPAPER ARTICLE CONCERNING A REPORT BY THE FORMER PROJECT OFFICER FOR CAYMAN BRAC

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. In response to recent articles in the *Caymanian Compass* concerning a report by the former project manager, Mr. Aftab Noorani, I want to assure the public of Cayman Brac and Little Cayman in particular that the situation in Cayman Brac is not as dismal as Mr. Noorani describes.

The report from the Cayman Brac and Little Cayman economic steering committee is not gathering dust as the former project manager would have you believe.

It is not reasonable to expect that all the committee's recommendations would be immediately accepted, or that all the projects could be implemented at one time. The report is still under active consideration, and funding for a list of priority projects will be sought on a phased basis.

Cayman Brac has not been forgotten; it was only a few months ago that Government reaffirmed its commitment to the economic revival of Cayman Brac by extending the economic incentives that had been introduced in 1996 to stimulate our economy. As a direct result of these incen-

tives, the real estate and construction industries in Cayman Brac have experienced unprecedented growth.

A good measure of the continuing success of the incentives is the number and value of new buildings. I am happy to report that in the first five months of this year, the Planning Office in Cayman Brac has collected some \$33,000, compared with a total collection in 1997 of \$32,000, and the value of approved plans shows an 86% increase over the 1997 approvals.

The increase in the local work force during the past two years has been remarkable, including new jobs within the Civil Service to support the growth we see in the economy. New Civil Service jobs include:

- Tourism services officer
- Labour inspector
- Hotel inspector
- Sports instructor
- Senior Draughtsman (PWD)
- PC Support and Network Administrator
- Clerical officers (2)
- Customs Officer
- Immigration Officer
- Planning Assistant II
- 22 jobs at Faith Hospital

The steering committee's report, put together in the final analysis by Mr. Noorani, recommended improved air services and a reduction in telephone costs. These two measures, I agree, will give a boost to inter-Island communications and encourage domestic as well as international tourism and business opportunities. Members will therefore be pleased to learn that Cayman Airways will enhance its service to Cayman Brac by adding a Friday afternoon flight to Cayman Brac, and that a rate balancing proposal by Cable and Wireless is currently under review.

Mr. Speaker, last March I brought a motion to this Honourable House with a view to establishing an Immigration Board for Cayman Brac and Little Cayman. I am happy to say today that, God willing, tomorrow morning the Government will be bringing the Immigration (Cayman Brac and Little Cayman Immigration Board)(Amendment) Bill, 1998 which, if passed by this Honourable House, will set up an Immigration Board for Cayman Brac and Little Cayman.

Mr. Speaker, the Government has also agreed to accept from the European Economic Community approximately US\$100,000, and it has been agreed that it be used specifically for Cayman Brac. One of the economic steering committee's recommendations was for the enhancement of natural sites on the Brac to cater to the ever-increasing ecotourism interest. It is proposed that scenic paths, sidewalks and signage to name a few, be created in this effort to attract the ecotourist.

Mr. Speaker, His Excellency the Governor has also initiated Vision 2008 and both Cayman Brac and Little Cayman have been included. As I understand it, the Vision

2008 team has also reviewed the economic steering committee's report. The Vision Director was pleased to see that the Cayman Brac economic steering committee had a headstart with their vision for the Brac, and that in fact much progress had been made with the preparation thereof.

The former project manager was reported in Tuesday 26 May 1998 *Caymanian Compass* as saying, "**There are clear indicators that the Brac economy has made a positive turn-around.**" I fully concur, and I can assure you, Mr. Speaker, that I have done, and will continue to do, my very best to ensure that the Brac and Little Cayman receive their fair share of the economic pie.

I would also like to take this opportunity to thank my colleagues on Executive Council, as well as my colleagues across the floor on the Backbench and the Members of the Cayman Brac Economic Steering Committee, for all their unwavering support when it came to issues relating to Cayman Brac and Little Cayman. I would like to convey our deep appreciation and I am sure I can safely say that we can look forward to their continued support.

In conclusion, Mr. Speaker, I want to again reassure the Members of the Cayman Brac and Little Cayman Economic Steering Committee and the public as a whole that I and the other Members of this Honourable House are fully committed to continuing the economic development of Cayman Brac and Little Cayman. I am a strong advocate that performance rides on commitment, and we have performed. Thank you, Sir.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I was wondering, under the relevant Standing Order, if you would allow a few questions on this matter.

The Speaker: Short questions, please.

STANDING ORDER 30(2)—SHORT QUESTIONS

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. I wonder if the Minister can say specifically what other measures Government has taken or will take to improve the situation in Cayman Brac. What measures will Government take to do some of the things asked for by the economic steering committee? Specifically, outside of the new Civil Service jobs, what other jobs are available to young people in Cayman Brac?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. As any good politician, there is always a desire for more. The same is with this politician. In fairness, taking

it in perspective of the various needs and demands of the other five districts in Cayman, I believe the political will can clearly be seen, especially during the past few years, that there is a distinct commitment, not only on this side, but I can safely say that when I bring matters before Finance Committee or the House, I can look toward the Backbench and nine times out of ten there is 100% support. They are extremely sympathetic to the needs of Cayman Brac and Little Cayman.

As far as the report is concerned, it was first presented to His Excellency the Governor by a number of persons involved in the formulation of the report. Then His Excellency the Governor asked that it be put into a form in which the items were prioritised and brought by paper to Executive Council. That was done with the kind assistance of the District Commissioner. One of the items in it was the West End channel, for which we had the sum of \$200,000 in the budget. As was correctly pointed out, that was an insufficient amount to do it, and a percentage of those funds was transferred. But I believe that when and if the project comes back before the House, my colleagues will be prepared to support the sum, which was double what was actually budgeted for during the last prioritisation process.

The committee also wanted us to address the ever-increasing ecotourist coming to Cayman Brac for its peace, safety and tranquillity. Mr. Russell was able to convince the European Economic Community that although the Cayman Islands, looking at them as a whole, were economically advanced compared to other Third World countries, the same was not so for Cayman Brac. On that basis, Mr. Russell was able to convince the EEC that Cayman Brac should be eligible.

A few weeks ago, I had the privilege of coming to the Brac with the EEC representative from Jamaica to show him the various sites. He was extremely excited, and hence the decision was made for approximately US\$100,000 to be used. Some of the things we plan to do are: Improve the pond on the South Side since this has been a sore sight for a long time; and, subject to getting the various licences, make a nice walkway and bird look-out; other trails and signage on the Bluff and sidewalks. These are things that will not actually take a lot of money, but we feel they will go along way toward improving the whole ambience for the new breed of ecotourists.

There was also a request for the extension of the water to Cayman Brac, as an undertaking had been previously given to provide water. As Members are aware, there has since been a shift in the responsibilities, and the decision has been taken, as far as I am aware, to move to the District of East End. But I was assured that Cayman Brac is still under active consideration. We have very good water on the Island, and I am really desirous to see the water come, because especially in the half from Stake Bay to West End, the water is of poorer quality. It would be an added amenity to see such a facility here on the Brac.

There is also a desire in the report that the pond adjacent to the airport be turned into a marina. That has not yet received full endorsement from Executive Council because it is a major undertaking, and a full costing was asked to be done. I would also like to see an ecological study done, seeing that it harbours a lot of our local birds, and the proximity to the airport as well. So it needs careful study and is not something we can jump into.

The oil-to-oil transfer shipment, which is another deep desire emanating from the report of the economic steering committee, and indeed Mr. Aftab. As I understand it there was a particular application submitted for this, and Executive Council sought to make a decision to send it out to tender, giving all persons an equitable chance at such a viable project. So that too is under active consideration.

There was a cartoon in the *Caymanian Compass*, Mr. Speaker—and I will wind up shortly, but I get a bit excited talking about the Brac—which seemed to depict that the report was being used for a number of things, including a doorstep. If it is for a doorstep, I daresay that would be to the *Compass* in not reporting accurately things relating to the Brac, but it is certainly not used as a doorstep, and Executive Council or other Honourable Members in this House. Thank you, Sir.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I thank the Honourable Minister for those items. She did not address one item, and that was: Outside the new Civil Service jobs what other jobs are being pressed for or made available for the young people in Cayman Brac. That is one, Mr. Speaker.

Water is a very important subject, and I know a little bit about the matter, as when I left the Ministry there were plans for both Cayman Brac and East End. My concern is definitely for the Brac, because if the Brac is going to take off, as we and Government are saying, then they must get the water that is needed throughout the Brac.

The question I have is, Why is it not possible for the two to go up at the same time, meaning East End and Cayman Brac? Both are relatively small areas. I do not know whether the Honourable Minister can answer, but maybe if Government sees fit, the Minister responsible for water services now could do so.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. As the Member so accurately observed, I am in a position to answer the first part relating to jobs. In addition to seeing an increase of jobs in the Civil Service, per se, we are also seeing a remarkable increase in the real estate market, as well as construction. Those are two other areas we have actually reached a stage at which it is deemed

necessary to take work permits, for example for masons and other similar occupations. We would still, however, like to see more white-collar jobs created in the Brac. That was the reason we requested funds for construction of additional offices for District Administration in Stake Bay, but during the budget prioritisation we had to go through a cut, and that is why that has not taken off any further as far as the back office work is concerned.

Subject to the ruling of the Chair, I would now give way to my colleague to respond to the Water Authority matter.

The Speaker: The Honourable Minister for Agriculture.

Hon. John McLean: Regarding water to my District, East End, as the Member knows we discussed that at length. While he was in Executive Council, it was decided that definitely, the next stage of the water extension was going in to East End. I have taken under my Ministry responsibility for the Water Authority. Nothing more has been done than to continue to agree that the Water Authority will definitely extend water into my District. If that answers his question, or if he has a further question, I would be happy to answer him.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I crave your indulgence, as the Minister is stating that while I was in Council a decision was made to do East End first. The country knows that the water project was continuing into East End, but separate and apart from that was the decision to do Cayman Brac. It had nothing to do with the East End project, because that was continuing, and had gone, I think, as far as Frank Sound, and we would continue. But there were separate plans in the Water Authority to do Cayman Brac.

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

Hon. John McLean: Mr. Chairman, as I pointed out a while ago, nothing has changed from what was in place prior to the Minister leaving. Last week Thursday we held a meeting, and the decision was the same. I have changed nothing and the Board has changed nothing. So whatever was in place at that time will still be done.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Okay. Thank you very much, Mr. Speaker. I think the Minister and I are on all fours; it is not that the decision was made not to do Cayman Brac, it was only continuing what was going on in Cayman. Cayman Brac was a different project. I know that is what he is saying, and I am only saying we are on all fours with it. I asked

why the two cannot go on together, continue as was planned. That is all the question is.

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

Hon. John McLean: Mr. Chairman, at no time did I indicate that the work in Cayman Brac was not going on. I said, nothing has changed regarding what was in place when the Minister was there. In other words, he dealt with Cayman Brac and East End, and I thank him for it. I have no intention of changing anything there, and I do not think the Board has any intention of trying to change anything there.

The Speaker: The First Elected Member for West Bay. I think we will soon have to bring these questions to an end.

Mr. W. McKeeva Bush: I agree with you, Mr. Speaker, but I crave your indulgence because this is a very important matter. One Minister has said nothing is happening, and the next Minister is saying that as far as he is concerned it is continuing the way the plan was. So what is happening? Will the Water Authority continue the project? And when will it actually start in Cayman Brac? Are there funds in the Water Authority to do as the plan was?

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

Hon. John McLean: Mr. Speaker, whatever funds were in the Water Authority when I took it over are still there. I reiterate what I said: We have never taken a decision different from that taken by the Member.

Mr. W. McKeeva Bush: I crave your indulgence, Mr. Speaker, because I am trying to find out from the Minister when the project will start in Cayman Brac.

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

Hon. John McLean: Mr. Speaker, I was not asked that question before, but I would say to the Member that the Board met last week. There was no decision taken on a time to start the project in Cayman Brac or East End. He knows that I think East End was. . . we had to put it off.

The Speaker: The Third Elected Member for George Town.

Mr. Linford Pierson: Thank you, Mr. Speaker. A short question to the Honourable Minister who read the statement. I know it is early yet for Mr. Noorani's report and recommendations to come into effect, but I wonder if the Honourable Minister can say what efforts are being made by the economic steering committee, or other groups, to de-

velop the potential source of revenue regarding developing Cayman Brac as an investment centre, as recommended by Mr. Noorani.

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

Hon. Julianna O'Connor-Connolly: May I have a moment, Mr. Speaker? (pause)

Thank you, Mr. Speaker. I am reliably informed that the main objective of the recommendations contained in the economic steering committee's report was for Government to make the first move, thereby creating an economic environment which would act as an incentive for investors, for instance with the recommendation for improved air services and additional District Administration office space. It was felt, having surveyed a number of the businesses in Grand Cayman, that there could be some back office work, even with Government. One of those was with the Legislative Department, maybe the Hansard typing or a similar type of work could be done on the Brac, and would not necessarily have to be site-based operations.

However, as far as doing a direct thing, where members went out and made an extra investment, because of the economic climate they were only able to do incremental development. Some of the persons have been able to increase their particular businesses, thereby hiring more people. For a short time, there was talk about some of them getting together to build the offices themselves, if Government could maybe act as a guarantor, but that has not as yet been taken any further.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. I would like to ask two short questions. The first one is addressed to the Honourable Minister. In her explanation, she mentioned that one of the projects being considered is the proposed marina next to the airport and the pond. If memory serves me right, she said Executive Council is now deliberating on that issue and no decision has been made yet. Can the Minister let us know if included in that proposed project is a situation in which the place I know as 'The Beach' will be breached? Is that part of the proposal? We have heard a lot of things about it, but none of us knows what exactly is proposed. Perhaps the people in the Brac already know, but we would like to know that part of it, even though no decision has yet been made, regardless of what her legal advisor is telling her presently.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I will take that last piece as a bit of ironic humour, because my good friend knows I am quite capable when

he asks me a question! And that I will tell him the truth, because I am transparent. Couldn't miss that piece!

Besides that part, Mr. Speaker, the proposal is in the embryonic stage, whereby it is a conceptual approval. There have been no detailed proposals that have come forward formally to Executive Council. It came by way of downsizing or looking at the whole range of recommendations. His Excellency the Governor asked us to take maybe the first ten priorities to get a costing. That fell within one of the ten, as I recall.

I obviously do not have the papers here before me, and we are looking at it conceptually. We are trying to address things within the cost reach, as it were, that could immediately give some remedy to the economic situation on the Brac. That would be more medium-term because obviously it involves a lot of detailed analysis, studies, and of course, a lot of cost.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you very much, Mr. Speaker. Just so the Minister knows why I am asking the question, I happened to drive across there this morning and I saw what appeared to be an attempt to build a road or something to it. I wondered what was happening to it when she mentioned it, although I had heard some time ago about it. That was why I asked the question. Maybe the Minister could tell us what that little piece of thing is.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. Before asking, on a point of clarification, to be sure we are talking about the same structure, there is a 'little piece of thing,' to use your terminology, close to where we are staying. If it is that one, that is much further east than where the conceptual proposal was. That was much further west, almost adjacent to the airport, and terminates in the vicinity of Steve Bodden's car rental facility.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, and I appreciate what the Minister is saying. I did know what she has just said. I was only wondering if there is any connection. If there is no connection, that is fine, but perhaps she could let me know if there is any connection.

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

Hon. Julianna O'Connor-Connolly: That unfinished road, or attempt at a road, was something that transpired before I came on the scene, and my understanding is—and I stand to be corrected, because it is not first-hand—that the previous District Commissioner, Mr. Rankine, had started

the road in that section. Apparently it did not have the proper approval, and when the Governor was visiting he noticed it is in a bird site, and that was the end of the project. It has not come on line since I have been on.

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. The second question is one the Government can decide if they want to answer, and if so, whichever one of them wishes to answer it may. Going back to the question of water for Cayman Brac, where we were wondering which was which between the districts of East End and Cayman Brac in order of priority. The Minister stated, in answer to a question from the First Elected Member for West Bay, that whatever funds were in the Water Authority when he took the Ministry over, still remained there.

Perhaps the Government could clear up the issue of the in excess of a million dollars that was asked for from the Water Authority in December of last year, and if it means that the Minister was not in charge of the Water Authority at that time, does it mean that between the former Minister leaving office and him taking over, there was a time when the Water Authority was not responsible to any Ministry?

The Speaker: To whom are you directing your question?

Mr. Kurt Tibbetts: Mr. Speaker, because I only want to know the answer, it does not matter which one answers it. That is why I was leaving it like that. Both had spoken on it, and the Honourable Minister for Community Affairs deferred to the Minister of Agriculture, under whose Ministry the Water Authority falls. Perhaps he is best equipped to answer the question, but I am leaving it open, because it does not matter to me who says what, once we understand what goes on.

The Speaker: Honourable Minister for Agriculture, could I ask you to elaborate on that?

Hon. John McLean: Yes, Mr. Speaker, as much as I can. It is my understanding that all authorities under the law are subject to transfer funds to general revenue, and whatever he is talking about that was transferred, was done in that respect.

The Speaker: I think after this question, I am going to have to go on, because we have gone on a substantial time after continuing for short questions.

The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. I quite appreciate your position, but you know how we get sometimes!

While I appreciate the answer the Minister has given, he stated previously that whatever funds were with the Water Authority when he took over as the Minister responsible

remain today. If these funds I am referring to were taken out, regardless of what procedure they were taken out under, then, certainly, the funds that were there then cannot be the same as they are today. That is all I wish to get cleared up. Was I dreaming that Government asked for funds from the Authority, or does the Minister really mean that outside of those funds, whatever is left is still there?

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

Hon. John McLean: What I have said is exactly as the situation is. I am sure the Member understands what I am saying, because the fact remains that, under law, the Port Authority, Civil Aviation Authority and the Water Authority are subject to certain funds going into general revenue. I did not point that out when he mentioned that, but the fact remains, that is what I am referring to. What he wants me to say is that the funds are taken from there, and what was there when Mr. McKeever Bush left the place were subject to that change under the law. Yes, that is what I am speaking of. Thank you, Sir.

The Speaker: First Elected Member for George Town.

Mr. Kurt Tibbetts: Mr. Speaker, one final question. I appreciate what the Minister is saying, and the Minister knows my continued line of questioning is only for purposes of clarity.

I would like to determine (and I think it is important, regardless of where funds go) is that regardless of how generic the statement is made that funds, by law, are required to be taken from the authorities, the Government must understand and appreciate the fact that the autonomy given to those authorities is based on the premise that they can plan their lives, meaning the future plans they have, that they are responsible for to the entire country.

The point I make is that the East End project was to go on, and the Cayman Brac project was to go on. Those funds, I am certain, have been put aside based on the projected knowledge that they would be able to start these projects soon, and because the funds were taken from them, that is why the projects have not started yet. That is the point I wish to make, Sir, and I will stop right now. If what I am saying is not true, they should tell me, but if it is, please say so, too.

The Speaker: Honourable Minister for Agriculture, do you have any comments?

Hon. John McLean: Mr. Speaker, I can tell you no more than. Under the law, the funds have been transferred. It went into general revenue. It was done to all authorities, and that is the situation. Civil Aviation, as a matter of fact, actually contributed more to general revenue than anyone else did.

The Speaker: At this time, we will suspend proceedings for lunch until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.40 PM

The Speaker: Please be seated. Proceedings are resumed. Item number five on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 15/98, Litter Control, standing in the name of the Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 15/98

LITTER CONTROL

Mr. John Jefferson Jr.: Thank you, Mr. Speaker. Before I move Private Member's Motion No. 15/98, let me say that I count it as a real privilege to be attending my first sitting of the Legislative Assembly here in the Sister Island of Cayman Brac, and I want to say Thanks to the people here for the warm reception, and the hospitality extended to us as Members so far. I have always enjoyed my visits to the Brac, and I look forward to a long and mutually beneficial relationship with the people here.

Mr. Speaker, I beg to move Private Member's Motion No. 15/98 entitled 'Litter Control,' which reads as follows:

"WHEREAS maintaining a clean marine and physical environment is of paramount importance to the Cayman Islands with respect to maintaining its tourism industry and the good health of its citizens;

"BE IT THEREFORE RESOLVED THAT steps be now taken to review, revise and strengthen the Litter Law to ensure that the people of the Cayman Islands continue to live in a healthy environment and enjoy the benefits of tourism."

The Speaker: I have received a letter from the Elected Member for North Side who originally was down to second this motion, deputing the First Elected Member for George Town to second the motion. The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. I so beg to second the motion.

The Speaker: Private Member's Motion No. 15/98 has been duly moved and seconded. Does the mover wish to speak to it? The Third Elected Member for West Bay.

Mr. John Jefferson Jr.: Thank you, Mr. Speaker. Under the Litter Law (1997 Revision), the definition of litter is **“anything whatsoever, including dust, dirt, oddments, leavings, waste paper, cigarette ends, bottles (whether empty or not), derelict vehicles and any dead animal or carrion.”** I believe we could even expand that to include other things. We all recognise the importance of maintaining healthy marine and physical environments, to allow us as a people to continue enjoying a very healthy lifestyle, and to be able to continue to enjoy the benefits of tourism.

This is not only a problem here in the Cayman Islands, it is a world-wide problem. We have done well as far as recognising the importance of maintaining such an environment here in the Cayman Islands, but we have to continue to be vigilant, and do everything we can to create a civic consciousness among our people regarding this very important issue of litter.

There seems to be a lack of social consciousness and pride among our people and the people who work among us, with respect to the proper disposal of litter. It is not unusual to see a gentleman throw a bottle of beer, once it is finished, into the nearest grass-piece. If he is smoking, when the cigarette is finished, he just flips it and there it stays. The country, I daresay, would be in a much worse position if Government had not taken the position it had, ensuring that sufficient people are employed to keep our roadsides and communities clean. But it makes the job much easier when we have a population or community with the consciousness that it is important that each and every one of us do our part to fight this continuous problem in our country.

We do not have to reinvent the wheel. We can look at what practices exist in other countries and adapt those that are practical for us in the Cayman Islands. Those that are not practical we will not use. With my wife's assistance, I was able to look at this very important issue on the Internet. I was able to get some very good information that I would like to share with my colleagues and the listening public on this issue.

I am always impressed when I travel to big countries like Canada. I have been to a few European countries as well, and I was impressed with the environment in those areas. I recall visiting Ottawa, Quebec, Toronto and Montreal, and their streets were so clean you could practically eat off those streets. I tried to gather as much information as possible as to why that is. It all goes back to education. I think we have to start at a very early age introducing the importance of the environment to our children in our schools, so at least that generation will start to make a difference in keeping and protecting our environment.

It was very discouraging when I was using a snorkel and a mask on a number of swims, when and all of a sudden I saw cans and other litter actually polluting our beautiful, pristine waters. It goes back to carelessness and a lack of pride among some of the people who live among us.

Some of the information I came across included the three R's of waste management. The first one is 'Reduce.' It says here, **“Actions that prevent waste from being generated are best.”** I have always heard that it is better to prevent something than to try to find a cure for it. It is less expensive. Some of the things we could do here is to provide departmental newspapers that can be shared, rather than every officer in the department having their own newspaper. There is nothing wrong with John reading it first and then passing it on to me. Doing that creates less demand for paper products in our country.

Another suggestion was to avoid purchasing over-packaged products. Another one: Avoid purchasing or using vending machines that dispense disposable cups. Institute a programme with suppliers to reduce or return packaging such as drums, skids and boxes. These are some of the things we can do to reduce the occurrence of waste.

Information produced by the United States Environmental Protection Agency says, **“In 1995, approximately 208 million tons of municipal solid waste was generated in the United States. This means each person generated an average of 4.3 pounds of solid waste per day.”**

I do not think it is unreasonable to say that these figures could apply here in the Cayman Islands. And if we make that assumption, taking into consideration that we probably have 35,000 residents and people working among us, and multiply that times 4.3 pounds per day, that is 150,500 pounds of litter produced daily in this country. If we extend that to the at least 20,000 visitors among us, at 4.3 pounds per day, that is another 86,000 pounds of litter produced daily. If you add those two figures together, then multiply that by 365 days, we are talking about 86,322,500 pounds. To convert that into tons, divide by 2,000, and we are talking about over 43,000 tons a year. If that is correct, that is a lot of litter for us to accommodate on an annual basis.

I have travelled a bit here in Cayman Brac as well, and I am aware that there is a problem here as well regarding proper disposal of solid waste, that is, dumps. If you visit Grand Cayman, you will soon discover that our dump area is the highest point on the Island, and it continues to grow daily.

I think the time has long past when Government can be expected to bear the cost and provide all the services we need in this country. It is estimated, for example, that we import about 500,000 gallons of oil annually. Once these oil companies bring this oil to the Cayman Islands, what happens? What is their responsibility in connection with what happens to the oil once it is used? I think Government has been taking too much of the burden in making sure the oil is collected and recycled or sent off the Island, so we can reduce the problem we have on the local scene.

I believe the time has come when we as legislators, through legislation. . . and that is part of the way we are going to have to do it, otherwise we cannot force anyone to do anything. We must be able to say to importers in this

country, *You want to bring it in?*—and I am not just talking about oil, I am talking about any product. Let us say soft drinks, bottled water, whatever—*You need to contribute something to the cost of the proper disposal of that item.*

One of the things I thought of is that Government, on the importation of these products, could say that for every can of pop or soda brought into this country, it will assess a five cents per can environmental impact fee, or whatever you want to call it. Those funds would then go into the environmental fund for assisting with the proper disposal of these items after they are used.

In addition, there are giants like CUC that utilise a lot of oil. We were discussing this the other day, that there seem to be no controls in place to ensure the emissions from their engines are controlled. They just go out into the atmosphere, and hope it blows over the ocean and disappears. It does not just disappear! In my mind, they have to be held accountable for something regarding the cost.

As you are aware, Mr. Speaker, the Public Accounts Committee dealt with the DOE recycling programme and the management of waste in general. In our last report, on page 20 we stated: **“The government’s recycling programme commenced in 1993 in an effort to reduce the amount of waste placed in the landfill. The consultant estimated that 28% of the waste stream could be recycled, although only 50% would be recovered, for a total waste reduction of around 14% to 15%. The Audit Office estimated that less than 1% of the total waste stream was diverted from the landfill. By the end of 1996 the recycling programme included automotive batteries, corrugated cardboard, aluminum cans and used motor oil. Additional programmes are being developed for other recyclable materials. Total cost of the programme to 1996 was \$888,382. Gross revenues received do not cover shipping costs. The Department of Environmental Health (DEH) was aware that recycling was not cost effective, mainly because of high transportation costs.”**

But get this: The total cost of the programme for 1996 was \$888,382. Gross revenues received did not even cover shipping costs.

Mr. Speaker, we cannot continue as a Government to hold ourselves responsible for this problem. It is going to cost us millions of dollars a year, and we cannot recover it because the revenue from it does not make sense because of shipping costs. We have to balance in a much better way who bears and who shares the cost of the proper disposal of litter and waste in this country.

The other way countries have attempted to deal with this problem is Re-use. Under re-use it says, **“Use reclaimed building products when renovating or constructing new facilities, that is, doors and windows, that type of thing. Consult a waste exchange to ensure or dispose of materials. Donate unwanted and extra food to food banks and other shelters. Donate old equipment to charities whenever possible. Make dis-**

carded materials available to employees for re-use, for example, firewood.” That does not apply to us, we do not have a need for fire in this country because of the climate we have, but the idea is that there a lot of things that end up in our landfill that we could re-use in the Cayman Islands.

I was told that if we had a proper recycling programme here we could produce enough oil from what is disposed of here to supply CUC with everything it needs in that area, without having to constantly bring it in from the outside. That would reduce the number of gallons of oil we would have to be concerned about shipping out of the country.

The last area is Recycle. We have a fair idea of what that entails. The message I want to get across is that business as usual in this country cannot continue. We look at an annual budget, and that is such an exercise because when we start the process there is probably \$150 million difference between what is wanted and what we can afford. So we go through this process of cutting back and determining what our priorities are, and that is the only way we can operate. But the message I want to get across is that the private sector has to contribute more to the cost of the proper disposal of items brought here for use and for sale in this country.

If it means Government has to assess some type of impact fee at the time of importation, then that is the way to do it. But we cannot continue along the lines we have been going. I understand the oil companies now have a programme for dealing with the products they sell. I am not sure how much they do, or what facilities they have available, but if my estimate is right, that we import 500,000 gallons of oil a year into this country. . . and I am aware that Government has a holding facility. It is very limited. I think the Minister can tell us the capacity probably 20,000 gallons. What happens to the other 480,000 gallons brought into the country?

We have to have the facilities in place to deal with these special items. I am aware, and I mentioned before that the Department of Environment has made strides regarding the proper separation of items and that type of thing, but I believe more of a conscious effort and emphasis have to be placed on this issue of litter in this country. I recall that my colleagues and I had a public meeting in West Bay, and my District is one that is really affected by this. At that meeting I called for anyone who had an interest in doing a District cleanup to meet me on Saturday morning at 7.00 AM at the West Bay Town Hall, and we would proceed. One other resident beside me showed up. The excuse was that the others could not stay around.

It was a good thing that the Department of Environment, which I think at that stage was under the stewardship of Mr. Whittaker, was there to support me. They had about ten or twelve officers, lots of trucks and garbage bags. I picked up litter that day until I could not stand. Two weeks later I went back, and the litter was back. Why? Because there has not been that consciousness. Not only

consciousness, if people do not have a conscience, you have to deal with them by other means.

If you look at the Litter Law, it has a maximum fine of \$500 for whatever offence committed, and up to six months imprisonment. To some of these companies, that is petty cash. If you went up to CUC and said, *You have to clean up your act*, and they say, *No, we are not going to do it*. You implement the provisions of this Law, and it is \$500—\$100 for each day the offence continues. They can afford to continue that out of their revenue base.

We have to strengthen and increase the penalties under this Law, and the sister laws. I think the Marine Conservation Law is also affected, and other laws that have an impact on this problem. The other change I will recommend is that we take the practical approach to dealing with this problem. It is no good having a law that cannot be administered. I cannot recall, in my ten years as a Member of this House, that we ever prosecuted anyone for littering; and no one can tell me they have not personally seen people violating this Law. But it is not practical. If you saw a car speeding along, and you saw a bottle come out, and if the police stopped that car, first of all, they would have to determine how many people were in the car, who threw it out, why they threw it out, and then they would have to take them to court to try and enforce the fine. Very unworkable!

I am recommending that some consideration be given to authorising our district environmental officers, who monitor what is going on in each district, with the ability to write a ticket. I was instrumental in having the Traffic Law amended so that the police can now, when they catch someone speeding, write a ticket. It has all worked out. It is a very simple formula. Rather than going to court and wasting two days' worth of valuable court time to pay a fine for a speeding ticket, you carry your ticket to the courts office, you go to the cashier and pay your fee. That is the way it should be.

I am suggesting the same approach to this problem. I believe the environmental and public health officers should be authorised to write tickets for violations, and be able to enforce the Law with respect to these violations. If someone is aggrieved and wants to challenge the violation, they have a right to go to court to defend themselves and let the court decide what course of action will be followed. But I believe this issue is important enough that we need to give it special emphasis, because so much depends on how we treat our environment here in the Cayman Islands.

In 1968, my family and I travelled to Baltimore for vacation, and the friends we stayed with decided to go to Atlantic City, New Jersey, for an outing. We were all excited. We packed a lunch basket and headed to New Jersey. When we got there, our friends were jumping up and down with joy. My question was, *'Where are we going to swim?'* They said, *'Right there!'* I said, *'There? No, I will not be swimming there!'* The beach was, I should not say charcoal, but very close to it in colour; and the water was very muddy and unattractive.

That is not the environment we have in this country. I am not one who dives, I used to snorkel a lot but I have never taken up diving it is a totally different environment, a different world under our ocean in the Cayman Islands. Very pristine waters, very clean, very clear. Our beaches are some of the best in the world. We have to guard that environment, regardless of the cost. But we are a community, and I believe we have to work together as a community to protect these important assets, our natural resources, and the cost of doing that must be borne equally between Government and the private sector in this country.

The excuse I hear is that if we approach the private sector about sharing some of these or other costs, they are going to run and go somewhere else. That approach cannot work any longer, because the cost of doing business, the demand for services from Government, continues to expand and increase on a daily basis.

I recall in 1974, when I was Government's Budget Officer, the budget was \$14 million. If I recall correctly, the budget for 1998 was in the region of \$273 million, and it could have been bigger if we had taken into consideration all the demands for new services in this country. I believe we have to institute in our school curricula some aspects of dealing with the importance of protecting our environment. The problem today is not with the younger generation. The children are much more conscious and careful about this problem than many adults in our community are.

I will give other Members a chance to voice their opinions on this very important subject, but I recommend to Government that consideration be given to reviewing, strengthening, and revising our Litter Law to make it more practical, maybe even a little stiffer, so that people recognise we are serious about protecting our environment. I crave the support of all Honourable Members of this House. Thank you, Mr. Speaker.

The Speaker: If it is the wish of the House, this may be a convenient time to take the afternoon break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.00 PM

PROCEEDINGS RESUMED AT 3.50 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion 15/98 with the First Elected Member for West Bay.

Mr. W. McKeever Bush: Mr. Speaker, the motion before the House has a lot of merit to it, I believe. Although the 'Resolved' section talks about strengthening the Litter Law, the Member moving the resolution talked about a lot of matters. The present and future quality of life of all the people of these Islands depends on several things, but we can say that a clean and aesthetically pleasing environment is among the most important, that is, marine and physical environment. Not only is it important to us, the Caymanian

people and other residents, to preserve a high quality of environment, but also we must recognise that the country's future depends, to a large extent, on tourism. Speaking with tourism in mind, tourism will not survive if loads of refuse is strewn across the country's landscape.

I believe the Department of Environment, as far as garbage collection, is one of the best in the Caribbean. We do not pay a lot for it, but it is a good service that is provided. But we do have the problem of litter, and other matters attached to that, which are affecting the environment.

The Cayman Islands is a high-cost destination. A family comes in and pays \$400-\$500 per night in a condo or hotel room, only to go out along Seven Mile Beach Road or anywhere else in these Islands—to see garbage all over the place? Cayman is a dive destination, and that too is an important part of the whole tourism sector. A protected marine environment is absolutely necessary.

We know that there have been some measures taken to curtail dumping at sea. Other countries are beginning to treat this as most serious and damaging to their marine environments. This is not something to play with. If a cruise ship dumps in our waters, especially coastal waters—by that I mean close to the shore rather than way out to sea, but in our waters—then that action should be severely dealt with, no matter what kind of donation that cruise ship may make here. They should pay for it because while we only have one Cayman Islands and small natural resources, they can go all over the world, and they are international conglomerates.

This matter of dumping at sea is a serious matter. I talked about cruise ships. We know that we had some problem and there was some fee given. The Minister across the way would know exact amounts, but as I said, a few hundred thousand dollars cannot be very much in comparison to our marine environment that is worth millions of dollars to us, one of the main natural resources we have to depend on. I would like the Government to be more vigilant in that aspect. I know there will be a question as to whether they would be running somewhere else if you charged them too much. And we do not know how long they were doing it. We caught them one time. If they continue, we will not have anything left. I am asking the Government to be more vigilant there.

The problem of dumping at sea goes beyond cruise ships. It also has to do with other ocean-going vessels, especially those that carry oil as cargo. That has much potential danger, and, again, we see in the newspapers several times that the Department of the Environment is somewhat vigilant about that. Again, that is a problem that needs to be looked at more closely.

One serious problem we have is the many boats—and while it may not pertain much to the Sister Islands, it is very pertinent in Grand Cayman—in canals and at anchor which do not use any dumping facility. In other words, everything is going into the marine environment. This is serious pollution of the marine environment. I recall when I had the Ministry of Health for one year, a plan was initiated by Public

Health to make these boats comply with regulations which were to be made to stop this kind of pollution. I believe we are at a point in time in our development when facilities can and must be put in place for boats to use.

Also of concern, when we talk about littering and the pollution of the environment, is that proper solid waste disposal throughout these Islands should be in place. This is also vital to the environment in both Grand Cayman and Cayman Brac. I believe (and I think the mover mentioned this) that the garbage dump in Cayman is one of the highest points. It must be one of the highest points in Grand Cayman. Surely, we cannot go much longer with the present conditions. I am not an expert, and I do not know all the environmental and scientific data, but I do know that there is a problem when we see the dump that high. Common sense tells us that. When we get to that point, there must be some sort of seepage from the dump into the ground, so we have to be careful that we are not destroying the groundwater, or having seepage to the sea, in particular the North Sound.

Back in 1975, it was determined that the present site for the dump in Cayman would be adequate for five years after 1975. That would take us to 1980. We are still there! Although a lot of work was done over the years to make improvements, it is still the same type of disposal treatment. Therefore, the same dangers are still there, and much more so today—I think I am safe in saying that it must be much more these many years after.

I have always had a good relationship with the people of Cayman Brac. Their concerns are my concerns, and I too am pleased to be here today. I have heard some complaints over the years about the garbage dump here. The present dump, as I understand it, is affecting the natural environment. As I understand it, it is either set ablaze, or by some strange happening, there is smoke every night from that dump. This certainly cannot help this small Island, so I would think a new site needs to be made available to Cayman Brac.

Immediately when you think of moving a dump, whether in Cayman Brac, Grand Cayman or wherever, people begin to say, *'Don't put it next to my land!'* And who wants a dump by them? However, we have to have a facility where garbage must be dealt with, and it must go somewhere. It cannot go in space! We are not in that business! But I think that public discussion and public education as to the need will assist the Government in getting a new facility, not only in Cayman Brac, but in Grand Cayman as well. Everyone is much more sophisticated today, and they understand there is a need and a health risk, so the Government should not be afraid to start talking about it. I am not saying they are not, I do not know, but I know they understand there is a problem.

The Cayman Brac Members would know more about the Cayman Brac situation than I, because I have only heard complaints, and I can only see, I do not live here, the Cayman Brac Members live here and understand the plight of that situation. So I would hope that some sort of remedy

could soon be found. I believe there were funds available, or funds have been mentioned. It might have been in the Estimates, but we did not get anywhere with it. Maybe that went to Pedro Castle too! I do not know.

I want to thank those individuals who over the years have been organising the collection of garbage in the different areas of our Islands. When I say that, I am talking about the Boy Scouts and various persons. We heard the mover talking about an effort he made. Generally, those citizens and organisations have been picking up garbage over the years. As the mover mentioned, the more it is picked up, the more it seems that people throw it around.

The motion calls for a strengthening of the Litter Law. If an amendment to the Law is made, or new fees are to be put in place, there must be sufficient willingness to prosecute anyone caught severely enough to discourage others. I really believe that is the problem now. It seems it is easy to catch a speeder and put a \$200 fine on him for doing 41 mph, but you cannot find the drunkard or the same person in a car who is throwing beer bottles and other bottles and garbage all over the place. It seems to me there has to be some effort in policy to deal with it, a willingness to prosecute. Mind you, a willingness to prosecute—and this has nothing to do with politics—could mean less votes!

Someone said 'enforcement.' Well, just let me say, a willingness to prosecute. But I believe that is one of the main problems. No one yet has felt the force of the Law for littering. Five hundred dollars is a substantial fine, with the possibility of a jail sentence. I believe there has to be an effort on the part of Government to move ahead in the policy level.

[Inaudible comments]

Mr. W. McKeeva Bush: Willingness, then.

I talked about beer bottles or other such kind of litter, but if you go to certain areas in Grand Cayman, you can witness the indiscriminate dumping of household and commercial refuse. You will see old settees, stoves, refrigerators, sometimes the kitchen sink is there too! I can mention, because I have talked about it long enough, along the Barkers area. It is kept much better today because people are a little more vigilant, and there are organisations. But you cannot expect people to constantly come out and pick up someone else's garbage. That is the general view of the public, to feel there has to be more policing of it. By that, I mean enforcement, if that is what the Minister wants to hear.

That area, which has great potential for tourism development, and could be a prime area of tourism development, is a disgrace at times. People can do better. It is very unhealthy.

We just completed phase I of the Harquail Bypass. I say Phase I, hopefully we do not have to spend any more money on Pedro Castle—and we can see how much garbage is there in just a few months. I did not remember until my good friend reminded me about it, but I travel the road

a lot, and there is nothing wrong with the road. But that is supposed to be a prime avenue for tourists going from the airport to the Seven Mile Beach area, and what is happening? Measures must be taken. I believe this is a good effort on the part of the Members of the Backbench, and some of the matters raised by the mover should be looked at post-haste. I therefore offer my support to this resolution. Thank you very much, and may I again say how pleased I am to be here with you in Cayman Brac, a good place to be at times.

The Speaker: You could have left that last little phrase off!

Does any other Member wish to speak? The Honourable Minister for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Thank you, Mr. Speaker. I thank the last speaker for his remarks, and I would also like to thank the mover because all of us here in the Cayman Islands have a common goal: to keep our country clean, because it is a tourist destination. The Government has pleasure in accepting the motion presently before it. There are just a few things I would like to comment on.

First of all, I would like to say that I have to concur with other speakers regarding having fines in place that have not actually been imposed. This is why I was speaking across the floor to my friend, Mr. Bush, regarding 'enforcement.' That is correct, because as long as I can recall, I think there has only been one occasion when we actually had enforcement of the Litter Law. Of course, that was \$500, and I believe that if that Law was exercised more, we could actually keep our country even cleaner.

Also, regarding enforcement in our natural resources, this has been a great concern, not only to me, but also to the Natural Resources Department. We have been doing as much as we can to try to make sure that this does not recur. However, again it comes back to enforcement, and how many persons we can have in place to make sure it is done.

I think one of the largest fines imposed in this country was imposed directly by an enforcement officer on one of the tourist ships which came into our harbour in Grand Cayman and pumped litter and sewerage into the harbour. We were looking at a fee under that Law of something like \$500,000. So I know of those two occasions when it was imposed. Yes, the Government is quite aware that we should be more involved with enforcing this. The last speaker is correct. I also recall the area he is speaking about, the Barkers area. As a matter of fact, I have accompanied some of my enforcement officers there. We have seen it for ourselves—you clean an area, and within a matter of two or three weeks, it is as dirty as it was before.

I take the point because the fact remains that we can continue to spend on litter in this country. We can continue to talk about it, but the fact remains that until we enforce the laws of this country and make sure that persons who

are littering this country are brought to justice, it will not be any better.

As far as I am concerned, I am pleased to say today that the Government has done, and continues to do, a lot. As a matter of fact, I am pleased to say that inmates at Northward Prison have played a very good part. We have had them, not as much here in Cayman Brac, but for sure in Grand Cayman, on the roads, and we are grateful because they have done a good job. But it is the actual public of this country, and we need to try to reach them. I do not know how else we can do it unless through enforcement of what is in the laws.

Regarding the Harquail Bypass, I too share the concern of the Member, and I would like to say that we have had the Department of Environment go there, and they have done what I would consider to be a good job thus far. But one must remember that that road began in the beginning of the dump, and it is going to take us a while to clear that area. I again support my Department of Environment because we are working along with the landowners there. It is our hope, with God's help, to have that area cleaned up. As a matter of fact, the Member on my side here, Mr. Truman Bodden, has made a request to me—

[inaudible comment]

Hon. John B. McLean: No, and God knows how I am going to go through it—he wants me to put up some trees there, but I do not know if I can do it. So I am on your side still!

I take the point that has been made, and, yes, we are definitely looking at it. We need the support of the general public. I would like to elaborate on what was said a while ago regarding the oil and other waste material at the dump. The fact remains that what took place at the dump some time ago is no longer happening. We have a container there in which oil is collected, and once they are collected, it is no longer pumped into the ground. We now have collection for cardboard, plastic, and are presently in negotiations with a company in trying to ship bulk material such as old cars and old heavy equipment from Grand Cayman.

It is the same with old batteries. Years ago batteries were just buried in the ground. No longer do we do that. No longer do we do that with the aluminium cans. We collect them and crush them, and while we are still only breaking even, I believe I am correct in taking such a decision, and it is being shipped out of the country. All of this is no longer being pushed into the ground. I think that was a positive step, and we will continue to do whatever we can to make it even more a reality.

I would further like to point out that the mover of this Bill and I, along with someone presently in Grand Cayman met a few days ago. He brought a machine to the Island that contains oil, and he is interested in trying to assist the Government and the people of this country in removing certain products from the garbage dump, and the collection of oil. We have given the assurance that we will work along

with him. I have said that to my Department. We are going to work with people, and whatever we can do, we will do. This is not the only company we have worked with. As a matter of fact, there is another company we are working with as well.

As far as I am concerned, this side, meaning the Government, is in full support of this motion, and we fully accept it. We will continue to do whatever we can to work for the betterment of this country, knowing we have a very good tourist trade that we want to make better.

Regarding Cayman Brac, I visited here along with the person now in charge of Environment. We have looked at certain sites. As a matter of fact, Mr. Speaker, I would like to say that you were present with us one time. We are also working on that. So it is not that we are not looking at it. We are trying to put down something here, and we are going to do it in such a way that we have learned from the mistakes in Grand Cayman, because the mistakes there, we all agree, have been mistakes as far as how garbage was disposed of. There is nothing I can do about that now, except to try to work with persons like I mentioned, that the mover is aware of.

I believe that seepage in the North Sound was detected several years ago. I come back to what I said a while ago. We tried our best—and I believe we have certain stopgaps in place now, especially with disposal of oil, because that is no longer pumped directly into the ground. We have a collective device in place and we have co-operation from the major importers when it comes to things like that.

It is my intention and my Ministry's intention to continue to work with importers. We too have checked out areas like Canada, as was mentioned. We have spoken to schools, and are trying to instil it in the children's minds, because I believe that the key to this is educating the younger ones who will no doubt pass it on to the parents. As far as I am concerned, we will continue to work diligently on this matter.

I thank the Member who moved the motion, and those who have spoken thus far. I am pleased to say that my Government is happy to support the motion. I would also like to thank the seconder of the motion. I give you the assurance that my Ministry will continue to do whatever possible to make the environment of this country even better than it is. Thank you, Mr. Speaker.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have almost reached the hour of 4.30. I would now entertain a motion for the adjournment of this House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**EDITED
FRIDAY
5 JUNE 1998
10.10 AM
MEETING IN CAYMAN BRAC**

The Speaker: Prayers by the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

PRAYERS

Hon. Julianna O'Connor-Connolly: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies for absence from the Honourable Minister for Tourism, Commerce and Transport who is not well; the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilita-

tion, who is with his brother who has undergone surgery in Miami; the First Elected Member for West Bay who is with his mother in Miami who is undergoing medical treatment; the Fourth Elected Member for West Bay who is not well; and the Elected Member for North Side, the Deputy Speaker, who is attending her son's graduation in the United States.

I would like to welcome all of you here this morning, in particular the students from Cayman Brac Primary School. We are happy you are here and hope that your visit will be beneficial as you see your Parliament in action.

Questions to Honourable Members/Ministers. Question 60 is standing in the name of the Second Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

**QUESTION 60
(Deferred)**

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I ask that this question stand over to another day this coming week. I apologise for its being on the Order Paper this morning. I ask that it be removed. I know, Mr. Speaker, that we also had some further questions that were ready for the First Elected Member for West Bay who had to go off to his mother, so we had to take those off the agenda as well.

The Speaker: The question is that question 60 be deferred. I ask for the suspension of Standing Order 23(5) in order to defer these questions. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION 60 DEFERRED UNTIL A LATER SITTING.

The Speaker: Question 61 is standing in the name of the Second Elected Member for Bodden Town.

QUESTION 61

No. 61: Miss Heather D. Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture: Where is the proposed new site for the Bodden Town District Library?

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

Hon. Julianna O'Connor-Connolly: The proposed new site for the Bodden Town District Library is the Bodden Town Town Hall.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say if the District of Bodden Town has any access to a library at any time?

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

Hon. Julianna O'Connor-Connolly: The residents of Bodden Town presently do not have direct access in that there is no established library in that jurisdiction. However, there is a school library and we have the general library in the district of George Town. But the Ministry is cognisant of the dire need for a district library and funds were put into the last Budget to take us towards that end.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say how much money is needed to complete this project?

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

Hon. Julianna O'Connor-Connolly: The Ministry initially requested a sum of \$110,000 as this was what we were instructed was necessary to complete the project.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say when the necessary renovations will occur?

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

Hon. Julianna O'Connor-Connolly: The Ministry is now in the process of meeting with the Public Works Department to complete the work scheduled for this year

having taken into consideration the reprioritisation exercise which is now completed. As soon as I am in possession of the completed projection I will be happy to convey that to the Members from that district.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I would like to thank the Honourable Minister for that information. Can the Honourable Minister say if a name has been chosen for the Bodden Town District Library?

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

Hon. Julianna O'Connor-Connolly: To the best of my knowledge a name has not yet been chosen for the Bodden Town District Library. But, because I strongly believe in the consultative process, I will be happy to meet with the three Members from Bodden Town to receive names for the project.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if there has been any representation from any of the constituents regarding dissension over using the Town Hall for a public library? I ask this because I have heard on more than one occasion (and it might be a minority, I am not suggesting otherwise) that some people are not too happy with changing the use of the Town Hall into a library, whereas there may well be some benefits. I am just wondering if the Minister has heard anything about that.

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

Hon. Julianna O'Connor-Connolly: If memory serves me right, I believe that this matter was mooted the last time we met in Finance Committee. Looking at the minutes from Finance Committee, where all three Members (the Hon. Anthony Eden, as well as the former Minister, Mr. McKeever Bush, the Third Elected Member for Bodden Town and the Second Elected Member for Bodden Town) had a go at discussing the issue, there was a consensus that this is where the library would be going. Based on the fact that they were the representatives, and since I have not received any direct input, the decision was made to use that location.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning. Item 4 on today's Order Paper is Government Business, Bills, First Reading. Before we take the first reading, I will call on the Hon. Third Official Member to suspend Standing Order 46.

SUSPENSION OF STANDING ORDER 46

Hon. George A. McCarthy: I beg to move the suspension of Standing Order 46 to allow the Bills appearing on the Order Paper to be taken.

The Speaker: The question is the suspension of Standing Order 46 to allow the three Bills appearing on the Order Paper, The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998; The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998, and The Immigration (Cayman Brac and Little Cayman Immigration Board) (amendment) Bill, 1998, to be taken. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 46 SUSPENDED TO ALLOW THE BILLS TO BE TAKEN.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

THE MUTUAL FUNDS (AMENDMENT) (PENALTY FEES) BILL, 1998

Clerk: The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998.

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

THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1998

Clerk: The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998.

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

THE IMMIGRATION (CAYMAN BRAC AND LITTLE CAYMAN IMMIGRATION BOARD) (AMENDMENT) BILL, 1998

Clerk: The Immigration (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998.

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

SECOND READINGS

THE MUTUAL FUNDS (AMENDMENT) (PENALTY FEES) BILL, 1998

Clerk: The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move the second reading of a Bill entitled, The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998.

The Speaker: Do you wish to speak to it?

Hon. George A. McCarthy: As set out in the Memorandum of Objects and Reasons, this Bill seeks to amend The Mutual Funds Law (1996 Revision) by reducing the penalties payable on late payment of the annual fees for a registered mutual fund and the mutual fund administrators to one-twelfth of the annual fee payable in respect of each month or part of a month that the payment is late. The Bill also transfers the power to waive penalties for late payment of annual licence renewal fees from the Financial Secretary to the Monetary Authority.

A further need for this amending Bill arose as a result of inconsistencies currently existing between the various pieces of financial services legislation with respect to penalties charged for late payment and surcharges of annual fees, specifically. The penalty for late payment of annual fees under The Mutual Funds Law is 100% of the annual fee for each month, or part of the month the fee remains unpaid. However, under the Banks and Trust Companies Law this penalty is one-twelfth of the annual fee for each month or part of a month the fee remains unpaid. It was felt, therefore, that the penalty fee under the Mutual Funds Law should be reduced to one-twelfth of the annual fee to bring it in line with that of the Banks and Trust Companies Law.

I commend this Bill to Honourable Members.

The Speaker: The question is the Second Reading of a Bill for a Law to amend the Mutual Funds Law (1996 Revision) to amend the penalty fees for late registrations; and for incidental and connected purposes.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

My comments will be fairly short, but I did not want to miss this opportunity to make a few comments on this most important amendment. As the mover of the Bill has rightly stated, the amendment seeks to reduce the penalties for the late payment of the annual fees for a regis-

tered mutual fund, and on late payment of the annual fees payable by mutual fund administrators. Indeed, this brings it in line with The Banks and Trust Companies Law. I thought this would be a good opportunity, in view of the financial initiatives being made in Cayman Brac and Little Cayman, to extend this a little further than just this amendment, while at the same time keeping it within the relevance of this amendment.

Yesterday we heard the Hon. Minister speaking on comments made by the Budget Manager here in Cayman Brac saying that certain positive signs are already being seen within the economy of Cayman Brac as a result of certain initiatives being taken. Indeed, I have seen a lot of development going on. But the relevance of this is that one of the initiatives mentioned by the project manager was the introduction of certain incentives in the Brac to stimulate the economy. I want to promote the idea of the Government seriously considering using Cayman Brac as a centre for some of our mutual fund business.

In order to make it attractive to Cayman Brac, it would be necessary for the Government—and this would be a bipartisan situation, where both sides of the House would encourage this move—to provide certain meaningful and significant incentives. Perhaps we could consider making it possible for mutual fund administrators and operators to come into Cayman Brac at a fraction of what the cost would be to operate such a business in Grand Cayman.

There are other incentives I can think of right off the bat, but which are not directly related to this Bill. I am sure that the steering committee set up will consider these. Making mutual funds a very attractive situation for Cayman Brac would not only bring new business to Cayman Brac, but would employ a number of Brackers already qualified in this field who are now working in Grand Cayman, and who would be happy to return home if these opportunities existed.

I can see people here who already have a lot of experience in banking and accounting and the mutual fund business. This is something, if we really want to help the Brac, that we need to do. I will be making further comments on areas that I feel can be introduced in Cayman Brac when I comment on the next Bill. I also have certain concerns about our whole economy as it relates to the Bank and Trust Company business.

If we seriously consider the introduction of meaningful incentives where people could come here to work, the same thing could apply to company registration. This would have to be for new companies, but where companies could come here and register for perhaps 10%. It has to be meaningful. The infrastructure is already in place for Cayman Brac, more will be necessary but we have to start.

I trust that the mover of this Bill will take these comments into consideration in summing up. Thank you.

The Speaker: Does any other Member wish to speak?

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I support this Bill. It seeks to correct problems in an area that will enhance the mutual fund industry. The Cayman Islands has remained a financial offshore centre at the cutting edge with new incentives and new legislation. It has provided the climate to bring the Cayman Islands to where it is—the fifth largest financial and banking centre in the world, coming after London, New York, Tokyo and Switzerland.

This aspect of the Bill when it was passed a few years ago was not seen as a problem, but now the Hon. Financial Secretary has taken the incentive to move ahead and correct this area of it. The mutual fund industry is a new industry, it is one that is undergoing rapid change with our Stock Exchange and our Monetary Authority. We have succeeded in building up the funds fairly rapidly in this area. I also appreciate that we should endeavour to spread more of this industry into Cayman Brac, however it is a complex area and sometimes it is not quite as simple as directing where the business would be. But I am sure that this is uppermost in the minds of the Finance Committee members.

I would just like to finish by saying that it is really a pleasure to be in Cayman Brac. We were here last in 1982. I personally feel that each year we should endeavour to come here at this time. Our Budget process is now in the beginning stages and it is important that Members of this Honourable House come here and see the projects they are voting millions of dollars for. Secondly, it keeps the communication open between us in this House and both islands because we are all one country. God forbid that should ever change.

Last, but most importantly, I would like to welcome the students here today because they are this country's future. One day they will sit in these seats and run this country. It is important that we ensure that they reach their full potential. I have always enjoyed being in the Brac. I take my vacations as often as I can with my two children in Little Cayman, and at times we come here rather than going on to the United States or somewhere else. That I will continue to do because I must teach my children that these three islands are all one people.

The Speaker: Does any other Member wish to speak?

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I rise to add my support to the amendment of this very important Mutual Funds Law. I am proud of the fact that before anything is brought to this House the financial community, in connection with the Financial Secretary and Government related departments (that is the bank and trust companies area, the insurance area, the mutual funds area, companies area) go through a negotiation process. Members of the financial community offer their input which is taken into consideration. At the end of the day the Financial Secretary, who presents these bills, is confident that he has the support of not only the Government, but of the financial community as well.

The mutual funds area is a new area, and a new source of revenue for the Cayman Islands. Because of being on the cutting edge—in other words, we stop, we listen to what the needs are of that particular industry, and we put it into place—we continue to make this area attractive for people who are involved in this very special area, to accommodate them and encourage the business in this area. This is a huge area as far as new funds are concerned because those individuals who are saving for their retirement are normally involved in a mutual fund.

I also look at it as a cosmetic thing from the point of view that the Monetary Authority was established to pull together the Currency Board, the Insurance Department and the Banks and Trust Companies Department. It is natural that they be given the responsibility for collecting and waiving fees when necessary.

I also support the recommendation put forward by the Third Elected Member for George Town in regard to encouraging this type of activity here in Cayman Brac and Little Cayman. There is a lot going on here, but it is only restricted to certain areas, in other words, not everyone here has the interest or the ambition to get involved in construction which is one of the areas where the economy seems to be moving, but we need to create more white collar jobs in the Brac. I think the more we can do to encourage this type of activity here in the Brac with proper incentives, and the more we can do in regard to encouraging the independence and the self-sufficiency of the Brac, the less the Government has to provide in subsidies. I know that the people of Cayman Brac are very proud, independent, and responsible people. I think they would welcome any initiatives that would encourage this type of activity here in Cayman Brac.

I, for one, have always enjoyed my visits to the Brac. As a matter of fact, I am one of those Members who puts his money where his mouth is, in that I have a business here in the Brac at this time. I travel back and forth and always enjoy visiting Cayman Brac and Little Cayman. Anything I as a representative can do to encourage or assist with what is needed here in the Brac, I am prepared to do.

I also want to welcome the students here this morning. I believe that if we saw more of the public sitting in the gallery taking an interest in what goes on in the Legislative Assembly in Grand Cayman, it would keep us on our toes and encourage us to believe that we are making a worthwhile and necessary contribution to our country.

I congratulate the mover and encourage him and the Government to stay on top of things; to stay competitive and never get to the stage where they are comfortable and sit on their laurels and expect just because we are who we are that things will happen. We have a lot of competition today, and in order to ensure that we continue to have our fair share we have to work together as a financial community and Government as a whole.

I support this very important initiative. Thank you.

The Speaker: Does any other Member wish to speak?

The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: I, too, rise to give my wholehearted support to the mover and the Government for the vision and foresight in these very timely and necessary amendments. I would also like to say that I fully endorse the comments and support of the Third Elected Member for George Town. The Member has supported initiatives for the Brac for as long as I can remember, and I would like to publicly say on behalf of the people of Cayman Brac that we do appreciate all of the support we get from all Honourable Members in this House. I believe that the time has come when the financial aspect of the country can be revisited to see about the practicability and feasibility of extending incentives in this specific area.

We do realise that it is a highly specialised area. Having said that, we are cognisant that many of the positions held in Grand Cayman in this respective fiscal area are held by very capable Cayman Brackers who, if they are like me, would take every opportunity to come back home and work in the local community. So I look forward to Government taking this opportunity to fully review these measures to see whether or not it is feasible to introduce incentives in this regard. If and when it does come to the floor of this Honourable House, I look forward to the full support that has been given in the past.

Thank you.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I had not really intended to make any comments on this rather technical amendment. The debate process seems to have become involved in what I consider to be mystical compliments, in that we are again talking about things without really questioning whether or not these things are possible. I don't believe the demagoguery is really a compliment to the democratic process. I think that when we have so many young minds here today it is important that they realise that things do not happen simply because people say they should, but because people make them happen. People cannot make them happen if those things are not possible, if they are not researched before one says this is what can and should be done.

I assume also that people of Cayman Brac have been promised this, that and the other thing for a very long time, and a lot of things have not come their way. Perhaps it has happened not because of any desire on Members' part to withhold from Cayman Brac what Cayman Brac so duly deserves, but because of the question of physical and economic development in any part of the world is a very complicated process.

It is important that the children also understand that Government does not get revenue by taxing its people directly. In other words, there is no income tax, there is no profit gains tax. There is land transfer tax, but at

the end of the day, once you have bought your property, you don't pay any additional tax. So Government's ability to do things is very limited by the resources made available to Government. Every time we talk about concessions, we are talking about giving up money. And every time we give up money, it means that we are less capable of paying for those resources and facilities that we continue to believe are important for the physical and social growth of our community.

I just wanted to put a word of caution in here. It is good that we are here, and I know that the character of our debate in being here. . . and I am also grateful to be here, but I am going to maintain my rationality and I am going to say that every time we say that something should be possible, we should always remember the cost it is going to be to the people of these islands who have to pay for it.

I support this Bill. But I am concerned that we got into a debate about what kinds of concessions can be made. Obviously, the amendment here is of a very technical nature. When discussing concessions that could be made to Cayman Brac, we must do our research and be prepared to say what that would cost the Treasury of our islands, and whether or not we can continue to pay for education, for sporting developments and assisting the poor people once we have given up that amount of income.

Thank you.

The Speaker: Does any other Member wish to speak? If not, would the mover like to exercise his right to reply?

The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: Mr. Speaker, I would like to commend Members for the divergence of their comments on this amendment. I should point out that the Government is committed to the unified development of the Cayman Islands. When reference is made to the Cayman Islands this is having regard to Grand Cayman, Cayman Brac and Little Cayman.

We are aware of the initiatives that have been underway for quite some time; we have seen the results that have been borne from these initiatives in Cayman Brac. However, when it comes to areas such as the financial industry, I am in full agreement that we would like to see a spreading out of the concentrated activities to the other islands. But this is, as the Fourth Elected Member for George Town said, an aspect that will have to be researched and examined very carefully before in-depth comments are made on this. I will not run the risk today of offering expansive views or comments on that.

I should say that approximately eighteen months ago the members of the Private Sector Consultative Committee together with Members of Executive Council visited Cayman Brac with the view for the private sector to get a glance of the facilities that were available in Cayman Brac. They were quite impressed with what they saw and various comments were made, such as, a

need for office facilities, and other initiatives to be further pursued.

We have not lost sight of that, Mr. Speaker, and we are continuing in this regard. In fact, less than a fortnight ago I mentioned to a Member of Executive Council that I would be speaking with the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture in regard to having a greater concentration of economic analysis carried out by the Economic and Statistics Department, attempting to recruit an economist to carry out reviews of initiatives that could be further pursued and implemented within Cayman Brac and Little Cayman.

One of the areas we will have to revert to is the development of Cayman Brac as a free trade zone. This is not something that has fallen by the wayside. It is not a question of just saying that this needs to be done. What we need to do is examine very carefully the activities and infrastructure that will be necessary to support that. We also have to be very selective in terms of the type of industries that will be brought into the Brac under that initiative because Cayman Brac has, so far, enjoyed a very clean environment and we want to make sure that everything coming in is non-pollutant.

At the end of the day we would want the benefits flowing from that to accrue first to the citizens of Cayman Brac, while taking into account the social impact at the same time. Whenever we start gearing up with a higher level of economic activities it is going to have certain adverse impacts upon the social environment, the social lifestyle of the community. This will have to be balanced; these are choices that will have to be made by the people of Cayman Brac and the Cayman Islands as a whole.

So this amendment we have in front of us is to refine the administrative arrangements whereby rather than matters being referred to the Financial Secretary to agree on the waiver of fees, for example, for late payment of fees, that these requests be dealt with by the Monetary Authority. But I should say that sight is not lost in terms of the continuing economic development of Cayman Brac. The initiatives necessary to support this bring our minds together and having dialogue with various people within the community, not only Cayman Brac, but also in Grand Cayman, and also within the wider international community as well, because at the end of the day there should be a unified goal whereby we continue to promote the economic development of the Cayman Islands.

At this point I must say that it is very good to be in Cayman Brac, and I would like to join other Members who have expressed that sentiment. Also, it is very good to see the many people who have come out since yesterday to hear the debate, and to see the primary school children here this morning.

Thank you.

The Speaker: The question is that a Bill entitled The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998 be

given a second reading. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE MUTUAL FUNDS (AMENDMENT) (PENALTY FEES) BILL, 1998 GIVEN A SECOND READING.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

PRIMARY CHILDREN AND STUDENTS FROM THE CAYMAN BRAC HIGH SCHOOL

The Speaker: Before we go on, I would like to say that we also have students here from Cayman Brac High School. We are grateful to the Ministry of Education, the Department of Education and the schools in Cayman Brac for making it possible for the students to be in the gallery from time to time. Indeed, this is an educational opportunity and I am happy that the Legislative Assembly could meet in Cayman Brac. I am very happy that you are all taking advantage by being in the gallery to watch Parliament in action.

Second Readings continuing.

SECOND READINGS

THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1998

Clerk: The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998.

The Speaker: The Honourable Third Official Member responsible for Finance and Economic Development.

Hon. George A. McCarthy: I beg to move the second reading of a Bill entitled The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998.

As set out in the Memorandum of Objects and Reasons, this Bill seeks to amend the Banks and Trust Companies Law (1995 Revision) by transferring the power to waive the penalty for late payment of annual licence renewal fees from the Financial Secretary to the Monetary Authority.

The Monetary Authority is in the best position to assess those circumstances for which fees should be waived. This amendment will avoid the Authority having to refer such requests to the Financial Secretary to be dealt with.

I commend this Bill to Honourable Members.

The Speaker: The question is that a Bill entitled The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998, be given a second reading. The question is open to debate.

The Third Elected Member for George Town.

Mr. Linford A. Pierson: I am in support of this very important amendment Bill. As always, even though I did not mention this earlier, it is always good to be here in Cayman Brac. There is always a very warm welcome for me here. I admire the people of Cayman Brac and I think many of my colleagues know that. When I was in Executive Council, I recall one of my colleagues asking me if I would prefer to be a Member for Cayman Brac since I was always asking for things for Cayman Brac. That would be all right if I were living here. It would be an honour.

I can take the view made by previous Members made on the past motion and I will not go into that, but it would be unfortunate if we came to Cayman Brac and could not think of some ways and means that we could address to assist with the economic situation in this island.

I was at a restaurant yesterday, and it was the best food I have ever had anywhere in the Cayman Islands. But the gentleman said to me when I was leaving (not just to me, to the group) that he was thinking of closing down for lack of business. My comment is not to enter into detailed discussions here, because I could not do that in five or six minutes, but it is to introduce the whole concept. Hopefully it will be looked into seriously. It is not a matter of moving away from the substance of the motion, because it is very relevant to relate what can be done in the same area for Cayman Brac.

The mover of the Bill mentioned that the Cayman Islands is comprised of three islands, not just Grand Cayman. Cayman Brac and Little Cayman are as much a part of the Cayman Islands as is Grand Cayman. When we are looking at the development of Grand Cayman we should also think of a similar way to help Cayman Brac. If we were to look at the contribution made by Grand Cayman to Cayman Brac, even with the Civil Service, we would see that Grand Cayman is paying a huge amount of money to keep the Civil Service going, not to speak of road works and other areas. When we make an investment in Cayman Brac it should be looked at as an investment and not a deletion or reduction of revenue from Grand Cayman.

The more self-sufficient Cayman Brac can become, the better off the Cayman Islands will be, and less money will be taken out of the coffers of Grand Cayman.

A previous Member mentioned that the Cayman Islands is the fifth largest financial centre in the world. I would just like to slightly correct that. It is the fifth largest offshore financial centre, but we are the eighth largest financial centre. But that is great because we are eighth after the United Kingdom, the United States, Japan, Germany, France and Hong Kong, and then Singapore, Cayman Islands, Switzerland, Luxembourg and so on. That is commendable because with a population of 35,000 the Cayman Islands ranks fifth in offshore financial centres of the world when one considers that Hong Kong has a population of some six million people. We

have to be commended, but we should not become complacent.

There are many dangers lurking over the horizon for our economy. I will not go into those today because I do not want to be corrected for straying from the subject. I will probably bring that as a substantive motion. There was a recent report by the Organisation for Economic Cooperation and Development (OECD) published. And this is going to impact heavily on our banks and trust companies, and the whole economy of the Cayman Islands. I ask those who have not seen that, to read this OECD Report.

There have also been overtures by the United Kingdom Foreign and Commonwealth Office to try to include the Cayman Islands in a sort of dual criminality, or all crimes bill. I would suggest that when we talk about amendments to the Banks and Trust Companies Law we also bear in mind that some of the measures being taken by our competitors and countries such as the Organisation for Economic Cooperation and Development (OECD) (of which the United Kingdom is a founding member) could put our whole banking situation in dire jeopardy if action is not taken, and taken seriously and early.

Thank you. I support this Bill.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: I support this Bill. It improves on our financial centre and will continue to keep us as one of the countries that has legislation which is at the cutting edge of the industry.

It is very important when we initially see reports such as mentioned earlier by the Third Elected Member for George Town, that we look at them and analyse them carefully because sometimes when we totally digest these things and look at the surrounding circumstances they are not quite as frightening as they appear at first glance.

The OECD has power to force or impose its will. That is important. I will say no more on that, but I think it is very important that we all sit and analyse this very carefully, look at the alternatives and carefully weigh the impact that may arise from this.

I am very aware. I make my living in the financial industry. I believe it is in our interest to sit and discuss this where it can be dealt with in a more informal atmosphere, and just look at what is there and then come up with a solution, which will be in the best interest of the country. There is no place for politics when it comes to the livelihood of the people of the Cayman Islands.

I would just ask Members to please not get into extensive debate or form conclusions too early on some of the many reports—and there are many, Mr. Speaker—that go out from time to time on this. I have always believed that there is a solution to every problem, one just has to look hard enough, long enough, and rationally enough. Sometimes with politics rationality seems to get eroded.

Let us work together for the good of the country and deal with these problems as a united Legislative Assembly, because it is in all of our interests and the interest of the Cayman Islands that we do what is best for the country in this area. We have a very capable Financial Secretary who is on top of all of these matters and we have to discuss this and seek guidance from him and from the private sector which we all have a very good rapport with as well.

While I take most of what the Third Elected Member for George Town has said, I believe that we have to be optimistic and believe that, as with the many other problems we have faced in the past, we can overcome this and the Cayman Islands can continue to be one of the leading financial and banking centres in the world.

This legislation is important and it goes to show that the Honourable Financial Secretary is on top of dealing with whatever problems may arise from time to time in these areas.

Thank you.

The Speaker: Does any other Member wish to speak? If not, does the mover wish to reply?

Hon. George A. McCarthy: I have taken on board the comments made by the two Honourable Members who spoke. I would like to thank other Members for their tacit support. I will just take issue with one of the observations made by the Third Elected Member for George Town, but not in a hostile fashion.

When I am called upon to make presentations, in the Cayman Islands and overseas, I am very careful not to use the word 'offshore.' I refer to the Cayman Islands as an international financial centre. This is because the word offshore was initially thought of as a less than complimentary reference by countries such as the United States of America and some of the other major countries. In fact, when I addressed the ministerial meeting of the Caribbean Financial Action Task Force, I pointed out for the benefit of the United States delegation that as far as the Cayman Islands was concerned, the United States was an "offshore centre." From where we are, everything outside of the Cayman Islands is "offshore." That was not only for the benefit of those persons from the United States, but for the other multi-lateral organisations and countries represented.

I also take on board the reference the Third Elected Member for George Town made to the OECD Report. I read the report and I am concerned about its contents. In fact, I visited the United Kingdom last week and I addressed a seminar hosted by the Commonwealth Secretariat and the British Government for senior finance and law officials. I not only pointed out what was happening in places such as the Cayman Islands, I looked at the Caribbean. The presentation was made from the position of developments within the Caribbean Financial Action Task Force, the Cayman Islands being a founding member of that organisation.

As the Honourable Minister for Education, Aviation and Planning said, we have to assess our position

very carefully. We have to look at these events very carefully. Again, I find agreement between the comments shared by the two Members, that is, the Third Elected Member for George Town and the Hon. Minister for Education, in that we cannot allow ourselves to become complacent. In this regard, the Government has commissioned opinions from two major international law firms on the content of this report and the implication for the Cayman Islands. I will be sharing my observation and the views I gleaned while in the United Kingdom with Executive Council.

When things are happening in this world that seem to be reaching out beyond my immediate comprehension, not able to find an answer, there is one source that I normally go to, a sure source. I get on my knees in humility and I go to God. In Psalms 127 it says that unless the LORD guards the city, they that do so labour in vain. We will also see, when we get into the word of God where protection is assured to nations in submission to God. The Cayman Islands is a Christian community, we have a very rich heritage. When we look and see the benefits we are enjoying today, when we look at the resources we have in comparison to other countries that are more endowed, we often wonder what has made us so fortunate.

When we see what has happened, even when hurricane Gilbert approached the Cayman Islands and how the eye spilt around the Cayman Islands and it reformed itself and moved on, . . . these are not things that have moved from my memory. These are not things that are flukes of nature, as people sometimes say. These were as a result of a divine providential hand guiding and protecting us, playing a role in the position we are in.

We have to continue to work. We know that the international community would like to see places like the Cayman Islands become less competitive. We have very good minds in the Cayman Islands. We have people who are very committed. Members of the Legislative Assembly are very committed. We have people who are altruistic. We have a community that is caring. We will not be able to say that we have the answer to the measures being proposed at this time by the OECD, but we can be sure that if we put our minds together we can attract the attention of the international community in terms of listening to our position. It means having to talk to the members of the financial industry to ask them for their undivided commitment in supporting Government in moving forward in these initiatives.

In fact, I called Grand Cayman yesterday and asked my secretary to get in touch with our public relations agency in the United Kingdom to order an additional twenty copies of this OECD Report. The twenty in Grand Cayman at this time are for the Members of Executive Council and Members of the Legislative Assembly. One copy is for the Deputy Financial Secretary and the other is for our Chief Justice Designate. We have to make sure that members of the community are informed, the District Commissioner will be provided with a copy,

as will members of Cayman Brac and Little Cayman who should have a say.

We realise that information and knowledge are important. It is necessary for us to sit down and collectively do all of these measures. We have to come up with strategies and we have to commit some of our resources to make sure that we are being guided by the right type of legal advice in any action we take in terms of addressing all of these initiatives.

We have come over rough patches in the past. We know that when you are on top everyone has it in for you. But I have faith, and I have absolute belief in the God above. I am also committed to, and have belief in the peoples of the Cayman Islands and their unwavering support. When we stand together and seek the guidance of God, we can never fail.

Thank you.

[Applause]

The Speaker: The question is that a Bill entitled The Bank and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998 be given a second reading. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE BANK AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1998 GIVEN A SECOND READING.

The Speaker: Proceeding are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.21 AM

PROCEEDINGS RESUMED AT 11.58 AM

The Speaker: Please be seated. Bills, Second Readings.

SECOND READINGS

THE IMMIGRATION (CAYMAN BRAC AND LITTLE CAYMAN IMMIGRATION BOARD) (AMENDMENT) BILL, 1998

Clerk: The Immigration (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998.

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

Hon. James M. Ryan: Thank you, Mr. Speaker. I beg to move the second reading of a Bill entitled The Immigra-

tion (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998.

The Speaker: Do you wish to speak to it?

Hon. James M. Ryan: Before dealing with the Bill, and since this is the first time I am on my feet to speak, I would just like to say what a joy, privilege and pleasure it is for me to be back in Cayman Brac, particularly for the meeting of the Legislative Assembly.

I would like to express thanks to you for arranging for the House to meet here in Cayman Brac, and I am pleased to see such a good turn out, both yesterday and today. I understand that a little earlier we had in excess of 110 persons in the gallery. That is very pleasing. Mr. Speaker, I also would like to reiterate what the Honourable Minister for Education, Aviation and Planning said regarding the Legislative Assembly meeting here in Cayman Brac on an annual basis. I trust that this will be possible.

The Bill before the House today is both historic and timely in that the Immigration (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998 will, when passed, establish an Immigration Board for Cayman Brac and Little Cayman. It is something that has been looked forward to for a very long time, and for those present, and for those listening by radio, it is indeed an historic occasion. As a Cayman Bracker, I deem it a privilege to be piloting this Bill through the House and I look forward to its passage.

The origin of this Bill is as a result of Private Member's Motion No. 2/97, which called for the establishment of an Immigration Board for Cayman Brac and Little Cayman. This Motion was passed in the Legislative Assembly on 20 March, 1997. As I said earlier, it was felt for a long time that there was a need for such a Board to meet in Cayman Brac to deal with work permits for persons employed in Cayman Brac and Little Cayman.

The Memorandum of Objects and Reasons states: **"This Bill will amend the Immigration Law (1997 Revision) to provide for an Immigration Board in Cayman Brac and Little Cayman. The Board will be called the Cayman Brac and Little Cayman Immigration Board and its main function will be the grant of work permits to persons who are not of Caymanian status and who wish to have gainful occupation in either Cayman Brac or Little Cayman. The Cayman Brac and Little Cayman Immigration Board will consist of a chairman, a deputy chairman and three other members appointed by the Governor in Executive Council."**

Provisions of the Immigration Law (1997 Revision) which relate to the administration of the Immigration Board, the grant of work permits by the Immigration Board, and generally to the operation of the functions and powers of the Immigration Board, will also apply to the Cayman Brac and Little Cayman Immigration Board. Accordingly, I commend this amending Bill to this Honourable House.

The Speaker: The motion is open to debate.
The Third Elected Member for West Bay.

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

I am very pleased with this initiative. I think that it adds to the attractiveness of doing business here in Cayman Brac and Little Cayman. I have had experience in planning plumbing and construction matters both in Grand Cayman and in Cayman Brac. I must say that it has been a real pleasure doing business in Cayman Brac.

In my experience, Grand Cayman Planning permission can take up two or three months, and we still go begging for approval. Here we called the Planning Department and somebody was down immediately. If we need tools from the Fire Department, they are down here immediately. Plumbers, inspections and that type of thing, are there within a day. So it makes it attractive as far as business is concerned.

I think the present system is very unfair to Cayman Brac and Little Cayman. In Grand Cayman we probably have 14,000 or 15,000 work permits, and the Immigration Board in Grand Cayman is dealing with up to 800 or 1,000 renewals and new applications. It could even be higher than that. For applications from Cayman Brac and Little Cayman to be subjected to that pressure is very unfair. I think if we are going to continue to make business attractive here in this island, we need to be in a position where we can deal with these types of requests in a very prompt and objective fashion.

When we came in to do business on Cayman Brac we tried to encourage the employment of people here who are Caymanians or Cayman Brackers as much as possible. On occasion we have had to apply for an amendment to a work permit and it takes four to six weeks. In the meantime what do you do as far as business is concerned?

I think this is a step in the right direction. I have every confidence that we can find the personnel here for membership on the Board. I think they will be fair in carrying out the requests that are put before them, ensuring that all sectors of the economy needing foreign employment at least have a chance to get that type of employment. We were just talking about amendments to the Mutual Funds Law and the Banks and Trust Companies Law, this is another area. People do not mind doing business, but they want to be in a position where it is attractive. In other words, if I need to get something done I can get it done immediately. As I said, I think this adds to the attractiveness of the community here for business purposes.

I commend the Members for Cayman Brac and Little Cayman for their interest and incentive, and the Hon. Chief Secretary for piloting this very important piece of legislation through this House. I give it my wholehearted support.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker.

I rise to give my full support to the Bill for a Law to establish the Cayman Brac and Little Cayman Immigration Board which, I understand, is the brainchild of the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture. Once established, this Board will deal with the grant of work permits. I believe that this will certainly speed up the time it takes to process an application.

I see another advantage in having an Immigration Board here in Cayman Brac in that the members of the Board will be local persons who would perhaps have a better knowledge of the labour demands in the community. It is proposed that there will be a chairman, a deputy chairman and three other members, as well as a secretary to the Board. Hopefully, this will create another job opportunity here in Cayman Brac.

I have always supported, and will continue to support the needs of Cayman Brac and Little Cayman. I strongly feel that if the people of my district of Bodden Town were in a similar economic situation, the people of Cayman Brac and Little Cayman would do no less for us.

Thank you.

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

Hon. Julianna O'Connor-Connolly: Thank you.

It gives me great pleasure to rise this morning to give my full support to this Bill seeking to establish an Immigration Board for Cayman Brac and Little Cayman. Before proceeding into the merits of the Bill, permit me to please say how delighted I am to be here participating in my first Legislative Assembly meeting in Cayman Brac. I was so very proud of my people yesterday when I saw the numbers that turned out to see the proceedings of this Honourable House. It was heart-warming to see how intently and quietly they listened, many staying for the entire duration of the sitting, and some are here again today. I would like to publicly thank them for their keen interest.

I would also like to express my appreciation to the school children as well as to the teachers and teacher's aides who brought them along for what I believe is a very important learning exercise for them. I also endorse the comments made by other speakers that this should be made an annual event, as this is money well spent.

Now let me turn to the proposed Bill which is a matter very dear to my heart. From the time I campaigned back in 1996, after having consulted with various people from Cayman Brac as well as from Little Cayman, I came to the conclusion that the way forward was for Cayman Brac and Little Cayman to have their own Immigration Board. I can say that the Second Elected Member for Cayman Brac and Little Cayman endorsed this concept as well.

Having acted upon the mandate the people gave, I promised, along with you, Mr. Speaker, to do all within my power to bring a motion for the establishment of the

Immigration Board for Cayman Brac and Little Cayman. In so doing, last March I brought the motion to this Honourable House, which was duly passed, seeking to set up the Immigration Board in Cayman Brac and Little Cayman. By way of procedure, for those who may not be so familiar with it, once the motion was passed it was then left for a Bill to be brought, which we now have here on the floor this morning. I would like to thank the Honourable Chief Secretary who is responsible for Immigration for piloting this Bill through the Honourable House today.

It is generally felt that having the Immigration Board in Cayman Brac and Little Cayman would go a long way in providing a one-stop shop, as it were, for our people as well as for potential investors. Once the Board is established, a person with an application before the Board for a work permit would be processed here in Cayman Brac. He would not have to go through the long wait for applications to come back from Grand Cayman, nor would he be facing additional time and cost because of transportation if the Immigration Board had questions where it was deemed necessary for the applicant to appear before the Board. Often it is only necessary to go over for a few hours, but we find ourselves having to go across, spend the night and incur those extra expenses as well.

In addition to that advantage, I believe it is necessary to have the Board here because persons who would eventually make up the composition of the Board would be members of the local community. They would be more familiar, not only with the merits of the application, but with the applicants, seeing that one of the paramount considerations is taking into account the needs of the community. I believe that we live in a world where speed is no longer a luxury, but, indeed, a necessity. If we are to remain on the cutting edge of technology and progress we must look at more concepts like this, so that not only one island, but also all three of the Cayman Islands, can be on that cutting edge as emphasised this morning.

There are the many fast foods, faxes, computer and laser operations, remote controls, and the list goes on and on in today's modern world where there is a desire for speed. If we are going to conduct the business of Government in a way deemed to be successful then this element of speed must also be incorporated.

The establishment of the Cayman Brac and Little Cayman Immigration Board was also one of the recommendations emanating from the Cayman Brac and Little Cayman Steering Committee, and was also endorsed by the former project manager, Mr. Noorani. It is therefore very good and, as my colleague, the Hon. Chief Secretary said, very timely, that this motion should be coming to the floor at this time. I am also delighted that it has reached the implementation stage, which will soon follow.

This Bill is a short amending Bill, but for us here in Cayman Brac and Little Cayman it is a most important Bill. It creates a deeper sense of ownership of Government by the people here in Cayman Brac and Little

Cayman, it decentralises Government to an extent and brings Government closer to the people it most affects. It also allows for what my colleague, the First Elected Member for George Town, has been screaming for—transparency and accountability.

Mr. D. Kurt Tibbetts: Hear, hear!

Hon. Julianna O'Connor-Connolly: As we move towards Vision 2008, or as the Backbenchers like to say 'perfect vision,' the creation of the Immigration Board for Cayman Brac and Little Cayman, in my opinion, has to be a step in the right direction.

It has been mooted that the Immigration Board should have merely been an advisory board to the Immigration Board in Grand Cayman. I did not support that concept then, nor do I support it now. I strongly believe that the people of Cayman Brac and Little Cayman are capable, willing and ready to make up the membership of the proposed Immigration Board. To do less would be creating yet another bureaucracy.

The proposed Board will, as indicated by the Second Elected Member for Bodden Town, consist of a chairman, a deputy chairman and three other members selected by the Governor in Council. Section 4 of the proposed Bill also sets up the appointment of a secretary to the Immigration Board. This is good as it creates yet another job in the Civil Service. This particular Bill will also enable the Immigration Board to deal with the grant, or refusal, of work permits.

When I brought the motion last year it was also envisaged that the Cayman Brac and Little Cayman Immigration Board would deal with trade and business licenses. That is still an anticipated function of the Board. However, since the motion was passed last year, trade and business licenses are no longer dealt with by the Immigration Board on Grand Cayman, but a new Trade and Business Licence Board has been set up. Therefore, the Hon. Chief Secretary will have to see how best the power can be delegated to this Board if at all legally possible so that trade and business licenses can also be dealt with here.

When the motion was initially brought, the Fourth Elected Member for George Town made a very valid point regarding nationality. The Cayman Brac and Little Cayman Immigration Board will not be dealing with the issue of nationality, that is, status and residency. This will still have to be dealt with by the Board in Grand Cayman. But this issue, as far as it relates to Cayman Brac and Little Cayman is an infrequent occurrence. We have a very capable and dedicated person, namely, Mrs. Sybil Jackson, who presently sits on the Immigration Board in Grand Cayman as the representative of Cayman Brac and Little Cayman.

Permit me to also take this opportunity to thank the previous lady who served on the Immigration Board since 1992 until her resignation last year due to ill health. Mr. Speaker, Miss Sharon Knowlton faithfully served on the Immigration Board and greatly contributed to various decisions made by the Board. I am deeply

saddened to have learned of her illness. Indeed, the entire Government is extremely grateful and appreciative for her service. We wish her God's greatest blessings and a speedy recovery.

Work permit appeals, when they arise, will now go directly to Executive Council for due consideration. This will expedite the entire Immigration process. I believe that in the years to come we will be extremely grateful and thankful that we had the vision to establish the Cayman Brac and Little Cayman Immigration Board.

In conclusion, I look forward to seeing the Immigration Board in operation as soon as possible, and I would like to thank all Members for their support.

The Speaker: Honourable Members have requested that we adjourn at this hour because they have other commitments. We will suspend for lunch until 2.15 PM. *[The Fourth Elected Member for George Town rose]*

The Speaker: Does the Fourth Elected Member for George Town have something to say?

Dr. Frank McField: Yes, Mr. Speaker.

I am leaving on the 3.15 PM flight to go back to Grand Cayman because my wife is leaving there on Monday. I would just like to apologise for the fact that I will not be able to attend the reception you planned in our behalf, and I would like to thank the people of Cayman Brac for their warm hospitality.

I would like to thank the fish of Cayman Brac for the nice pull I got last night when I went fishing!

The Speaker: Proceedings are suspended until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.30 PM

PROCEEDINGS RESUMED AT 2.30 PM

The Speaker: Please be seated. Debate continues on The Immigration (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998. Does any other Member wish to speak? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am very happy to support this Bill. It is one that follows earlier laws which made local boards in Cayman Brac, specifically the Education Board, which has authority and deals with education in Cayman Brac and Little Cayman. That has functioned very well, thanks to you, Mr. Speaker, as Chairman. We followed that with the Planning Authority Law, or the Development Control Law, which set up the Development Control Board in Cayman Brac. That has also proved to be very important and has given more control in these two islands. We also have the Liquor Licensing Board. That, too, has done a very good job here. Now we have the Cayman Brac and Little Cayman Immigration Board.

I believe that while we are one country with geographical separation it is good that we continue to place

in the hands of Cayman Brac and Little Cayman areas of the island and the economy that are important to these islands. The operation and performance of those Boards must be far better when they operate here in relation to Cayman Brac and Little Cayman than it would be if just one single Board operated in Grand Cayman.

It is important to recognise that the three islands make up one country and that we are one people. To ensure the cohesiveness of that and its continuation we must accept that there are areas of the Law that relate to specific islands where Boards such as this are good and can be sustained while keeping the three islands and the people together. Indeed, it has always been important to me. As I said earlier, I take what vacations I get from Government in Cayman Brac and Little Cayman along with my children. I am a believer in ensuring that the islands remain and continue to be known to school children such as we have here today, and I would like to welcome you here and say how good it is to see you all here. One day you, too, will be leaders within Government and the community. It is so important that we ensure that you get proper education and training.

I think I am correct in saying that the only large organisation with a branch here is Cayman National Bank (of which I am a founding directing shareholder). It also has one in Little Cayman. That policy has been carried on and I believe that more organisations, such as the business of the Third Elected Member for West Bay... it is good to see the diversification into these islands by Caymanians. More than that, I believe that incentives such as those given by Cayman National Bank in relation to interest rates should be looked at by other companies so that we can have further and more productive businesses within the three islands.

This Bill is historic in that it has been moved by the lady Minister for Cayman Brac, and is going through at a time with you, Mr. Speaker, our first elected Speaker to be sitting in this Legislative Assembly session in Cayman Brac. I think that combination could not be better for ensuring the success of this Bill and this Board. I fully support this and I commend the two elected Members for Cayman Brac and Little Cayman in continuing to promote Bills such as this.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: Before I call on another Member to speak, I have apologies for absence from the Honourable Minister responsible for Agriculture, Environment, Communications and Works who had to return to Grand Cayman this afternoon, from the Third Elected Member for George Town and the Fourth Elected Member for George Town.

I would also like to welcome the students that are here in the gallery. We recognise each of you and hope

that seeing your Parliament, the Legislative Assembly in action will be of benefit. You have chosen an opportune time to visit us, we hope that you will stay on. Very shortly we will be going into Committee and then back into the House. You will have an opportunity to see the parliamentary procedure in action. I would like to thank you and your teachers for being present.

Also at this time I would like to recognise our Justices of the Peace who have been with us from the inception. We are very proud of our Justices of the Peace of the Cayman Islands, in particular those in Cayman Brac and Little Cayman. We recognise you all for the good job you are doing and thank you all for being with us this afternoon.

[Applause]

The Speaker: Does any other Member wish to speak? (Pause)

Hon. Truman M. Bodden: Mr. Speaker, if I may just make one correction, the Hon. Chief Secretary moved the Bill. The lady Minister moved the motion some time ago. I apologise for that, Sir. It shows how important it is to properly prepare and write things down, which I am sure the students will appreciate.

The Speaker: If no other Member wishes to speak, would the mover like to exercise his right of reply?

Hon. James M. Ryan: Thank you, Mr. Speaker. I would like to begin by thanking all Hon. Members for their support, both those who spoke and those who have given their silent support.

A couple of points, Mr. Speaker. Mention was made of an Advisory Board and the fact that it really would not have done the same thing as a properly appointed Board. That is very correct. Back in the 1980s, during the time I was District Commissioner, the Governor acting in his sole discretion appointed an advisory board in Cayman Brac of which I was chairman. It was made up of members of the public, some of whom had served as members of the Immigration Board. It was purely advisory, but in many instances the Immigration Board did not accept the advice given. It was subsequently disbanded because it served very little use. That is why it is so important to have the Bill today. Hopefully it will be passed into Law in the very near future, authorising the appointment of a Board.

The other point that was mentioned was the matter of Trade and Business Licenses. This is something that will have to be considered in the future, perhaps as a second stage.

Just for the benefit of the public I have a few work permit statistics for Cayman Brac and Little Cayman. I believe they may have been circulated to Members this morning. For the year 1995 there were 147 work permits (one year permits), and in addition to that there were 137 renewals of work permits. By 1996 the number of work permits approved was 154, with 133 renewals. In

1997 the number was 201 one-year permits with 156 renewals. Thus far this year, there have been 57 work permits and 50 renewals, that is only up to the end of the first quarter of this year. I mention that to show that there will be quite a bit of work for the Cayman Brac and Little Cayman Immigration Board to carry out.

Mr. Speaker, I think it is also appropriate that I mention past members of the Immigration Board and the present member serving on the Board in Grand Cayman for persons resident in Cayman Brac. I believe that the person serving presently is the fifth person from this island to serve on the Immigration Board. This has been a very tough assignment—flying over to Grand Cayman attending meetings of the Board and often coming back late at night or the next day—but a duty carried out over the years very ably by Cayman Brackers. We thank those past and present members.

Finally, I would ask if you would permit a round of applause from the gallery, Mr. Speaker, on the presumption that the Bill will pass its second reading after the vote is taken. I think in recognition of accomplishing a very important matter in Cayman Brac it would be appropriate if the gallery would be allowed to have a round of applause after the vote is taken on it.

With that, Mr. Speaker, I commend the Bill to this House.

The Speaker: Hon. First Official Member, I not only give my permission, but I will join you!

The question is that a Bill entitled The Immigration (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998, be given a second reading. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE IMMIGRATION (CAYMAN BRAC AND LITTLE CAYMAN IMMIGRATION BOARD) (AMENDMENT) BILL, 1998, GIVEN A SECOND READING.

[Applause]

The Speaker: The House will now go into Committee to consider The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998, and two other Bills.

HOUSE IN COMMITTEE

COMMITTEE ON BILLS

The Chairman: The House is in Committee.

With the leave of the House may I assume that as usual we authorise the Second Official Member to correct minor printing errors and such the like in these Bills. Would the Clerk read each Bill and the clauses?

THE MUTUAL FUNDS (AMENDMENT)(PENALTY FEES) BILL, 1998

Clerk: The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998.

Clause 1: Short title.

Clause 2: Definition.

Clause 3: Amendment of section 8 - regulated fund annual fees.

Clause 4: Amendment of section 13 - fees for providing principal office and director.

The Chairman: If there is no debate, the question is that clauses 1 through 4 do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 THROUGH 4 PASSED.

Clerk: A Bill For a Law to Amend the Mutual Funds Law (1996 Revision) to Amend the Penalty Fees for Late Registrations; and for Incidental and Connected Purposes.

The Chairman: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1998

Clerk: The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998.

Clause 1: Short title.

Clause 2: Amendment of section 5 - application to be made to Governor.

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

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 2 PASSED.

Clerk: A Bill For a Law to Amend The Banks and Trust Companies Law (1995 Revision) to Transfer the Power

to Waive Penalty Fees for Late Registrations; and for Incidental and Connected Purposes.

The Chairman: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

**THE IMMIGRATION (CAYMAN BRAC AND LITTLE
CAYMAN IMMIGRATION BOARD)
(AMENDMENT) BILL, 1998**

Clerk: The Immigration (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998.

Clause 1: Short title.

Clause 2: Definition - Cayman Brac and Little Cayman Immigration Board.

Clause 3: Insertion of new section re establishment of the Cayman Brac and Little Cayman Immigration Board.

The Chairman: The question is that clauses 1 through 3 do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 THROUGH 3 PASSED.

Clerk: Clause 4: Repeal of section 29 and substitution.

Clause 5: Insertion of new section - application of provisions for the grant of work permits by the Cayman Brac and Little Cayman Immigration Board.

Clause 6: Insertion of new section - application of general provisions.

The Chairman: The question is that clauses 4 through 6 do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 4 THROUGH 6 PASSED.

Clerk: A Bill For a Law to Amend the Immigration Law (1997 Revision) to Provide an Immigration Board for Cayman Brac and Little Cayman.

The Chairman: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee. The question is that the Committee do report to the House. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: COMMITTEE TO REPORT TO THE HOUSE.

HOUSE RESUMED

The Speaker: Please be seated. Proceedings are resumed. Reports on Bills. The Honourable Third Official Member responsible for Finance and Economic Development

REPORTS ON BILLS

**THE MUTUAL FUNDS (AMENDMENT)
(PENALTY FEES) BILL, 1998**

Hon. George A. McCarthy: Mr. Speaker, I beg to report that a Bill entitled The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for third reading. The Honourable Third Official Member responsible for Finance and Economic Development.

**THE BANKS AND TRUST COMPANIES
(AMENDMENT) (WAIVER OF PENALTY FEES)
BILL, 1998**

Hon. George A. McCarthy: Mr. Speaker, I beg to report that a Bill entitled The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for third reading.

The Honourable First Official Member responsible for Internal and External Affairs.

**THE IMMIGRATION (CAYMAN BRAC AND LITTLE
CAYMAN IMMIGRATION BOARD)
(AMENDMENT) BILL, 1998**

Hon. James M. Ryan: Mr. Speaker, I beg to report that a Bill entitled The Immigration (Cayman Brac and Little Cayman Immigration Board) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for third reading.

Proceeding with Other Business, Private Members' Motions. Private Member's Motion No. 15/98 Litter Control. The Second Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 15/98

LITTER CONTROL

(Continuation of debate thereon)

Miss Heather D. Bodden: Mr. Speaker, I, too, would like to take this opportunity to say how pleased and honoured I am to be here on my first trip to Cayman Brac with the Legislative Assembly. I would also like to thank the people of Cayman Brac for their hospitality, and for making us feel so welcome. I look forward to this continuing annually. I think it is obvious, from the large turnout, that our efforts to hold a meeting of the Legislative Assembly in Cayman Brac are deeply appreciated. I thank the teachers and teacher's aides for allowing the children to come and listen to the debates over the past two days. I know it is an experience they will long remember.

I rise in support of Private Member's Motion No. 15/98, Litter Control, brought by the Third Elected Member for West Bay. As an advocate of litter control, I agree that stronger steps must be taken to not only review but to fully enforce the Litter Law. I applaud the efforts being put forward by the Ministry and the Department of the Environment as well as the many volunteers, who consistently see the need to clean up our physical and marine environment and go the extra mile to clean up areas infected with litter.

I clearly recall the coming together of the people of the Cayman Islands as they embarked on an island-wide clean up in anticipation of the two previous visits of Her Majesty Queen Elizabeth II. As a working member of that beautification committee, and as a concerned citizen, I was extremely pleased with the efforts made to ensure that the island was, indeed, fit for a queen. I was also pleased with the enthusiasm and pride displayed while ensuring that the island was beautified. At that time spirits were high with the hopes that these commu-

nity efforts would continue. Unfortunately, due to the rapid development and perhaps other reasons, the enthusiasm appears to have dwindled.

Fortunately there are still a number of persons who volunteer to clean up various areas throughout the islands. This past Earth Day, 25 April, 1998, was a good example of such voluntary work. People came from all walks of life to clean up the physical and marine environment. Once again, I willingly participated in this Earth Day clean up in my district of Bodden Town. I was able to accomplish much with the assistance of the SavNew Codac beautification group and residents of the community. Our day started at the entrance of the Pedro St. James Castle and ended at the Abanks Dive Lodge, more commonly known as 'The Firm.' We particularly targeted these two areas as our prime project in light of the fact that they are the two main tourist attractions in this general area. Seeing how important tourism has been, and will continue to be to these islands, we put every effort forward to ensure that the area was litter free.

The group collected 67 bags of litter, consisting mainly of beer bottles, fast food wrappers, aluminium cans, plastic bags and many other items. It became quite clear that the existing Litter Law needed to be more seriously enforced. Subsequent to the Earth Day clean up campaign I was quite proud to see the Bodden Town Football Association take an active part in a clean up campaign which started from Midland Acres on to the rest of Bodden Town a few Saturdays ago. Once again, a tremendous amount of garbage was collected from the roadside.

It truly amazes me how many individuals throw garbage from their vehicles without thought of the negative impact to residents, as well as to tourism. Recently an article appeared in the *Caymanian Compass* regarding Zero Litter. I became optimistic and immediately telephoned the Department of Environment to say how much I supported this effort, and that I was willing to work with them to ensure that the Zero Litter campaign was indeed a success. It is my view that this can be accomplished, and every effort should be made to educate the public.

In addition to educating, it is also necessary for the Police Department and Marine Officers to be constantly on the lookout for persons who break the Litter Law taking steps to ensure that the Law is enforced.

An example of where litter is a constant eyesore is our public parks, public beaches, playfields and along the roadside. Perhaps I can suggest that daily garbage collection would alleviate most, if not all, of this litter problem. It is also my view that more "No Litter" signs, penalty signs and garbage bins be displayed throughout the Islands. That would also alleviate the problem. Constant reminders may have a greater impact as well.

Another area I would like to touch on is construction sites. In my opinion, it is a disgrace to see the large amount of construction debris all around the work area. For example, cement bags, large pieces of plastic and building foam. Under the Litter Law it is an offence to

litter property or premises and I would urge that this section of the Litter Law be vigorously enforced.

I firmly believe that education is the key to solving this most urgent matter. From the time I was knee high, my father instilled in me the importance of maintaining a clean and safe environment. This has remained with me throughout my life. Even today it is common to see my father at any hour of the day or night stopping to collect garbage along the roadside. It is for the love of his country that he voluntarily does this. I was taught that charity begins at home, and perhaps if each family took the time to clean their particular area, not only would we have sections of the island clean, but the entire island would be litter free.

In order to further augment this, perhaps the Department of Environment could establish community-based task forces to further assure that their goal of Zero Litter is achieved.

Thank you.

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

Hon. Julianna O'Connor-Connolly: I rise to give my full support to Private Member's Motion No. 15/98 seeking to address the important issue of litter control.

I concur that it is essential to create, and maintain, a pristine marine environment as well as a clean physical environment. This is imperative for the well being of the citizens of our Cayman Islands as well as its wider cross section. Caymanians have a heritage where cleanliness has always been considered next to godliness. This trait is still most evident in our Caymanian yards, as well as in other yards throughout the islands.

It is no secret that the Cayman Islands is an ever increasingly popular tourist destination. Today's tourists are much more conscience of the environment and to an extent no longer wish to come to experience our sea, sand and sun, but expect to see clean areas as they go throughout the islands. One only has to view the demographics of tourism today and easily conclude that much of the world is competing for the tourist dollar as a means of sustaining economic development. Consequently, the tourist market is becoming more and more complex and competitive. Luckily we have been on the cutting edge and millions of dollars have been spent on advertising worldwide, as well as on creating various tourist attractions in the Cayman Islands. However, these brilliant efforts will only be in vain if we become complacent and allow litter to control us, rather than us controlling the litter.

Usually the most conspicuous evidence that litter controls have to be tightened and more vigorously enforced can be seen by the large amount of litter and/or garbage strewn along our roadsides. I would also venture to say that most of this does not result from a conscious attempt to litter our islands, but because persons who go up and down our streets will throw debris from the window. We observe this on all three islands. I do not only mean adults, but sometimes our children. I

agree with the Second Elected Member for Bodden Town when she says that the key is education.

Several thousand cars drive up and down, especially on roads in George Town. It does not take a mathematician or scientist to be aware that even if a small percentage of those persons throw a beer can or a bottle along the roadside, that eventually our roadsides will look like the area along the new Harquail Bypass. The Minister did clarify that that is not a recent occurrence, but because the road was put through that section of the dump.

I said that to say this: Litter control is everybody's business and not just the Government's. Every little bit helps. We can all assist by first being conscious that it is a problem, and by being prepared to recognise this problem. We then will have taken a major step towards achieving and maintaining a clean physical and marine environment.

We can commit ourselves to do whatever is necessary to ensure that the areas over which we have control are properly maintained, and that when we are moving in and around our environment that we actively contribute to a clean, safe, non-polluted environment. I am a firm believer that performance warrants a commitment. If there were sufficient commitment as we move towards Vision 2008, we will continue to see a clean, safe Caymanian environment.

The review, revision and strengthening of the Litter Law, as proposed by this motion, are moves in the right direction. This move will allow us to take inventory of our existing legislation in order to ascertain whether or not it is antiquated and in need of revision. When this exercise is carried out particular attention must be paid to the enforcement provisions therein in order to ensure that the culprits who are found littering our beautiful island will be adequately dealt with by the Law. Unless the sanctions are adequate they will fail the purpose of being a necessary deterrent. Those who contravene the Law will find it a frivolous affair if the sanctions do not meet their actions.

Litter, under the Litter Law, is defined as "**anything including dust, dirt, oddments, leavings, waste paper, cigarette ends, bottles (whether empty or not), derelict vehicles and any dead animals.**" I strongly believe the zero tolerance of litter.

Sections 3 and 4 of the existing Litter Law (Revised) create an offence for littering in public places or premises. If convicted, a person is liable to a fine not exceeding \$500 or imprisonment of a term not exceeding six months. I believe that it is worth reconsidering the purpose of the existing Litter Law in that it was to prevent the defacement by littering of public places and any risk of injury to persons or animals.

In section 13 the Law sets up other offences, but I believe this purpose is still very relevant today. It is therefore even more important to ensure that the ancillary provisions, in particular those dealing with sanctions, are always current. I will now move to another dimension relating to litter control, and specifically as it relates to Cayman Brac and Little Cayman.

Both of these Islands are presently in dire need of garbage trucks. Both vehicles are extremely old and are constantly breaking down. When this happens—as it has been most frequently lately—the Environmental Officer and his dedicated staff are at a huge disadvantage. There are no back-up garbage trucks on either Island and they have to wait until a truck from the Public Works Department is available, and a front-end loader, to collect the garbage. This causes a serious delay in the pickup of garbage along the roadside and is also a health hazard. It is certainly a sore sight, not only for us Brackers, but also for the tourists who visit our islands.

The Department of Environment on the Brac, under the stewardship of Mr. Blades has been doing an excellent job in controlling litter. I appreciate that there are financial and budgetary constraints, but we must provide them with proper equipment. Otherwise, no matter how many laws and provisions we put in place, we will not be able to control the litter. This leads me to another aspect of litter control on Cayman Brac in particular.

For years we have been using a property on the south side as a landfill site. It has been one of the biggest sore sights on this island. As you are aware, Mr. Speaker, the site is located in a prime beach tourist area, and there have been constant complaints about the nuisance this dump causes. Not only are the residents complaining, but also those who come for commercial ventures. All of the garbage—including residential, commercial and medical waste—is presently being dumped on this site. It is my understanding that most of the time the site is uncovered. This is not only unsightly but the number of flies that swarm over this place is horrendous, not to mention unhealthy to nearby residents and persons courageous enough to use the only public beach on the island.

To further compound the garbage problem, the litter is burned because there is no proper machinery in place to dispose of this garbage. I receive constant complaints about this type of burning. Having taken a number of biology classes I can well appreciate the amount of poisonous gas emanating from there, especially carbon monoxide.

As a modern developing country we must take a serious look at relocating this dump and move it to a more suitable location, either to Crown property or to acquired property, if we are to properly control litter on Cayman Brac and Little Cayman. There is much more I could say on this topic, but I will reserve my comments for another forum.

Finally, I confirm my full support for this motion and I thank the Honourable mover and seconder for the vision in bringing the motion at this time and I look forward to its early implementation. Thank you.

The Speaker: Maybe this would be a convenient time to take the afternoon break. We will suspend for fifteen minutes.

PROCEEDINGS RESUMED AT 4.02 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 15/98. The First Elected Member for George Town.

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

Before I begin my contribution to this motion I would like to say how happy I am to be here. I shouldn't say for a second that this is my first trip here, but it is my first trip here with the Legislative Assembly being in session. So, I, too, am happy to have been able to experience this.

Most heartening to me when we arrived on Wednesday night was when I got into the luggage area and a young man whom I had known for many years said to me "Welcome home." It reminded me of many, many years ago when I used to attend the Creek Primary School. There was a lady we used to call Miss Gerald. I think the Clerk knows well who that lady was. . .

[tape went dead here]

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, I guess sometimes we have to pause for a cause!

As I was saying, I remember going to the Creek Primary School and there was this lady who, whenever my mother used to leave the island on occasion for medical reasons or whatever else, would always have lunch for us. Yesterday morning I took the walk from the Creek Primary School to her house, and it only took three or four minutes, but in those days it seemed like it took an hour to get there. It is just amazing how time changes the entire world! When I look at the Brac today, remembering it then, the changes are not that great, but some of the old faces are not here with us any more. There are some new faces, but the real truth is that it is still the old Brac. Indeed, I am happy to be here once again. I intend to make it a point of duty to get here more often.

We were just chatting around the lunch table today and one of the Clerks said it was funny that we are going to be discussing this motion about litter. But I am very heartened to see that it is obvious as I travel around the Brac that the citizens are concerned and conscious of litter. While there may be inherent problems with the process, it is obvious that the people are very caring in that regard because we don't see that much of it on the roads. I certainly would like to encourage the people of Cayman Brac to retain that consciousness and to spread it around the younger ones.

The other thing I just wish to remind the people of Cayman Brac about is that I am sometimes called a 'No-whereian.' I have lived in the district of Bodden Town for nigh on to 25 years. I have been representing the district of George Town for six years. But Cayman Brac can always count on me, whoever their other two representatives are—they will have three representatives. They can remember that.

PROCEEDINGS SUSPENDED AT 3.22 PM

[Applause]

Mr. D. Kurt Tibbetts: We didn't ask your permission for that, Mr. Speaker. But thanks very much!

Before I start going through the various areas let me just say, as we discussed during the break, that the mover and I will be seeking to make a small amendment to the motion in order to accommodate the various areas that have been discussed by other speakers. That is to say in the very first part of the motion where it reads: **"WHEREAS maintaining a clean marine and physical environment is of paramount importance."** The fact that both the marine and physical environments have been mentioned in the motion, the Resolve section should read **"BE IT THEREFORE RESOLVED that steps be now taken to review, revise and strengthen the Litter Laws...."** That would be common 'l', with an 's' added to the word Law, simply because there are other laws which directly relate to various important areas which we believe need to be addressed but are not all-encompassed in the one Litter Law. There are some areas in the Marine Conservation Law, and I think a few others, which will come up.

The lady Minister alluded to other areas and a couple of exercises which I think are important, but as long as we are going to be dealing with it, once the Government is going to accept the motion, I think we need to widen the scope if we are going to accomplish the intention of the motion. I am just explaining that so that as I proceed with my debate I will not be seen to be straying.

Although the definition of litter has been given on more than one occasion during this debate, I think it is important for us to grasp the width of the definition so that we will understand exactly what we are up against. As the Law says, litter means anything whatsoever including **"dust, dirt, oddments, leavings, waste paper, cigarette ends, bottles (whether empty or not), derelict vehicles and any dead animal or carrion."** But I think the most important wording here (and I hope that my interpretation is correct as I look across at the legal mind) is that litter means anything whatsoever although they have included several specific items.

If we look at the Litter Law (and I have not heard much talk about this yet) the very first thing dealt with is derelict vehicles. Others have mentioned that one of the important prerequisites to making positive inroads into strengthening these Laws is to deal with the enforcement of the Law even as is. Prior to any strengthening of the Law itself there has to be a determined will for enforcement to actually take place. I wish to specifically refer to derelict vehicles. during the past two years I have noticed (and I dare not say in Cayman Brac and Little Cayman because I have not seen much of that in my travels, if any) derelict cars resting in open lots in many developed areas in Grand Cayman, including subdivisions where people have their biggest assets—their homes.

I need to look someone in the eye so they will know that I am telling the truth. So if the Minister for Education would look, I need to let him—not him, but the

world—know. I really mean this. I timed it. For two years and three months, two vehicles remained in one spot on an open lot with a house on either side of that open lot. Two derelict vehicles between decent homes. I know, because I was part and parcel of the process. The people living next to this open lot reported the matter on several occasions. I, too, reported the matter. It took two years and three months before the vehicles were finally removed.

The point is not to castigate or question those who are dealing with such matters. I just raised the point to make sure that we understand that enforcement is a very important part of the process. For those who do not have access to the law itself or do not know what the law says might think that we do not have laws controlling such situations when, in fact, the laws are there and just need to be enforced. That is just one of the points I wish to make. I use the words derelict vehicles because I noticed that was one of the first things. Of course, the same thing applies to many areas.

To be specific, I know that there is a problem in the process in that if ownership cannot be identified the people in authority, because of a charge that is supposed to be levied for the removal of these vehicles, have a problem. They can remove the vehicle but they do not know who to charge the cost to. I don't have the answer to that, but I think we need to recognise that even if the due process cannot be fulfilled as policy indicates, then still, those required to do these jobs simply (as the old people used to say) close their eyes and do it. It is better to have it done like that than to leave the vehicles where they are.

This also applies to garbage. Everybody mentions garbage, and everybody means what he or she says. Once it is not handled properly and neatly placed it leaves a bad taste, and when you talk about it, you can see it. I think the Second Elected Member for Bodden Town does very well at that—when she speaks about them not handling it right, you can see what she is saying about the garbage, and she is quite right. When we talk about a motion of this nature some people might say, *'Why don't they deal with something that is important?'* Mr. Speaker, issues such as this don't seem to be important. Because we see problems, and think things are not happening the right way we bring motions of this nature to the forefront so that all together we can try to make an impact and improve the situation, and get confirmation of that improvement.

The First Elected Member for Cayman Brac and Little Cayman mentioned some specific areas on the Brac, and she also mentioned cost constraints. We know of the everyday battle for all of the needs in the country. I recall an occasion before, when the Hon. Third Official Member, the Financial Secretary, mentioned that it is time that this country—meaning collectively these three islands—look at the specific cost of services provided by the Government. And before I deal with any other issue here, let me address that.

I believe that because of all of the problems we face there are not enough garbage trucks, there are not

enough what we call 'skips,' the dumps are overused and aged and there is nowhere else to go at present. If I wanted to really make it sound like a horrible case, I could; but that is not the point. I am just using those examples to show that we do have a problem. If we didn't have problems we could try to deny them, but we can't. To rectify those problems a cost is going to be attached.

In my opinion, even when we genuinely make every attempt possible to identify all of the problems existing in certain areas, and even go as far as to identify solutions to the problems, the very last thing thought about is the cost of those solutions. That is where we are getting into trouble. The majority of us as Legislators (and I make no exception for myself, I am speaking right across the board and not pointing a finger at anyone) have been considering for a very long time that we have these problems. Our constituents come to us and point out specific problems. We agree with what they are saying. So our job is to make sure that these problems are corrected. Our job goes further than that.

I am not the policy maker, and when I am ready I will point at the policy makers and take issue with them as I please, once I feel justified. But each and every one of us as Legislators, because our responsibility is to vote funds to be spent in any of those areas, we must also recognise our responsibility to make sure that the costings are in place when we deal with trying to find the solution. I go about it in a roundabout fashion, but that has to apply to everything we do, and this is no exception.

The Third Official Member mentions, from time to time, that in previous attempts it has been determined that what Government charges for the services (when it comes to garbage and other areas) is no where near enough for what it costs the Government to provide the service. Politically, representatives might wish to immediately say, *'Listen, I am not going back to the people and tell them anything about any increase in garbage fees because they won't vote for me.'* That's true too. But the longer we try to hide the entire picture the more serious the problem becomes. If we look at one area—and we are talking about litter now—and we talk about not being able to purchase the correct number of vehicles, and not being able to identify and purchase alternate properties for dumps, . . . it is because we don't have the funds to do it. If we identified problems and solutions, and we had the funds, everything would be fine. The Minister for Education and I would never argue because we would have enough classrooms, and enough teachers. Everybody would be happy. I have my job to do and so does he, so we are going to get at it until we get it done. The point that I wish to make is that we need to understand and accept that if we want to make positive inroads into the problems we are facing today, we need to be open and (as my lady friend referred to a couple of times in this sitting so far) transparent. We need to let everyone know what the problems are, what the solutions are, and what it is going to cost.

Money does not drop out of the sky. That is not to say that I am making a direct suggestion about in-

creased cost, but the responsibility goes a little bit further. I do not have all the facts and figures in front of me, but I hold the view that because of the way we do business the country does not get proper value for money. It is my belief that costs incurred in all areas, including what we are talking about now, could be decreased and we would get more for the money we spend. So we need to be looking at a lot of areas. Having said that, let's get back to litter. But before I get back to litter, let me say this: The reason I took a few minutes to speak about that is because the Minister and his colleagues, who try to create policies to satisfy Members bringing motions that action is being taken, must understand that the Backbench is not the Backbench they may have been used to. We, on the Backbench, fully understand and appreciate what it takes for the country to move forward and we are here to make sure that we do our part to make it happen. But the Government needs to understand that we cannot create the policies and do everything else. If the Government is prepared to utilise what it has in us, we are prepared to give back. Let's see if we can get it done.

I haven't seen, since I have been here, a concerted effort. It doesn't mean that we are not going to argue because everyone knows that two days in the House cannot pass without the Leader of Government Business and the First Elected Member for George Town having some little cross up. It is expected. But it does not mean that we cannot move forward. I really mean this. And I am taking the time in this debate to say it because I know Government is of the opinion that on many occasions the Backbenchers bring a lot of motions and talk for four hours in their debates and hold up all the business of the country. But the truth is that if we could find a way for us to channel our energies in the same direction, we will get there. I wish for the Government and everyone else to know that I am responsible enough to be a part of that process and deal with it positively. I can do that, and I will do that, but I, as well as the rest of the Backbench, have to be given the opportunity to participate in that process. I will say no more on that. Let's see how it works in the future.

Back to litter now. The next topic I have is going to take quite some time, so I would appreciate if you would—

The Speaker: Yes. I think we have reached the hour of 4.30. I will entertain a motion for the adjournment of this Honourable House. But I want to make a statement after you move the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Finance Committee concludes its proceedings which begin on Monday.

The Speaker: The question is that this House do now adjourn until the conclusion of the proceedings in Fi-

nance Committee. But prior to putting the question, I would like to say how happy I am to have had the privilege of sitting in this Chair with the Legislative Assembly convening here at the Aston Rutty Civic Centre in Cayman Brac. I want to thank the Members of the Government, Members of Finance Committee and, in particular all Members of the Legislative Assembly who agreed for us to come here.

I feel that it has been a genuine investment in the people of Cayman Brac and the youth of Cayman Brac. I cannot concur for one moment that it was a waste of expense, added expense on Government. I feel the money has been well spent. I would like to say from the Chair that I endorse what Members have said, that this should be done on an annual basis. I would be more than happy to go along. I feel that whatever we can do to unite the three islands we have come to be, the better off it will be for each and every one of us who has the privilege of living in the Cayman Islands.

So, again, I would like to thank all Members who have made this possible. It could not have been done by any one of us alone. Decisions in this House, as we have seen, are taken and the majority rules. I thank you for the majority, which we have had.

I would like to acknowledge my deep appreciation for all who have taken the time to attend here. I am very grateful, as I have said throughout this occasion, for the students who have attended. I am very grateful to the Minister of Education, the Department of Education, the teachers, and all who made it possible for the students to alternate and be present as much as they have. I think it is an example we could set for the schools in Grand Cayman for certainly an education in political science, Parliamentary procedure, can only benefit each and every one of us. The younger we begin to get acquainted with it, the better it is for every individual. I want to thank the students again and congratulate them on their excellent behaviour. They all behaved as adults and that is much to be appreciated.

There are so many that I need to thank, and I want to say before I start naming individuals that in case I miss some (and I am sure I will) I want to thank everyone involved. I will end with that same statement.

I want to say how grateful I am to the Clerk and her entire staff. I realise that this has put a burden on the entire Legislative Department in having to maintain the Legislative Assembly in Grand Cayman and an important part of the Legislative Assembly Department to come to Cayman Brac to carry on. They have done it so excellently, that I want to thank each and every one of them, as well as those who remained in Grand Cayman, but in particular, Mrs. Myrie and her staff here with us in Cayman Brac. I congratulate each of them.

[Applause]

The Speaker: I would also like to express deep appreciation to the District Commissioner, Mrs. Jenny Mander-son, who allowed us to draw on the resources of the various Government departments in Cayman Brac. She

supplied every need that we seemed to come up with, some at very short notice.

I would like to thank Mr. Daryl Grant, and his assistant, Mr. Burn Smith, for the kind assistance in preparing the tables, and it goes on and on.

I would particularly like to mention Mr. Eddy Foster, Mr. Irvine Tibbetts, and Mr. Rory Scott who have been with us from the very inception. Mr. Eddy has been very instrumental in providing the microphones. Some have given us a little trouble, but these are some that we had back in the 1980s when we were here. So he has done an excellent job in reviving the equipment which has been dormant for quite some time. Maybe if we had come more frequently it would have been in better working condition.

[Applause]

The Speaker: So congratulations to you Eddy and your entire team. We thank you for how willingly you performed every task to excellency. You solved every problem that we seemed to come up with. Any obstacle that came up, seemed to have been very minor as far as Eddy was concerned. He always said, "I can solve it," and he did!

I would also like to mention Miss Wanda Tatum who has been exceedingly helpful in every respect. If we mentioned something, it was done.

I am sure that none of us will forget the good food that we had. So, we have to thank Mrs. Odett Nixon for the very able way in which she served us during our breaks. The lady is very busy, but she took time out of her busy schedule, or somehow rearranged it, to be here to facilitate us at short notice. Thank you, very much, Odett.

We would like to thank the Brac Reef Hotel, the Caribbean Club. The Brac Reef Hotel supplied the snacks we had. Accommodation and meals were by the Brac Caribbean. Also meals were served at the La Esperanza. The list could go on and on. I am sure that some Members dined at G&M Diner and the many other places throughout the island. We all enjoyed good food.

There are many others, too numerous to mention, so just let me apologise for those that I missed and say thanks to all. Our transportation was divided up between Miss Elo Estaban and Miss Singer. They served us well and we are very grateful for that.

May I end by thanking Members for their tolerance and care for the two days you have been here. I have enjoyed it immensely. I look forward to seeing us here in Cayman Brac again around this time next year.

At this time I will put the question that this House do now adjourn until the completion of Finance Committee, and resume at the Legislative Assembly Building in Grand Cayman. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.40 PM THE HOUSE STOOD ADJOURNED UNTIL CONCLUSION OF THE PROCEEDINGS OF THE STANDING FINANCE COMMITTEE [TO COMMENCE MONDAY, 8TH JUNE 1998].

**EDITED
WEDNESDAY
17 JUNE 1998
10.30 AM**

The Speaker: Prayers by the Fourth Elected Member for West Bay.

PRAYERS

Mr. D. Dalmain Ebanks: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGY

The Speaker: I have received an apology from the Third Elected Member for George Town who will be off the Island June 17 and 18, 22 and 24.

Item 3, Presentation Papers and Reports. The Honourable Minister for Education, Aviation and Planning.

**PRESENTATION OF PAPERS
AND REPORTS**

**VISION 2008—PRESENTATION TO THE PEOPLE
OF THE CAYMAN ISLANDS**

~Together with~

**VISION 2008—WORKING TOGETHER TO SHARE
OUR FUTURE OUTCOME OF FIRST PLANNING
SESSION
3 TO 5 JUNE 1998**

Hon. Truman M. Bodden: Mr. Speaker, I beg to lay on the Table of this Honourable House the Visioning Statement developed by the Vision 2008 Planning Team, and the results of the public poll conducted by Penn, Schoen & Berland Associates, Inc., and the summary thereof.

The Speaker: So ordered.

Do you wish to speak to it, Honourable Minister for Education, Aviation and Planning?

Hon. Truman M. Bodden: As you know, the Vision 2008 Project was initiated by His Excellency the Governor, and announced in the Throne Speech on the 20th February, 1998. The Vision 2008 Office was opened at 310 Paddington Place on the 1st of March, 1998, with a full-time staff of one. This project came under the responsibility of my Ministry with the Permanent Secretary of the Ministry as Executive Director. The process used in Vision 2008 is based on the strategic planning process and discipline which have been used to develop plans for Education, Health and Drug Abuse Prevention here in the Cayman Islands. In using this process we chose a non-political approach which would involve the full public participation in the development of strategies and objectives leading to the establishment of national goals and priorities for these islands over the next ten years. The Cayman Islands is not an aid-receiving territory, and thus not mandated to create a national plan. Instead, this project is the result of the progressive thinking of His Excellency the Governor, Mr. John Owen. This is his project, and he has taken an active role in it.

In its initial phase, the project attempted to involve the whole community in identifying key issues relating to quality of life, economic growth and the social and cultural values of the people of the Cayman Islands. Phase one, the awareness and visioning phase, has just been completed. Its inception was the 1st of March of this year and it was completed on the 31st of May. It included: a national poll which involved 1000 completed telephone interviews, spanning all three islands. The

participants were randomly selected by computer from a list provided by Cable & Wireless of all numbers on all three islands including unlisted numbers; future search groups (individuals from various categories who met together and shared their perspectives on key issues); district meetings; voice mail; e-mail; letters from interested individuals; a website; and in-depth interviews with individuals outstanding in their fields.

All public input was directed by an impartial public opinion firm, Penn, Schoen & Berland (out of New York) to assure confidentiality and anonymity in the process. This firm undertakes regular polling exercises for the White House in Washington, D.C. and multiple Fortune 500 companies internationally. It is well internationally recognised. The result of this information gathering is the report that I just tabled today. This is a statistical analysis of the issues raised by the people of the Cayman Islands and is 95% accurate.

A thirty member planning team was chosen by a process of profiling to represent a microcosm of this community. The material gleaned from the public input was delivered to the planning team on the 28th of May, at which time they assumed the duties of putting the ideas and visions of the people of the Cayman Islands into the form of a statement of strategic intent (visioning statement), creating broad strategies to deal with the issues raised.

With the assumption of duties by the planning team, phase two of the Vision 2008 initiative, began. In September a number of round table groups will be convened. These groups will identify the specific actions necessary to implement these strategies. The Vision office is urging members of the public who wish to be involved in discussing one or more specific strategies to contact the office and sign up to participate in these groups. The roundtables will be made up of individuals who will be invited because they have specific expertise, or who have an interest in a particular strategy.

I will now read the visioning statement which is the outcome of the first planning session with the thirty member planning team. This represents our hopes and aspirations for the Cayman Islands over the next ten years. As promised, and in order that all aspects of this project stay open to the public, I have tabled the Visioning Statement and results of the national poll.

(See Appendix VII: "Outcome of First Planning Session")

Mr. Speaker, I am therefore very happy to lay these documents on the Table and make them public. I thank everyone involved, Members of this Legislative Assembly, the teams, the Vision staff, the public who took part, especially those who took part in the 1,000 phone calls and the different interviews that went on. I ask for the support of this entire country in seeing this moved forward to its completion, to provide the vision for the next ten years, Vision 2008.

Mr. D. Kurt Tibbetts: Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I just wish to ask if you will allow short questions.

The Speaker: Under normal procedures, no.

Item number 4 on today's Order Paper, Questions to Honourable Members/Ministers. Question 62 stands in the name of the First Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 62

No. 62: Mr. W. McKeeva Bush asked the Honourable Minister for Education, Aviation and Planning: How many children are presently in the Alternative Education Programme, and how are they referred there?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The number of students enrolled at the Alternative Education Centre follows:

- Tutorial Unit: 14 students
- Suspension Unit: 10 students
- Transition Unit: 8 students

Alternative Education Tutorial Centre Referral Procedure: Any teacher who believes that he/she has a student who is exhibiting emotional and/or behavioural disorders should refer the student to the Principal through the established line management system adopted within his/her school (e.g., Head of Department, Head of Year, Senior Teachers, Deputy Principals, et cetera).

The Principal, in consultation with his/her staff, will then determine the necessary help and support the school is able to offer the teacher in dealing with the student within the classroom situation (e.g., special needs, teachers, counsellors, school based support unit staff, educational psychologist, et cetera).

If, in the opinion of the school, the student appears to need help the school is incapable of providing, the Principal should refer the student to the Advisor for Special Education. If, in the opinion of the Advisor for Special Education, the student requires further help from outside agencies in order to help the child fit within the school system, she may refer the student to suitable outside agencies (Cayman Counselling Centre, Clinical Psychologist, medical agencies, or for consideration to enter the Alternative Education Programme).

The Principal of the Alternative Education Centre will convene a case conference, and the child's placement will be considered by a multidisciplinary team comprised of an education psychologist, the Advisor for Special Education, the Principal and appropriate staff from

the referring school, medical personnel and Social Workers, if appropriate, and the child's parents. The conference will determine whether the referred student is an appropriate candidate for the Alternative Education Programme.

The Principal through the Advisor will forward the decision of the case conference in the event of a recommendation for placement on the Alternative Education Programme, for Special Education to the Chief Education Officer for his approval.

If the recommendation of the case conference meets with the approval of the Chief Education Officer, he will inform the Principal of the Alternative Education Centre and notification of an admission date will be given in writing to all members of the case conference. An individual contract will be made with the student, his/her parents and others involved parties and, subject to the signing of this contract, the student will be admitted into the Programme.

Alternative Education—Suspension Unit Referral Procedure: Students may be referred to the Suspension Unit in one of three ways namely:-

- 1) students may be suspended by the High School Principals in accordance with the Education Law 1983, section 23, subsection (5), for a period not exceeding seven days;
- 2) students may be referred to the Suspension Unit by the Chief Education Officer for a period of thirty days in accordance with the Education Law 1983, section 23, subsection (6);
- 3) the Principal of the Alternative Education Centre may be directed by the Chief Education Officer to admit students following a decision by the Education Council.

Alternative Education—Transition Unit Referral Procedure: The Principal of John Gray High School and her staff will identify possible candidates for the Transition Unit by May for each year. They will then initiate the referral procedure outlined in the referral procedure for the Tutorial Centre.

Following the meetings outlined in the referral procedure the Chief Education Officer will inform the parents of students to be admitted to the Transition Unit. The reasons for referral to the Transition Unit will be predominantly poor attitude toward staff and students at school; poor behaviour within the school; failure to benefit or participate in the programme offered by the High School; disruption of classes and courses within the school; a combination of more than one of the above.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what the timeframe is between the reporting of the stu-

dent and that student's actual placement in the Alternative Education Centre?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Would the Member please let me know which unit of the Alternative Education Centre?

Mr. Roy Bodden: Either unit, Mr. Speaker, either the suspension unit or the transition unit.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I understand that the tutorial unit placement takes between three days to two weeks, and really depends upon the time necessary to pull the information on the student together, and to get the decision making process of the unit itself. The suspension unit is one that is basically done daily. It can be done within a day. The transition unit is normally done in May of the year for placement in September of the year. So it is done immediately before the end of the last term for placement at the beginning of the new term.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what happens the student to be placed the tutorial unit in the interim?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Depending upon the severity of the problem, the student can either remain at the school and go there for periods, or the student can be housed there if it is a severe case.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I noticed that on page 2, reference is made in the first two paragraphs, "if in the opinion of the school," and "if in the opinion of the advisor." Can the Honourable Minister say at what stage an assessment is made to determine as accurately as possible what the problem is?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Normally at this stage there have been assessments made. So there is normally a reasonable amount of information on the student at that time. So the first line, if I may just read that again, says: "If, in the opinion of the school, the student appears

to need help which the school is incapable of providing, the Principal should refer the student to the Advisor for Special Education.” Then, if the Advisor for Special Education feels that the student requires further help, she may refer the student to suitable outside agencies. As I said, sometimes they have already been to these, such as, Cayman Counselling Centre, Clinical Psychologist, medical agencies, or for consideration to enter the Alternative Education Programme. Then the process will start for the case conference if the decision is for the alternative education programme.

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

The Speaker: Before I take another supplementary, I will entertain a motion for the suspension of Standing Order 23 (7) & (8) in order for questions to be taken after 11 o'clock.

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I so move the suspension of the relevant standing order.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: I second the motion.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23(7)&(8) SUSPENDED TO ENABLE QUESTIONS TO CONTINUE BEYOND 11.00 AM.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Minister say how long a child is out of high school in any of the suspensions?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: In practice most suspensions run for three to five days. There can be a suspension of up to seven days by the Principal, and the Chief Education Officer can suspend for thirty days.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Minister say if any child has been in the programme for any longer than the longest suspension he mentioned?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Last year there were three students, I think, who were awaiting the outcome of a court decision and they were in there for a longer period.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Minister tell us what happens to the students after they leave that programme?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: They normally go back to school, but they could be put into the tutorial unit, depending upon the severity of the problem.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister tell the House who actually makes decides that a child should attend the Alternative Education Programme after the case conference has been done?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The case conference unit reports to the Chief Education Officer and he acts on the basis of that report. It is a very comprehensive process I should add, Mr. Speaker.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Hon. Minister would then explain why on the alternative education suspension unit referral procedure number 3 says, “**the Principal of the Alternative Education Centre may be directed by the Chief Education Officer to admit students following a decision by the Education Council.**”

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This, I think, is a power that does reside within the Education Council. By and large, as far as I can remember off the cuff (don't hold me to this) the Chief Education Officer deals with it. It is not the power that we exercise if we do have the residual power. I think that is why it was put in. I think he could report to the Education Council who could then say.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Minister say how many go on to graduation after this process?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I don't have that information but the intent of the programme is to put them back into school and have them graduate if possible. I guess some do and some don't. I do not have the statistics.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: But the Minister can say that students in the Alternative Education Programme go on to graduation?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Most out of the programme come out of the George Hicks School. Most of them...there is nothing against them graduating. They do. They can go back into the system and they can graduate.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I asked how many go on graduate. And I asked whether they can. I wonder if the Minister could say if there have been any graduates from the programme.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I would have to get that information because actually this unit finishes at about 14 or 15. Then they are in the John Gray High School for another three years. They go back in there and then have the three years, you see, in the High School. I could get this and give it to the Member, Sir.

The Speaker: I think I will limit this to three more supplementaries. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House the rate of recidivism from the referrals to this programme?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I do not have those statistics. I would have to get them and let the Member know. I would not like to guess at it.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Minister could say if there is a special curriculum for the Alternative Education Section and if it is not a confidential

document could Members of Parliament be able to see it at some point?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The curriculum is actually adapted to the suitability of each child, depending upon the problem. If you wish, we could get examples of the type of curriculum...I would naturally wish not to disclose the student's name. It is a personal curriculum adapted to try to bring that student back into the school generally. So it could vary.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Minister would say if this curriculum has any bearing on the curriculum of the institution that referred these children in order to allow them to come back into the main stream?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That is correct. Really, what is happening most of the time is that the child is actually still in the George Hicks School, coming across to there. So most of the time the child is in the George Hicks School part of the time and across at the unit part of the time. So what is being taught there is the same as what is necessary there to assist that child to get back into the full programme at the George Hicks.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: On page 2 of the substantive answer, in the very last paragraph the Minister says, "**An individual contract will be made with the student, his/her parents and others involved parties and, subject to the signing of this contract, the student will be admitted into the Programme.**"

Can the Honourable Minister expand on what this contract entails?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Maybe the better course is for me to get a standard copy that is sometimes adapted. Basically it is a contract with the parent, the guardian or those involved in which they say, for example, that they will abide by the school rules; they will attend on time, do their homework. It is to get some responsibility on the student and the parent to jointly assist the teachers in assisting that child.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Should the contract not be honoured, what is the next step taken towards the student?

The Speaker: The Honourable Minister for Education, Aviation and Planning.
(Pause)

Hon. Truman M. Bodden: It is—

Mr. D. Kurt Tibbetts: Mr. Speaker, excuse me. I will withdraw that supplementary question, if the Honourable Minister so wishes.

Hon. Truman M. Bodden: I thank you very much because I don't think...I thank you for withdrawing it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I know you are limiting questions, but if I could just ask another supplementary, please. I also heard recently that there was a move afoot to relocate the busses situated next to the Bank of Nova Scotia now into the parking lot which is, the way I understand it, right next to this Alternative Education Centre. Can the Honourable Minister say if any consideration was given to the possible disruption during class time because of the movement back and forth because of these busses? If consideration has been given to it, exactly what have they come up with to justify the action?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: In the opinion of the educators, the Department and the Ministry, that disruption would just be another serious problem for the unit to deal with. As a result, and subject to finances of this Finance Committee, we have located an alternative site upon which to transfer the unit. This will give us sufficient space for expansion, the building that we are looking at, and we hope will be approved, is one of the buildings where the new hospital site was going. There are two buildings there that are completed. The Dr. Hortor School (sic) site.

Sorry, Sir. I meant the Hospital site—I guess I think education too much!

It is the hospital site. There is a building there with a roof and everything. I will be coming to Finance Committee for supplementary funds because it gives us, for the first time, a location that is nearer to the schools, first of all; and secondly, it gives us expansion space. Thirdly, we will be able to actually do the building purpose built internally to deal with the units. So, I am very happy to report that.

I just wanted to mention one thing. I think we must remember that this Alternative Education Unit had to be rebuilt beginning in 1992/1993 because it had been

abolished seven or eight years before. We are finally now getting it to a mature stage again and with the site now, it will get us away from the environment the Member referred to in the old Public Works Compound. I am asking all Members to support that when it does come up.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Not only does the Honourable Minister think Education, but also he thinks every four years when he quotes his figures. But that is okay!

Could the Minister state if the Department and the Ministry are presently satisfied with the results of the programme? If the answer is yes, Can the Honourable Minister say if there are any forward movements to enhance the programme since it is obvious that the programme becomes more needed as time goes by?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Speaking very frankly, the programme itself is working well. What we especially needed was the extra teacher (which the next question deals with). We needed a new site for it. With God's help we are just about at the stage where I think that can come to fruition. However, even though the programme is good, it has to be continually developed and improved upon—all programmes, I think everything, whether it is this House, Education, whatever, there can always be improvements. I am always open. I believe the Department is always open to look at improvements in the programme.

This is a very important programme, Mr. Speaker. This is one of the two things that I especially insisted. Where perhaps I diverged with some of the past decisions on this, I believe this programme is vital. If those children are going to be saved, this programme has to work, so it must continue to develop.

While it is good, there is always room for development. The thing about it is that we have to stay on top of it. The Department stays on top of it. We have one person specifically in the Department who deals with it and all I can say to the Hon. Member is that I will continue to do everything I can to develop that programme and help those children who enter that programme go back to a normal school life.

The Speaker: The First Elected Member for George Town, this is the final supplementary.

Mr. D. Kurt Tibbetts: The Minister just said that while the programme seems to be working well, there is always room for improvement. And he has also said that there is one person dedicated from the Department to the programme. Can the Honourable Minister be specific in telling us exactly what strategy is being used by the

Department at present to continually enhance the programme?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Chief Education Officer has requested a report from the psychologist, reports from the Special Education Advisor and also reports on how the programme is working. So as problems arise we can deal with them, and fix them. The strategy is a continuous review by the people involved, by the clients (and they call them that), the schools that are receiving this help for the students, and from the specialists in the area, like the psychologist. So there are reviews that continue on, and based upon that it continues to be developed.

We have to remember that developing school programmes is not something that can be done overnight. If I have learned anything about education, it is that it takes time to do it right. This programme has been developed, so to speak, nearly from scratch and it is at quite an advanced stage. A constant review has to go on because it is so important that the persons who go into that programme are given every opportunity to get back to normal school life and go on to be people within the society who are normal and who contribute. I give the undertaking that the Department and the Ministry and the schools will stay on top of this for them.

Mr. Speaker, I know this has been nearly an hour and a half on that one question, but I will say to you, in fairness to the Members asking the supplementaries, this is a very important subject. That is why I gave such a detailed answers. I think questions such as this one—having spent nearly an hour and a half looking at all facets of it—are important. Thank you.

The Speaker: Question 63 is standing in the name of the First Elected Member for West Bay.

QUESTION 63

No. 63: Mr. W. McKeeva Bush asked the Honourable Minister for Education, Aviation and Planning how many teachers are presently employed in the Alternative Education Programme.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The number of teachers currently employed at the Alternative Education Centre is as follows: 4 teachers; 1 teacher/principal; 1 counsellor; 1 vacant position.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if the Department and the Ministry are satisfied that this staff complement is sufficient?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The vacant position has been filled for September. The Chief Education Officer has told me that, with the number of students we now have, this staff is sufficient. On the new site there will be room for further expansion so we will have to add more staff to the unit. It is an expensive unit for the number to the number of pupils.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say why this vacant position has not been filled to this point?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: What I have been told is that special qualifications were necessary for this post, and the Education Department could not find a specially qualified teacher for that post. In other words, we are not just filling this with a regular teacher we are filling it with a specialist teacher.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if the other six members of staff required special qualifications before they were hired, and if so, do those staff members have those qualifications?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The staff there now either had the qualifications when they came in, they received additional training or were upgraded on the specialist side under the Government's training scheme.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In answer to a supplementary question, the Minister stated that when the programme is moved to another site there will probably be need for more staff. Can the Honourable Minister explain if this is simply because the site will be purpose built, or if the programme itself will be enhanced to achieve a better success rate.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The reason is because we are adding more students. The unit will expand as time goes on.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Does the Minister's answer mean that students who now should be in the programme cannot be accommodated because of lack of space?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The answer is yes. We could add more students, but at present this is all the unit can contain.

The Speaker: Does any other Member have a supplementary or do you have a follow-up to the present question?

Mr. D. Kurt Tibbetts: I had a few more supplementaries, but I was looking around and I did not see any action from the Members that is why I was asking. I will give way.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: The Honourable Minister just said that there are a few other students. If I understood correctly these students who could be in the Alternative Education Centre cannot be because of lack of space. What is being done?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This is in the tutorial unit. At present those students are being dealt with within the schools. We need to remember that the system, when we got involved five years ago, had abolished the special education unit and was dealing with all special education within the schools. We have phased down that aspect of it and moved the children across into these different units. So those who need to go into the unit the least are dealt with within the school process following along the lines as they were dealt with before.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Can the Honourable Minister say whether or not he experiences any resistance from the schools referring these students to the Alternative Education Programme, in accepting them back into the main stream of the schools?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The transition back into the school is done on a phased basis. They move back to maybe two classes, then three or four classes, and the children are phased back in. This seems to work well with the schools. I should emphasise that with the abolition back maybe twelve years ago, the school actually dealt with these children within the school. Now, the schools resisted that because they felt that they did not have the ability keeping those same students in the class, many times disrupting a full class, and this is why we established the unit again. And we have now developed it.

I must say that we have found that it does work well. Maybe the teachers in the classes where they go back have to, obviously, give extra attention. They understand that. There has really been no resistance to this. I personally believe that this unit and the development of it is the way the future of education must go because we cannot deal with some specialised problems within a classroom. Students in there who want to learn may be disrupted or have less of a chance to learn.

It has worked well, but it is a very complex unit. If we look at the referral process and look, for example, at the makeup of the multidisciplinary team that looks at the child, they are looked at and analysed from every aspect in order to try to do what is right to get that child back into the normal school system.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I am aware that there are some incorrigible students who are referred to this unit. They resist. Can the Honourable Minister confirm whether or not the Alternative Education Unit is also a referral to the Cayman Islands Marine Institute?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: At present, the students to go into the Cayman Islands Marine Institute have to be referred by the court. So the answer is, yes, some students at our Alternative Education Unit could go on, but that referral would have to be a decision of the courts.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what interfacing, if any, takes place between the teachers at the Alternative Education Centre, and teachers from the schools where clients, as they are aptly called, are referred?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Most of the communication would be in the instructional side of the matter.

The Speaker: I realise this is a very important subject to each and every one of us, but Question Time is going on too long. I will allow two additional supplementaries.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if there have been any requests from the private schools for their students to be referred to this programme? If not, when a new site has been established and prepared, is the department going to allow such referrals?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: In practice, what normally happens is that the student...some of the students we get here will have been expelled from the private school in which case, because of Government's duty to educate that child, that student comes into our Alternative Education Unit. If the Member is saying that what should be looked at is prior to the expulsion, whether private schools could refer to the unit but the child remain at the school, that could be looked at with the new site where we can do the expansion.

I am saying this being very honest: At the end of the day, Government's duty is to educate all children. If they come out of the private school system, which many times do not have the equivalent of this unit, then obviously it is our duty to take them in. But I take the Member's suggestion. With the new unit, maybe before children reach that stage, because we do try to share specialised units or workshops of training with the private schools.

The Speaker: This is the time that we would normally take our morning break. Would Members wish to take the break or continue with Question Time?

Mr. Roy Boddén: Mr. Speaker, may I respectfully suggest that we finish with the questions and take the morning break. If the Chair so wishes, I would put that in a resolution, Sir.

The Speaker: What is the wish of the House? We have four additional questions. Is that the wish of the House? Okay. Question 64 is standing in the name of the Third Elected Member for Boddén Town.

QUESTION 64

No. 64: Mr. Roy Boddén asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture what steps are being taken to clear the backlog of labour complaints.

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

Hon. Julianna O'Connor-Connolly: New members have been appointed, or re-appointed, to the Labour Relations Board in accordance with the Labour Law. On each of the three Labour Tribunals a lawyer has been appointed, as was recommended.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Boddén Town.

Mr. Roy Boddén: Can the Honourable Minister say whether any attempt has been made to categorise the complaints into cases which will be contested, and those which will be settled amicably in the Labour Office?

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

Hon. Julianna O'Connor-Connolly: The Tribunals have met after having a retreat with the Ministry and staff of the Human Resources. They are proceeding on the assumption that to date no withdrawals have been made and that all cases will be contested.

The Speaker: The Third Elected Member for Boddén Town.

Mr. Roy Boddén: Can the Honourable Minister tell the House the totality of these cases?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that there are approximately 235 outstanding cases.

The Speaker: The Third Elected Member for Boddén Town.

Mr. Roy Boddén: Can the Honourable Minister say from what time period the earliest of these cases originated?

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

Hon. Julianna O'Connor-Connolly: It is my instruction that there are outstanding cases dating back to 1995.

The Speaker: The Third Elected Member for Boddén Town.

Mr. Roy Boddén: I wonder if the Honourable Minister can say what are the major complaints dealt with by the Labour Tribunals?

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

Hon. Julianna O'Connor-Connolly: Unfair dismissal.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: In a previous answer the Minister said there were three Tribunals. Can the Honourable Minister explain whether this is an appellate system or whether the three Tribunals are of the same level and so structured to breakdown the caseload by dividing the number of cases among the three Tribunals.

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

Hon. Julianna O'Connor-Connolly: Some time ago, prior to my taking up the responsibilities in the Ministry, this House amended the Labour Law (1996 Revision) whereby section 72(1), and thereafter section 73 spread the tiers or the stratification of the whole process of labour appeals. Now we have the Labour Appeals Relation Board, the Labour Tribunal and the Labour Appeals. So there is a middle group because of the introduction of the Labour Relations Board.

If the Member looks at section 73, he will see that one of the problems, as I understand it, is that the quorum for the middle board, being the Tribunal, sets out that only three persons can be there—the chairman, two other members. The Governor in Council at his discretion can appoint one of those members as deputy chairman, which has been done. Having a properly constituted board has led to some of this backup. It is not the sole reason, but it is an overriding reason.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I wonder if the Minister could explain to the House what she means by a properly constituted board?

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

Hon. Julianna O'Connor-Connolly: By not having a properly constituted board, I merely mean that there is no quorum as set out, or sufficient members to have a proper hearing.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: When the Minister says the board does not have sufficient members, does she mean that they are appointed but are not attending meetings? Could she clarify that?

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

Hon. Julianna O'Connor-Connolly: That is correct. The boards are properly constituted in accordance with section 73, that is, the Labour Board, but properly constituted as I inferred was that at the time of the meeting there were not sufficient in attendance for it to be a properly constituted hearing.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In an earlier answer to a supplementary, the Minister explained the three boards to a certain degree. Perhaps the Minister could explain what level of complaint each board deals with, and if the complaints transcend from one board to the other should the person making, or answering, the complaint not be satisfied.

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

Hon. Julianna O'Connor-Connolly: As I understand it, the Labour Relations Board receives the complaints, reviews them, and provides its recommendations. It then moves on to the next tier which is the Labour Tribunal and they actually hear the merits or demerits of the application. If the party is aggrieved certain circumstances they can then opt to appeal to the Labour Appeals Tribunal, appealing the decision of the Labour Tribunal.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I wonder if the Minister can give us a brief summary of the procedure the Human Resources Department takes when it receives a complaint in regard to unfair dismissal.

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

Hon. Julianna O'Connor-Connolly: I am reliably informed that the Department of Human Resources tries to make an amicable settlement between the parties if at all possible. Failing that, it is referred to the Labour Relations Board and the process is as I explained to the First Elected Member for George Town.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I am aware that some persons have been unfairly terminated, and in most cases they are Caymanians being replaced by a person on a work permit. I am also aware that the Human Resources Department has a member now that sits on the boards. What interest does the Department take in regard to seeing that this is not done, or that the system is not abused in this way?

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

Hon. Julianna O'Connor-Connolly: The Member is correct in that a member of the Human Resources Department sits on the Immigration Board as an Ex-officio member whereby he does not have the power to vote, but can make recommendations. Once it comes to the attention of the Human Resources Department, then that information is passed on at the Immigration level. It is entirely left to the discretion of the Immigration Board as to the outcome of the final decision.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: The question asked what steps are being taken to clear the backlog of labour complaints, and the Honourable Minister has told us that new members have been appointed, or re-appointed, to the Labour Relations Board, and that on each of the three Tribunals a lawyer has been appointed. Can the Honourable Minister say if the Board will meet more often in order to clear this backlog? Or what action has been taken to get rid of the backlog of complaints?

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

Hon. Julianna O'Connor-Connolly: The response to the question particularly emphasised the Labour Tribunals as that is where we found the major problem resulting in the backlog. It mainly resulted from a quorum problem. After meeting with all three boards (the Labour Relations Board, the Tribunals, and the Appeals) in existence before I came into the Ministry, it became quite evident that one of the concerns they had was that even when they met a lot of their decisions were not in accordance with the rules and regulations. They felt that if they had a legal person on each of the Tribunals perhaps it would not only expedite the time spent in the initial process, but would cut down on the number of appeals which were increasing over the years. That recommendation was taken and it took some time for various attorneys (and all of them are Caymanian) to get clearance from their respective employers.

We had a retreat with all groups to ensure that they knew each other. They have met, reviewed the outstanding cases, and set days of the week, being Tuesday, Wednesday and Thursday to meet. There are now 21 hearings scheduled to commence on 14 July. The reason it seems like there is a delay is because once you actually go through the hearings, the law mandates that at least one month's notice be given to the employer and the employee so that they too can go through the natural process. That is the stage we are now at.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Minister would give any consideration to appointing a member of staff to the Human Resources section of Government who is legally trained to interpret laws, it doesn't have to

be a lawyer, maybe a paralegal, so that when these complaints come in and are dealt with you will already have a legal mind following these complaints on to the Tribunals.

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

Hon. Julianna O'Connor-Connolly: I am answering this question being fully cognisant that the responsibility for personnel does not rest with me. I agree with the lady Member. Indeed, I am instructed that the Department has been asking for extra staff, not only in that area, but also in the secretarial and executive and clerical area to keep up with the backlog. What we are actually trying to do is not only solve the problem of the backlog, but also deal with new complaints that are coming in so that we don't have an additional backlog. So we are trying to do two things at one time. Subject to Personnel bringing it forward and the Members of Finance Committee agreeing, I would be delighted to have the extra staff which we have deemed necessary if the wheels of natural justice are to continue to wind at a fairly reasonable rate.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would just like to have a point clarified. I noted that we have had a few civil servants in Parliament this morning, and I was just wondering if they had gotten permission from the Governor to attend.

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

Hon. Julianna O'Connor-Connolly: As I understand it, reading section 2 of the relevant legislation, consent is not a prerequisite for attendance at Parliament. If and when they are called upon to answer questions we would ask for an adjournment in keeping with the specific provision.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I am aware that some of these cases do end up before the courts. I wonder if the Minister can confirm if they have a lawyer attached to the Human Resources section, or do they have to rely on the Attorney General to provide a lawyer for that purpose. If that is the case, is that the reason for some of the backlog?

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

Hon. Julianna O'Connor-Connolly: Perhaps the Member can assist me. I am not quite sure if the Member is asking if a legal person is needed, or if the delay is because we have to rely on the Attorney General. Could he clarify?

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I am aware that the employers in most of these cases have high-powered lawyers representing them. My question is whether or not the Human Resources Department, when it goes to court, has its own lawyer attached to the unit, or does it rely on the Attorney General's office to provide legal representation.

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

Hon. Julianna O'Connor-Connolly: I thank the Member for clarifying his question. As with all Government Departments, they have to rely on the services of the Legal Department.

The Speaker: If there are no further supplementaries, the next question is No. 65, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 65

No. 65: Mr. Roy Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture what the total work-force of the Cayman Islands is, broken down into the categories of Caymanians and non-Caymanians.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. The total work force of the Cayman Islands is 21,490, broken down as follows: Caymanian: 10,880; Non-Caymanian: 10,610.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. The previous Minister who occupied that Ministry crafted an elaborate training initiative. Can the Minister say what the policy and disposition of the Government is regarding continuation of this programme, seeing that the number of non-Caymanians in the work force is almost the same as Caymanians?

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

Hon. Julianna O'Connor-Connolly: Is the Honourable Member asking specifically about the vocational training?

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: That is precisely the question, Sir.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I thank the Member for the clarification. In taking over the Ministry, that particular responsibility has been moved from where it previously existed. It is now under the Minister for Education.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Is the Minister telling the House that her Ministry—which is responsible for Human Resources—does not have any plan, or has not to this point crafted any policy to equip Caymanians to ensure they are not significantly outnumbered?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I am telling the Honourable Member that although I have responsibility for community affairs, I need the ammunition, that being the responsibility to train. Not being given the responsibility from His Excellency the Governor, for me to impede or infringe on that responsibility would be acting *ultra vires*.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would like to ask the lady Minister how these statistics were arrived at.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. These statistics were provided to me by the staff of my Ministry and Department, and were taken from the Economics and Statistics Office, Cayman Islands Government.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Does the lady Minister then say that these figures are not up to date? If they are not, what is the margin of error?

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

Hon. Julianna O'Connor-Connolly: It is my understanding that the figures given in the substantive answer are the figures for 1997.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I am aware that it was mentioned that some effort would be made to tie the issuance of new work permits with some type of training initiative. I wonder if the Minister can confirm whether this initiative has been implemented. I know it does not fall under you any more, but you are a Member of Council. Can you say whether you are aware if there is any link between the issuance of work permits and training initiatives?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, as the Member rightly pointed out, I am not in a position to state the exact percentage, but I am aware that there is still a linkage, having dealt with clients up until November when I took Executive Council, at which time I stopped doing such matters. The conditions coming back from Immigration, especially at the professional level, did have attachments saying training had to be done.

The Speaker: Fourth Elected Member for George Town. Do you have a question?

Dr. Frank McField: I had a question, but since it was more or less formulated by the Third Elected Member for West Bay, I shall pass.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. The answer given—and I have a few more supplementaries, but I want to get it clear. The numbers in the answer, are these people who are employed? Or who are employable?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. It is my understanding that these numbers reflect those who are employed.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Minister state, in acquiring these statistics, if there were any accompanying figures indicating the number of unemployed Caymanians at that time?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. That number was not reflected in the statistics, but I asked the staff at Human Resources to provide a list of the Caymanians who were not employed. They were not actually numbered, but this is the list. It is about

two and a half pages. If the Member wishes, I could count them and give the answer later.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. That is fine. The Honourable Minister may do that at her convenience.

Also, in one of her answers, the Minister clarified the position of her Ministry regarding training. I think we understand the predicament in which she finds herself. I wonder if she can state if there is any link between her Ministry and the Ministry of Education (which is not responsible for training), and if there are any initiatives following up what has been done so far? Has she heard anything more about it?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. The Commonwealth Secretariat has provided us with a Human Resource Co-ordinator who has been preparing recommendations and liaising between my Ministry, the Permanent Secretary, the Human Resources staff, and the Permanent Secretary and her staff in the Ministry. Once that report is available, as far as this Ministry is concerned, I will be happy to share it with Members and see what recommendations would perhaps be the most prudent to follow.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. The person from the Commonwealth Secretariat was supposed to have been dealing with the training initiative which this House and Executive Council accepted. I wonder what the position is, and why he is not dealing with that issue. Further, Mr. Speaker, I wonder whether the Minister can say if this has been set aside until Vision 2008 has been reported on.

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I cannot respond to the second part, because I honestly do not know the answer. To me, that would be speculation, in that the Minister responsible and his Permanent Secretary would be the best persons to answer that.

If I could respond to the first part of the question, it is my understanding that the Human Resources gentleman from the Commonwealth Secretariat is dealing with the training initiative. Because of the change-around in responsibilities in the two respective Ministries, there is a cross-border relationship, in that there is a liaison between the Minister for Education and my Ministry.

The Speaker: Are there any further supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I am quite certain that the Honourable Minister understands the importance of the training initiative. I am also certain that she quite appreciates that the exercise is not trying to pin on her any responsibility she does not have. However, I would ask the lady Minister to give an undertaking to liaise with the Ministry of Education for some report to be given to this Honourable House as early as possible regarding the progress of that training initiative. The success of all of this is going to hinge on that training initiative and its link with the Department of Human Resources. If the Minister could give that undertaking, we would be very grateful.

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

Hon. Julianna O'Connor-Connolly: I would be happy to give the undertaking to liaise with the Education Ministry and to convey what the Member asked to be conveyed.

The Speaker: Moving to question 66, standing in the name of the Elected Member for North Side.

QUESTION 66

No. 66: Mrs. Edna M. Moyle asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture if the Department of Human Resources has been involved to any extent in the decision of Cable & Wireless (Cayman Islands) Ltd., to streamline its operations?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. The answer: The Department of Human Resources has not been involved with any decision of Cable & Wireless (Cayman Islands) Ltd. to streamline its operations.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. Seeing that there is another Minister of Executive Council responsible for Communications, could the Honourable Minister say, if there has been any discussion between those two Ministers concerning the decision by Cable & Wireless to streamline its operation by making certain employees redundant?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I have spoken to the Minister responsible for Communications and Works, and the substantive part of the discussion was the matter as it related to the Labour Ministry dealing with the actions of Cable & Wireless in April of this year.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. Could the Honourable Minister say whether she and the Minister responsible for Communications and Works requested any meeting with the management staff of Cable & Wireless to discuss what was happening with the company?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. The staff of my Ministry's department spoke a number of times to employees of Cable & Wireless who were affected either way by the exercise. However, no formal complaints have been filed with the Department, and in the absence of complaints, the Department's role has been mainly to monitor and ensure that the Labour Law has been complied with.

The Speaker: Supplementaries? If there are no further supplementaries, that will conclude Question Time for this morning. This will be a convenient time to take the lunch break. We shall suspend until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.14 PM

PROCEEDINGS RESUMED AT 3.15 PM

The Speaker: Please be seated. Proceedings are resumed. Item number 5 on today's Order Paper, Government Business, Bills, Third Readings.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

THE MUTUAL FUNDS (AMENDMENT) (PENALTY FEES) BILL, 1998

The Clerk: The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move that a Bill entitled The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998 be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled The Mutual Funds (Amendment) (Penalty Fees) Bill, 1998 be given a Third Reading and passed. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE MUTUAL FUNDS (AMENDMENT) (PENALTY FEES) BILL, 1998 GIVEN A THIRD READING AND PASSED.

The Speaker: Bills, Third Readings.

**THE BANKS AND TRUST COMPANIES (AMENDMENT)
(WAIVER OF PENALTY FEES) BILL, 1998**

The Clerk: The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, I beg to move that a Bill entitled The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998 be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled The Banks and Trust Companies (Amendment) (Waiver of Penalty Fees) Bill, 1998 be given a Third Reading and passed. I put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE BANKS AND TRUST COMPANIES (AMENDMENT) (WAIVER OF PENALTY FEES) BILL, 1998 GIVEN A THIRD READING AND PASSED.

The Speaker: Third Readings.

**THE IMMIGRATION (CAYMAN BRAC AND
LITTLE CAYMAN IMMIGRATION BOARD)
(AMENDMENT) BILL, 1998**

The Clerk: The Immigration (Cayman Brac And Little Cayman Immigration Board) (Amendment) Bill, 1998.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Mr. Speaker, I beg that a Bill entitled The Immigration (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998 be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled The Immigration (Cayman Brac and Little Cayman Immigration Board) (Amendment) Bill, 1998 be given a Third Reading and passed. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has been given a Third Reading and passed

AGREED: THE IMMIGRATION (CAYMAN BRAC AND LITTLE CAYMAN IMMIGRATION BOARD) (AMENDMENT) BILL, 1998 GIVEN A THIRD READING AND PASSED.

The Speaker: Item number 6 on today's Order Paper, Other Business, Private Members' Motions, Private Member's Motion No. 15/98, entitled Litter Control. An amendment to this Motion has been circulated to all Members by the Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 15/98

LITTER CONTROL

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 15/98

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I beg to move the following amendment to Private Member's Motion No. 15/98 entitled Litter Law:

"I, the Third Elected Member for West Bay, under Standing Order 24(7), move the following amendment to Private Member's Motion 15/98: 'In the Resolved section, that the words 'Litter Law' be replaced with the words 'litter laws'.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I beg to second that.

The Speaker: The motion has been duly moved and seconded. Does the mover wish to speak to it?

Mr. John D. Jefferson, Jr.: Just a short comment, Mr. Speaker, in that changing it from "Litter Law" to "litter laws" broadens the scope of the motion, and enables us to mention both the Litter Law and the Marine Conservation Law, and any other laws that would deal with this very important subject. Thank you, Mr. Speaker.

The Speaker: The amendment to this motion is now open to debate. Does any other Member wish to speak? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I rise to support the amendment. In my debate on the substantive motion in Cayman Brac, I mentioned the fact that there was pollution evident in the marine environment by different ways. One of the ways this is happening is by a number of boats that are offloading effluent in the canals, especially, and even in our bays.

I recall in 1993, when I took over the Ministry of Health, that I brought this matter to the attention of the House. I had responsibility at the time for public health. That was one of the matters we raised affecting public health. But before 1993 ended, the responsibility for that side of public health went with marine environment to the new Ministry of the Environment, so I did not see that through. Nevertheless, it is a matter of utmost importance to the country. There are a number of boats in different canals all over the country with no proper dumping facility.

While in Executive Council, one thing that arose quite often, but was never acted upon, was the use of Government property down at SafeHaven, making that a proper facility so boats and the Port Authority and so on could use it. My only concern now, and then, is that if we allowed construction there proper procedures or regulations would be put in place so the small boat operators, the local small boats, or all small boats for that matter, would continue to be able to use that facility. That was a matter that came to Executive Council several times, and I do not think any action was ever taken on it. My concern then, and now, is that proper facilities are found, and that local small boats who cannot afford to go into the big marinas, be able to use the facility. If the Port Authority took it over, for instance, that that is part of the regulatory process, to ensure—and I stress that—that these boats be permitted to use the facility.

I think the amendment is warranted, as it specifically brings in the marine laws, and while the preamble of the motion talked about marine, I am happy this is a specific request to be included in the resolution. Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak to the amendment? If no other Member wishes to speak to the amendment, I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

AGREED: THAT PRIVATE MEMBER'S MOTION NO. 15/98 BE AMENDED.

The Speaker: The motion is amended. We shall now speak to the motion as amended, the First Elected Member for George Town continuing the debate he began in Cayman Brac before we adjourned.

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. It has been a little while since we met in the Brac, so with your permission, I will read the motion once more so that the listening public is aware of where we are. Private Member's Motion No. 15/98, as amended, reads:

"WHEREAS maintaining a clean marine and physical environment is of paramount importance to the Cayman Islands with respect to maintaining its tourism industry and the good health of its citizens;

"BE IT THEREFORE RESOLVED THAT steps be now taken to review, revise and strengthen the litter laws to ensure that the people of the Cayman Islands continue to live in a healthy environment and enjoy the benefits of tourism."

Mr. Speaker, I dealt with certain other areas before. This afternoon I would like to spend a little time, since the motion has been amended, to talk about a few other areas which its amendment allows to be spoken to. By that I mean that although the motion deals with the litter laws, I think it is easily understood and hopefully easily accepted by all that certain sections of the Marine Conservation Law (Law 19 of 1978) certainly have to be addressed.

In this Law, section 18 reads: **"Any person who directly or indirectly causes or permits to flow or to be put into Cayman waters any harmful effluents or raw sewage, unless specifically permitted in that behalf under the Public Health Law, 1981, or any other law, is guilty of an offence."**

It goes on, in section 25 to read, **"Whoever contravenes this Law or any regulations made hereunder is guilty of an offence and liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for twelve months and in addition thereto the court so convicting may order the confiscation of any vessel or equipment that it is satisfied has been used for the purpose of committing or facilitating the commission of such offence, or was intended to be used for such purpose."** general terms about the litter laws, in its first 'Whereas' section the motion addresses a clean marine and physical environment. It is clear from its intent that it is important to address the marine environment to make sure proper laws and enforcement are in place. The First Elected Member for West Bay, in his short debate on the amendment, mentioned the public open space located on the northeast section of the SafeHaven project, that is, on the water. It is a fairly large parcel of property. With very good intentions it was worthwhile mentioning.

Before I go into that—and I will address that specific location—I think it is important for us to understand and accept that because of the nature of the development of this country, both local and foreign individuals

have aspired, and have been able, to acquire their own boats. Many of them not huge, expensive boats, but some are fairly good boats. There is a fair amount of people who reside on the Island in these types of pleasure craft. We have many canal lots. We have a fair amount of people who own these boats and have their boats docked alongside their houses. Also, because of the nature of the development of the country, especially in the tourism industry, we have huge numbers of boats which operate in the North Sound (not only in the North Sound, but specifically speaking, in the North Sound) doing snorkelling trips and all types of tourism-oriented on-water and in-water activities.

If we were to direct our attention to this area and think about it, I would venture to say that the vast majority of these boats do not have any type of facility to offload their effluent, or sewage or for that matter. For those who really do not have a permanent resting place there is a problem with simple ordinary garbage. I think it is important for us to understand and accept that this is one of the facilities that needs to be created. I am not suggesting that it be done at the expense of Government. I am certain that those involved understand it is for their good, and for the good of the environment from which they make their living. They will be happy to participate, once they have a location to offload this stuff even if there is a fee involved, which I am sure would be reasonable.

It is my understanding—and I will now get back to this location at SafeHaven—that that is probably the largest piece of property Government owns with the built in facility, namely a seawall already built. The land is filled and everything is there already, and it will not have to start from scratch to create the type of facility needed.

If one were to check with the Planning Department, another problem one will find along the West Bay peninsula on the North Sound side is private owners of docks complaining about people with boats utilising their docks. The truth of the matter is that the people do not have anywhere else to tie up their boats. One might make the argument that the people who buy these boats should not buy them if they do not have somewhere to keep them. But for many of them, it is their living. The truth is, they will fight the battle of where they are going to keep the boat once they can find a way to make a living otherwise. If such a facility existed, the vast majority of these boat-owners who operate in the North Sound for tourism-related activities would have, so to speak, a home for their boats.

The other thing I wish to mention is that I happen to know (because I have seen the plans) that the Port Authority had developed plans for this area we are discussing which is public open space. Their intention was to create what are known as 'slips' running away from the seawall, and without being totally sure, it could probably accommodate, when construction was completed in the canal, about 50 boats. That would certainly go a long way in alleviating this situation.

It is not just a matter of providing a home for these boats, but we must also understand and accept that

these boats are in the North Sound, operating on a daily basis, and there is no where to offload effluent, raw sewage, or garbage. The Port Authority's idea was to create such a facility, which is what I would call a mini-marina for these boats to use. They would have a holding tank for sewage, proper garbage disposal facilities, electricity and water. It was their plan not to do it for free, but to recoup their capital costs over a reasonable period of time, and the people involved would have a decent facility.

This was drawn to my attention. I knew nothing about it originally. But this was drawn to my attention and to the attention of other Members of the Backbench also. The people who wish to use the service were the first ones who said to us, '*We do not expect this service to be provided for free.*'

So here we have a situation in which the Port Authority, looking to plan for the future well being of the country, wants to create such a facility. It is not going to be a financial burden on the Government, because they are creating it in such a way that they would recoup their money. At worst, the Government might be asked to guarantee a loan, if necessary. This is something that happens almost every day and they have not reneged thus far, so I do not see that as a big problem. But my understanding is that the Government has decided they will not vest the property with the Port Authority, because (the way I hear the story) the land is too valuable to be used for that purpose. I do not know that to be a fact, but I have heard that. I am not going to make a big issue, or take issue with that, because as I said, I do not know that to be a fact.

If that is the thought process, my question is, Who does the land belong to? Does it belong to the Government, or does it belong to the people? Regardless of whether this was said, I take on board the concern of the First Elected Member for West Bay. The smaller boat-owners should be given first choice in using the facility. And I do not believe that is a difficult situation to overcome, because in most instances the privately owned boats of the people with waterfront lots are kept alongside their own canal lots, or whatever other types of lots they have on the water. Such a facility would definitely alleviate the situation by providing a location for these boats. There would be fewer conflicts between private dock owners and these people. Also—and this is the whole crux of my bringing this argument out in this motion—it certainly would go a great distance in preventing such huge amounts of effluent, raw sewage and garbage simply being dumped into the water because people have nowhere else to dispose of it. They get fed up and get rid of it the quickest way they know how. That can be termed irresponsible on their part, because the truth is they are hurting themselves as much as anyone else. But at the same time, from my understanding of the situation, at present they are faced with no alternative.

If we are talking about the North Sound, that is basically a reef-enclosed area. There are many, many canals in which there is not much water movement. That is why some of the canals are so dark, because the water

is basically stagnant, because not all of them have been developed with the right expertise or technology to create movement of water. With these boats plying back and forth in the North Sound and using these canals, it has had and it is at present having a telling effect on the quality of the water.

I would recommend through this motion that Government revisit this situation, understand the importance, regardless of how it may deem the land to be worthwhile. It certainly cannot be put to any better use than what is being suggested now: to encourage our marine environment to be kept as pristine as it is supposed to be.

I hope that point is made, Mr. Speaker. If we extend it a bit further, there are other ocean-going vessels that come into our waters, not necessarily to the North Sound. I remember a specific incident, which I think the Minister for Agriculture mentioned in his debate—probably the only incident that was recorded in which any enforcement was undertaken. It was to do with a cruise ship. I kept the *Caymanian Compass* of Wednesday, 3 June. On the front page was a headline saying, “**Cruise line in plea deal over bilge dumping.**” This is in Miami. I will read a few short sentences from it so we can understand what we are talking about here. “**A major cruise line agreed Tuesday in Federal Court to pay \$9 million in fines for dumping oil-laden bilge water at sea.**”

I do not have to go into the details, but just to say how seriously other countries take this situation. It is with no disrespect to those types of ocean-going vessels, or other types of ocean-going vessels, which may come into our waters, either through the dock, or one of the oil company facilities to offload oil or natural gas, or whatever. But we have to somehow ensure that our laws are being enforced properly. The truth is, we do not know at present how much of this is being done. It is only when we see the side effects every now and then, and hear about a so-called oil spill, or something of that nature, that we realise the kinds of disasters that can happen if these people are irresponsible in their actions.

I do not have the specific answers for enforcement, but I think it is important for the powers that be to have a serious look at this. Ensure that enough is being done regarding playing watchdog and enforcing the laws of the land when it comes to the dumping of effluent, raw sewage or garbage in our waters.

To sum up that argument, I have used a specific location for certain types of vessels which are owned locally, some by Caymanians, some by foreigners. They are used and kept locally. I think we need to create that facility and the Port Authority should be able to use that land to make it do the right thing regarding the safety of the marine environment. I think enforcement is vitally necessary for other ocean-going vessels, whether they be cruise ships, cargo vessels, or ocean-going tankers, or whatever. In seconding this motion, I chose this second effort of mine to concentrate on this area because I think it is important that this not be left out. We should not just look at the physical environment, but we should

also look at the safety of the marine environment. I am sure the mover, like myself, considers this a very important aspect. I am sure, in his winding up, he will refer to it. Hopefully correct attention will be paid to the intent of the motion.

It is obvious by what has been said prior to this that the Government seems willing to accept the motion. I trust that with the amendment, their nod of acceptance will not only remain as it is, but will also take on board what we are dealing with. I am sure there are other aspects which can be examined for us to have some positive effect, if we are going to not just pay lip service to the motion, but to try to do something concrete about it.

As one of the representatives, I wish to make it very clear that my reference to the property at SafeHaven is in response to constituents, not just from any one district, but from several districts. I appreciate that they are saying that they too are concerned about the marine environment, and would like to have such a facility, to use such a facility properly at a reasonable cost, in order not to pollute the waters around Cayman any more than has already happened. I trust that somewhere along the line the Government will respond to our plea.

I believe it is understood and supported by other Members of the Backbench. I trust that as the motion is accepted, this part of it will be paid attention to, and in the not too distant future, we will hear about something being done, not only regarding the other areas but specifically to this facility which I think is well needed.

To put the Government on notice, should we not hear anything about this within the next few months, we are going to be raising the issue again. We will continue to raise the issue until we get some type of response. If it is Government's belief or policy that nothing should be done to the facility as we are suggesting, then I wish it would say so publicly, and justify its decision. It cannot be said we are not being up front with what we believe is the right thing to do. I certainly support the motion, especially with its amendment allowing broader scope, and I trust that there will be some action on the part of Government, the Backbench having brought the situation to the forefront. Thank you.

The Speaker: Would this be a convenient time for us to take the afternoon break? We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.54 PM

PROCEEDINGS RESUMED AT 4.20 PM

The Speaker: Proceedings are resumed. Debate on Private Member's Motion No. 15/98 continues. Does any other Member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: Thank you, Mr. Speaker. I would like to make a few brief comments regarding the Private Member's Motion brought by the Third Elected Member for West Bay. I would like to compliment him for taking

this opportunity to get a discussion on the litter and waste situation in the Cayman Islands. I had hoped to be able to speak to the motion in Cayman Brac. I was a little more prepared to do it there, but since then, my mind has wandered beginning to deal with what I consider to be another equally important issue. I will therefore not burden the House with my lengthy deliberations on this.

I shall say that it is important to begin to educate the people as to their responsibility and the role they must play in waste management. In my neighbourhood in particular in central George Town, School Road, I observe Environmental Health picking up garbage in tons, constantly, simply because as soon as they move it, someone feels obligated to replace it.

We do not need to concentrate only on the role of Government and the Environmental Department; we must also concentrate on the public's role, that they are responsible, educated and environmentally conscious. We need, therefore, to use television. I feel a lot of us are not using television as effectively as it could be used to educate people, and to bring the message to them that their responsibility and their involvement in whatever is to be successful in this country is absolutely necessary.

Again, I would stress, as someone who has worked with Environmental Health—because I did my little bit there, and I have a lot of sympathy for the people who work there. I believe they are doing a tremendous job. I hope we can continue to recognise that without our assistance the public will always be swamped with litter. Again, I thank the Member for West Bay for bringing this motion, and I support it.

The Speaker: Before I call on someone else to speak, there has been a request that the select committees on immigration and the Election Law meet on Friday. I need to see what is the wish of the House on that matter. I know the Leader of Government Business is not in the Chamber. We will wait a few minutes for him. (Pause)

I would like to add that under Standing Order 72(8), because the House is meeting, we need the will of the House so a select committee can meet while the House is in session. I would therefore need a motion to be moved. (Pause)

Hon. Truman M. Bodden: Mr. Speaker, it appears, and subject to your wishes, that the view is to adjourn until 10.00 AM tomorrow, and that on Friday the two select committees will go on. I would so move that we adjourn until 10.00 AM tomorrow morning.

The Speaker: And that we will suspend proceedings on Friday to give way to the Immigration and Election Laws?

Hon. Truman M. Bodden: Yes, Sir, I will move that we will adjourn on Thursday until Monday, so we will have all of Friday for the select committees. However, if they do not finish. . . . [inaudible interjection] We will finish the

select committees on Friday? Apparently only one day will be set aside for the select committees, which is Friday.

The Speaker: That is correct.

Hon. Truman M. Bodden: Okay, Sir, I would adjourn until tomorrow at 10.00 AM.

ADJOURNMENT

The Speaker: I shall put the question that this House do now adjourn until 10.00 AM tomorrow, with the understanding that the House will not meet on Friday, and the select committees on the Immigration Law and the Election Law will meet on Friday. The House do stand adjourned until 10.00 AM Thursday, 18 June 1998.

AT 4.28 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 18 JUNE 1998.

**EDITED
THURSDAY
18 JUNE 1998
10.20 AM**

The Speaker: Prayers by the Honourable First Official Member responsible for Internal and External Affairs.

PRAYERS

Hon. James M. Ryan: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Questions to Honourable Members/Ministers. Question 67 is standing in the name of the Second Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 67

No. 67: Miss Heather D. Bodden asked the Honourable Minister for Education, Aviation and Planning what procedures must building contractors follow regarding control and removal of debris that accumulates on building sites.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Prior to the issuance of a final Certificate of Fitness for Occupancy, the building contractors must ensure all construction debris has been removed from the site.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say if this is becoming more of a problem?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes it is, and I am grateful to the lady Member for bringing it to the attention of this House. We have seen more and more accumulation of debris in recent times on these construction sites. It is a problem we have to look at in some depth.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Will any facilities be provided for the eastern districts where this debris can be dumped and then removed by garbage collection at a later date, or do we have to continue to drive into George Town to the main dump? I think this is some of the problem, particularly in my district.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: While this is not directly my Ministry, I have been told that there is an area where the dumpsters can be put in the eastern districts. However, my personal opinion is that if a landfill site were established somewhere in the eastern districts for this and other debris, it would probably be to the advantage of both the landfill site here, which is overused, and also to the people in those districts. It would also avoid a lot of heavy truckage on the road to George Town.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Although the Honourable Minister said that is not his area, I would like for the listening public to be informed where this dumpster can be put, and this sort of debris put into because we are suffering in the district of North Side. Even when gardens are cut and cleaned the debris has to be transported to the

George Town dump. So I would like him to inform the people of North Side if he can.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The best I can do is to move this on to the Minister who deals with that. Maybe at a later stage the lady Member can put a direct question or perhaps speak to the Minister in the common room.

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

Hon. John B. McLean: The normal procedure has been that a request is made to the department. We place large garbage bins in the most convenient areas. We normally try to place them on Government property so that debris, such as the lady Member spoke about, can be collected and taken to the dump. So it has been done in the past and if it is a situation where she has a problem in her district, I would be most happy to address it if she would tell me the area in which she needs the dumpster.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I would like to thank the Honourable Minister for his reply.

I am now going to ask the Honourable Minister who took the responsibility to reply to this question dealing with construction debris if he could do something to provide the district of North Side with some facility so that the construction workers are not the ones who are held liable and taken to court.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, once again, we have tried to assist as far as we can. It is very unusual for another Minister to answer. The most I can do is pass this on to the Minister for Agriculture, and at a later stage I am sure he would reply to the lady Member.

[Addressing the Honourable Minister responsible for Agriculture, Environment, Communications and Works] Oh, you're going to reply now?

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

Hon. John B. McLean: Mr. Speaker, the normal procedure on any construction site, or any area that has a problem with debris, is that it is requested. If necessary we put a container there. It is collected at a minimal fee and, as I said, it is not our responsibility to go around to each construction site and say, 'Here's a dumpster,' it is normally requested.

If there is a situation in the lady Member's district—where we have done a lot of cleanup, not only hers but

other districts in the island—we will continue to work along with her, and anybody else. So, if she would just tell me, we could deal with this matter.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Will the Honourable Minister say what can be done to correct this situation as far as Planning is concerned?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The problem is one that we can probably deal with from Planning's point of view. There are two Ministries involved, but from Planning's point of view—and this is a very good question—we feel that we can tighten up in these areas when inspections are being carried out at intervals. I have already spoken to the Director of Planning to put this into the pipeline so that when inspectors go to the sites that is one of the things they will also inspect. This will assist. If it gets really bad, then the Department of Environment, from a nuisance point of view, would also have to come in.

Further to the lady Member's question, I will be asking the Department of Planning add this subject for discussion when we look at the regulations and the law to see where this can be done in other areas. I thank the lady Member from Bodden Town for raising this important area.

The Speaker: If there are no further supplementaries, the next question is No. 68, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 68

No. 68: Miss Heather D. Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to give a report on the functioning and effectiveness of the District Clinics.

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

Hon. Anthony S. Eden: There are currently new health centres in the districts of Bodden Town, East End, North Side and West Bay. These centres are opened to the public from 9 am to 4 pm during the week, and from 9 am to 12 noon on Saturdays. They are well equipped to deal with both acute and chronic illnesses. Services provided from the health centres include:

- Doctors' clinics
- Home visiting services or elderly, high dependency and terminally ill patients
- Ante-natal and post natal care
- Child health and immunisation
- Family planning

- Health screening and promotion, for example, for ischaemic heart disease, hypertension, diabetes and cancer
- Specialist clinics in mental health
- Nutritionist clinics
- Health education: individual counselling, group sessions, talks and materials
- Mental health nursing services, pharmaceutical dispensing services
- Drug and alcohol abuse counselling

I am pleased to be able to say that it has been possible to increase the number of Doctors' Clinics available in the districts. In 1996 these were provided twice per week in West Bay and once per week in Bodden Town, East End and North Side. Now we are providing Doctors' Clinics five days per week in West Bay, four days a week in Bodden Town and two days per week in East End and North Side.

These increased Doctors' Clinics have been well received by the general public as can be seen in the numbers attending them. In 1995 the average monthly attendance at Doctors' Clinics was 554. Between February and April of this year the average monthly attendance was 1,106, a 99% increase over the 1995 figure.

I would like to quickly mention some other improvements:

(i) Laboratory samples are collected in the health centres and transported to the Hospital regularly during the week. Results can be obtained from the medical staff at the health centre, thus avoiding the necessity of the patient having to travel to town.

(ii) The addition of nebulisers to the health centres has allowed patients to receive immediate treatment for asthma, thereby reducing the delay in treatment and the inconvenience of travelling to George Town.

(iii) The West Bay Health Centre and the Eastern District Health Centres have had a full-time dispensing pharmacist since February of this year. This has allowed the Health Services Department to extend the range of medications available at the Health Centres and has meant that nurses are now able to devote more time to nursing duties.

(iv) Since February 1998, two mental health nurses have been attached to West Bay Health Centre and one mental health nurse to the Eastern Districts. Care for the mentally ill is now more quickly and effectively co-ordinated at district levels. In West Bay a day care and educational programme for patients suffering from chronic mental illness is being piloted.

(v) An ambulance is now stationed at North Side and one will soon be stationed in West Bay.

(vi) In Little Cayman, the health clinic has had a full-time resident nurse since November 1997. The clinic is open from 9 am to 1 pm Monday to Friday, and the nurse provides on-call service out of hours. A doctor visits twice per week and general surgical consultations are provided as required. During the month of April, 83 patients were seen, 60 of them during general clinics and 23 out of hours. Four diving accidents were responded to and one patient was air evacuated.

The Ministry and the Health Services Department will continue to monitor the functioning and effectiveness of the district health centres and will make adjustments as necessary.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I would like to thank the Hon. Minister for that comprehensive answer. Can he say if he is satisfied with the cleanliness and general maintenance at all the district clinics?

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

Hon. Anthony S. Eden: Yes, we are, and with the help of God we intend to keep it that way. There is a programme set up with Public Health in George Town that monitors these.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if all the clinics in the eastern districts are now manned by registered nurses?

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

Hon. Anthony S. Eden: I appreciate the Member bringing this to my attention. I have learned that this post is not yet [filled]. I have requested it and I will pass the information on later today or tomorrow to let the Member know when the RN will be there. I have requested it and I know that in part of the recruiting this will be one of the people who will go there.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I would like to thank the Hon. Minister and I know that I will hear shortly that a registered nurse is being placed in the North Side Clinic. I would like to publicly thank the nurse who is there now. Even though not a registered nurse, she has done her very best to keep the clinic in North Side.

My second question to the Hon. Minister is: Is any consideration being given to later opening hours for the clinic in the district of North Side? I ask that because the hours the clinic is now open do not facilitate mothers who work in George Town who may return and find the baby has a cold, or is down with asthma. She still has to drive back into George Town to get medical assistance. Can the Honourable Minister say if any consideration is being given to changing the opening hours?

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

Hon. Anthony S. Eden: This, again, is a good point. In the other clinics we have established evening clinics which proved successful. We will be actively pursuing this for North Side and East End. A lot of travelling would be eliminated if we could provide these clinics within the districts themselves. We will be dealing with this.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say, notwithstanding the fact that the main hospital is in George Town, if there are any plans to have a district clinic for the Capital separate and apart from the facilities at the hospital?

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

Hon. Anthony S. Eden: In the original plans for the development of a complex, at this stage we were renovating significant portions that would be utilised and further develop the George Town Health Centre. But we are diligently looking at the long-term approach for a clinic in George Town, and pending what Members of Parliament decide, and the availability of funds, this will be looked at. There is a special steering committee looking at this area and we will be dealing with this in due course.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I thank the Minister for his usual candid response. Can the Honourable Minister say if, at completion, there will be any specifically designated area for the district? Or is it that until the long-term plans are put into action the facility in George Town is simply a national facility.

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

Hon. Anthony S. Eden: Specifically for the George Town residents this is the medium to long term. But our plan is to convert the existing casualty area and some other areas in the facility to provide outpatient clinics and other health service for George Town.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I noticed that the Hon. Minister referred to the addition of nebulisers at the health centres in the outer districts. How are these additional services communicated to the general public in the districts? I ask this question because there is a little boy in North Side who has very bad asthma, but his mother was not aware of such a service. So the child had to be brought back into George Town. How do the residents know of the new services being provided?

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

Hon. Anthony S. Eden: This has been one of the problems not only in the Health Services Department, but I think throughout Government, and probably the Legislative Assembly as to passing on information to the public. We recently recruited a public relations officer and hopefully things like this will be addressed.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the substantive answer, the Minister said, **“two mental health nurses have been attached to the West Bay Health Centre and one mental health nurse to the Eastern Districts. Care for the mentally ill is now more quickly and effectively co-ordinated at district levels. In West Bay a day care and educational programme for patients suffering from chronic mental illness is being piloted.”**

Can the Honourable Minister say if plans are being worked on to create a facility which will adequately serve the needs in that area? By area I do not mean location, but mental illness for the island.

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

Hon. Anthony S. Eden: Yes, there have been extensive talks in regard to this area. We are working at it very diligently. At the present, for the chronic and really serious mental people, we have been utilising Jamaica. There has to be a facility put in place here because the time has come. But there will be extensive capital involvement in this because the care of these patients is a 24-hour job, especially the high risk ones. But the answer is yes, we will be looking at this.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: In the Minister's answer he said that drug and alcohol abuse counselling is also provided. Can the Honourable Minister say if people with

drug and alcohol problems are taking advantage of these facilities?

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

Hon. Anthony S. Eden: Yes, but not as much as we would like. The health centres were designed for multi-purpose use in the evenings, where the medical section can be closed off, and there are rooms in all the centres for people to go for counselling. Knowing the culture and the way Caymanians deal with things, it will take a while for them to build up the confidence and want to go. But this is something I think we all can do to try to educate and help our people with letting them know the services are available, without necessarily having to come to Cayman Counselling Centre in George Town.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Getting back to the question of mental health facilities, could the Minister state if the physical facility that might be created once funds become available would be located in the main compound where the new hospital facilities will be, or located in a separate area?

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

Hon. Anthony S. Eden: To be honest, we have not advanced with the actual location yet, but as soon as the information becomes available, I will share it with Members.

The Speaker: I will allow two additional supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. As the Minister mentioned facilities being created in the districts and services being provided in that area, can the Minister state what type of services and/or facilities will be available for mental health patients on completion of the main George Town Hospital facility in that location?

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

Hon. Anthony S. Eden: The outpatient facility was one of the first sections to be occupied in the new buildings. There are also plans for an inpatient facility coming on line later this year or next year. But there are facilities. As I said, that was one of the first units opened in the new building.

The Speaker: If there are no further supplementaries, we will move to Question 69, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 69

No. 69: Miss Heather D. Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works who is in charge of the upkeep of the Coe-Wood Public Beach in Bodden Town and to outline the duties of this person.

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

Hon. John B. McLean: The Department of Environmental Health employs the person responsible for the upkeep of the Coe-Wood Public Beach. The duties are to clean the beachfront, trim vegetation and clean the public lavatories.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. Can the Honourable Minister say how often these services are carried out?

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

Hon. John B. McLean: It is my understanding that the individual is employed and on the premises full-time.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. Can the Honourable Minister say who is responsible for the keys to the shower facilities?

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

Hon. John B. McLean: It is my understanding that there is a district committee. While Government has assisted with the project, it is my understanding that a district committee operates it.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. I would like to thank the Honourable Minister for that answer. Can the Honourable Minister give an undertaking that "Thank You For Not Littering" and "Strong Current" signs are placed on the Coe-Wood Public Beach?

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

Hon. John B. McLean: Thank you, Mr. Speaker. We will most definitely put some signs there. It has been a concern of mine too, from the time we actually made the channel there. There are strong currents there; as a matter of fact I think we have lost a life there before. So I definitely give the undertaking to have it done.

The Speaker: If there are no further supplementaries, we move on to question 70, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 70

No. 70: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation whether there have been any problems experienced in fitting the cabinets imported for the George Town Hospital.

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

Hon. Anthony S. Eden: The cabinets imported for the George Town Hospital have had no installation problems to date. All units are well-made, good quality products that have been fitted into place with relative ease by the manufacturer's workmen.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister say if all the cabinets for the units have been fitted and installed as of now?

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

Hon. Anthony S. Eden: No, Mr. Speaker, I would say about 50% of them have been.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I wonder if the Minister can confirm whether any local suppliers were able to bid on supplying this equipment to this George Town Hospital?

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

Hon. Anthony S. Eden: The construction contract for the hospital was awarded to McAlpine, and therefore it was McAlpine's responsibility to select the cabinet sub-contractor. That was not our position. I have been made

to understand that a number of people did apply, but because of costs were not accepted.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will move on to Question 71, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 71

No. 71: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if the morgue facilities at the George Town Hospital are in full use at this time.

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

Hon. Anthony S. Eden: The morgue facilities have been in full use since April of this year.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House if any adjustments have to be made to accommodate some of the equipment, for example, the lifts used in the morgue, to have this facility fully operational?

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, there is a problem with the cadaver lift, which is not user-friendly. Currently we are considering how to address it, and at present we are using morgue attendants and porters when necessary to assist the pathologists with moving the cadavers. This is unfortunate, but once we come up with a solution, I will share it with the Member.

The Speaker: If there are no further supplementaries, we move to Question 72, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 72

No. 72: Mr. Roy Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation whether the operating theatre and laboratory in the new George Town Hospital are functional at this time.

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

Hon. Anthony S. Eden: The operating theatre and laboratory are in the process of being commissioned at this time. The commissioning includes work such as:

- installation of medical equipment, furniture and furnishings, telephones, computers, shelving, accessories, etc.;
- testing and fine-tuning of the air-conditioning and medical gas systems, fire sprinklers, alarms, emergency power and communication devices;
- placement of medical devices, carts, surgical supplies and disposables;
- training of staff on newly-installed equipment;
- cleaning and sterilising;
- inspection of completed buildings and life safety systems by Government Inspectors.

Mr. Speaker, the commissioning of a state-of-the-art operating theatre and laboratory is a complicated and time-consuming undertaking. I am sure that Honourable Members will appreciate it must be done right. It is anticipated, however, that the operating theatre will be functional in July or August of this year, and the laboratory in August or September.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House if, in those areas listed where tests have been carried out, there have been any problems, and if any remedial work has been commissioned to rectify these problems?

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

Hon. Anthony S. Eden: Nothing major, Mr. Speaker, probably some—as they move in, I understand there are bits and pieces that need to be tidied up as they go along, but this will happen, as I have said earlier.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House, of the six areas listed, at what stage are we now in terms of this list? More specifically, let me ask if checks have been carried out in the areas dealing with the gases and the air conditioning, and if everything is operational and acceptable?

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

Hon. Anthony S. Eden: Mr. Speaker, I have been informed by the project manager that the medical gases are being tested at this time. Testing of the air condition-

ing in the buildings that have been completed and commissioned or turned over to us is now complete.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister say, in cases in which installation and adjustments need to be made or further rectified, who assumes financial responsibility for the rectification?

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

Hon. Anthony S. Eden: The contractor, Mr. Speaker.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister tell the House whether the Government is going to receive some kind of warranty on this work, and on the equipment installed; and if so, what is the duration?

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

Hon. Anthony S. Eden: Mr. Speaker, the contractor provides a six-month defect liability, and the actual equipment is traditionally, I think it is a one-year guarantee.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I recall being told that the hospital project would be completed some time in October of this year. Can the Minister confirm whether the project is still on schedule?

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, in August or the first part of September, if everything continues to go well—that is the construction phase—but once that is finished, then the commissioning, which is now going on with some of the buildings, and the new equipment and supplies that need to be put in to make it fully functional, will probably be later this year or early next year, by the time everything is put in place and fully commissioned.

The Speaker: Any further supplementaries? No further supplementaries, question number 73 standing in the name of the Elected Member for North Side.

QUESTION 73

No. 73: Mrs. Edna M. Moyle to ask the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to give a breakdown of the total cost to date of work done on the Old Man Bay playing field.

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. The total cost of work done to date on the Old Man Bay playing field is as follows:

Actual Expenditure, broken down by year: 1996—\$108,485; 1997—\$152,839; 1998—\$35,866. This takes it up to June of 1998, a total of \$297,190.

Actual Expenditure, broken down by work item:

➤ Site clearing, filling, topsoil	\$201,746
➤ Toilet block	\$ 60,449
➤ Design and management	\$ 4,733
➤ Misc.	\$ 4,425
➤ Lighting	<u>\$ 25,837</u>
➤ Total	\$297,190

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

The Speaker: Before I take a supplementary, I would entertain a motion for the suspension of Standing Order 23(7) and (8) so we can take Question Time beyond the hour of 11.00.

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I beg to move the suspension of the relevant Standing Order so we can continue Question Time.

The Speaker: Is there a seconder? Seconded by the Member for North Side.

The motion has been moved and seconded. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23(7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11.00 AM.

The Speaker: Question Time continues. The Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, I wonder if the Honourable Minister could tell us what the total cost of this project will be, since we have already expended \$297,000 on the project to date?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, the answer: \$414,500.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, can the Honourable Minister say what the extra expenditure will be spent on?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, it is my instructions that the estimated outstanding payments are as follows: Seeding, fertilisation, field establishment, temporary irrigation, and the required three months' maintenance: \$36,150; Lighting, \$39,000; Fencing 8-10', \$18,500; Balance on toilet block, \$16,398; Contingency, \$7,262. Total: \$117,310

The Speaker: Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. The lady Minister has just referred to lighting of the field, an additional \$39,000. We have already spent \$25,83. To provide that field with lights I had to vire \$35,000 from my senior citizens' centre vote, which I was told was going to be the cost to light the Old Man Bay playing field. I am a little confused over this \$25,837 plus an additional \$39,000. I would like to know where the funds are going to come from.

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I believe there was a sum of \$155,000 in the 1998 budget, and the figures I am giving were provided by Public Works, which gave a total lighting and electrical cost of \$64,837.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, I thank the Honourable Minister for that very clear answer. This is why we have problems in Finance Committee—because the truth is not told. That Minister was told by representatives in this Parliament that it would cost \$35,000 to light that field, and I requested that Finance Committee vire that \$35,000. I was told that was the total cost to light the Old May Bay playing field, and that is what the Minister was told during Finance Committee. Now she is being told it will be a total cost of \$60,000. Are we going to—

The Speaker: Would you please turn it into a question?

Mrs. Edna M. Moyle: I will do that in a minute, Sir. But I am really fed up with being misled, particularly when it comes to projects for my District.

I wonder if the Honourable Minister—

Hon. Julianna O'Connor-Connolly: Mr. Speaker, on a point of clarification, Sir.

POINT OF CLARIFICATION

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I appreciate the fact that the lady Member for North Side made it abundantly clear that the information was based on information I received; but the last statement did not make that clear, and I would certainly like to make it known that this Minister has no intention of misleading this House.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, I am not trying to get into a battle of words. I did not mean that to the lady Minister, because if I did, I would not have made it clear that I knew she had been informed.

I would like to ask the Honourable Minister at this time if she could give the House the square footage of the toilet block at the Old Man Bay playing field, that has cost us over \$60,000.

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I do not have that answer here. I can undertake to give it to the Honourable Member if she so desires.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I would like to thank the Honourable Minister, and I look forward to receiving the reply, which I know she will bring at an early time, or send to me. But I wonder if the Honourable Minister would undertake to investigate why she, as the Minister responsible for Sports, informed Finance Committee that the lighting for the Old Man Bay playing field would only cost \$35,000, when now she is being told it is going to cost some \$60,000. What is the reason for this misinformation?

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I have no problem giving the undertaking as far as the Ministry is concerned, finding that out. But I am also sure that the lady Member can assist me in this task, as she is a Member of the Public Accounts Committee and it may be a matter for the Auditor General as well.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I accept that challenge, and I will. I wonder if the Honourable Minister could tell me what has cost \$25,837 for lighting at the Old Man Bay playing field so far?

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I am informed that is the lighting proposed to put up there. Unfortunately, I am not in a position to say what type of lighting. I requested someone from Public Works to come, but as you can see, I have no one from Public Works.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, I understand the lady Minister's dilemma, but it says, "Actual Expenditure broken down by work item." We have spent over \$25,000 on lighting. Maybe her Permanent Secretary could give us some idea of what was requested of Public Works for that amount of money, relating to lighting of the field.

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

Hon. Julianna O'Connor-Connolly: Mr. Speaker, I am informed by my Permanent Secretary that this is the actual cost of the lighting equipment. In fact, it has not been erected yet. In addition, he says the Member is aware of this situation.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Thank you. I wonder if the Honourable Minister could repeat the last part of her reply.

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

Hon. Julianna O'Connor-Connolly: Sorry, Mr. Speaker. The last part of my statement was that I was instructed the Member was aware of the situation, meaning the lights are not yet installed on the field.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, this gets better and better. I must clear this up, Sir. The last discussion this Member had on the lighting for the playing field was the virement of \$35,000, to enable lights to be placed on that field. I asked if they had been ordered and I was told yes. But that is all the information I have relating to those lights.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. Can the Honourable Minister confirm that when this project is completed it will be of the official size of a football field?

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

Hon. Julianna O'Connor-Connolly: That is my understanding, Sir.

The Speaker: Are there any further supplementaries? If not, that concludes Question Time for this morning. Item number 3 on today's Order Paper, Statements by Honourable Members/Ministers of the Government, a statement by the Honourable First Official Member.

STATEMENTS BY HONOURABLE MEMBERS/ MINISTERS OF GOVERNMENT

MILLENNIUM BUG

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

Mr. Speaker, in common with most jurisdictions around the world, this Government believes that the 'Year 2000 Problem' (the so-called 'Millennium Bug') is a serious problem facing the global economy. Unless urgent corrective action is taken, this problem will cause many computer systems to fail some time between now and the start of the new millennium. There is no doubt that it will affect the Cayman Islands. Its impact cannot be underestimated.

Mr. Speaker, it is vital that the public appreciates that there is the potential for problems to occur in any type of equipment that contains date or time measuring devices or software. Examples of these so-called 'embedded systems' include medical equipment, telephone exchanges and communications devices, control valves in power stations and pipelines, and monitoring systems in many types of vehicles and transport. Failures will occur as we approach the year 2000. However, if we take action now, we can avert major problems and enhance our reputation as a safe country in which to invest and do business.

Mr. Speaker, the Government cannot solve this problem alone. It does not even carry the lion's share of the task. We will only succeed through the efforts of businesses and other organisations. But government is about leadership and we can help in three key ways:

- First, by **raising awareness of the need for action in the private sector**. This responsibility has been given to the Information Technology Strategy Unit, and the Director is already working closely with the Chamber of Commerce and similar organisations to achieve this aim. The Monetary Authority has also taken the initiative in their specialist sector of the economy. I understand some of the banks are also making good progress in this.
- Second, by **dealing with the specific problems in the public sector**. A high-level committee, chaired by the Director of Computer Services, has been set up to co-ordinate the efforts of individual Government departments. In addition, a Project Officer will shortly be appointed to spearhead our efforts.

- Third, we will take whatever action is necessary to ensure that the national and international infrastructure is as ready as it can be.

We urge the whole community to follow Government's example by taking this problem seriously. They should:

- inventory all their systems;
- assess the vulnerability of each system;
- plan how they are to achieve Year 2000 compliance;
- implement their chosen solutions;
- thoroughly test these solutions to make sure they work; and then
- bring them into use.

Finally, businesses and individuals must accept how dependent they are upon other people's systems. It may be your supplier's inventory control system, your customer's accounting system, your bank's automatic teller machine, or your airline's reservation system. Ask them how their 'Year 2000' preparations are progressing. Develop contingency plans to deal with possible failures, thereby minimising your risk.

This problem will not simply go away, but with a structured commitment to addressing it, we can ensure that our businesses will continue to operate fully after 1 January 2000.

Thank you, Mr. Speaker.

The Speaker: I think this would be a convenient time to take the morning break. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.15 AM

PROCEEDINGS RESUMED AT 11.55 AM

The Speaker: Please be seated. Proceedings are resumed. Item number 4 on today's Order Paper, Other Business, Private Members' Motions, Private Member's Motion No. 15/98, Litter Control. Debate continues. Does any other Member wish to speak? The Fourth Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 15/98

LITTER CONTROL

(Continuation of debate thereon)

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I must rise to say a few words. I have to support this motion because I know that litter and littering of the Islands

is something that is really serious. I have noticed so many places that have been littered with garbage. It seems that the people want to have some access to a little by-path where they can drive in and dump their garbage or litter.

I agree that the laws should be revised and strengthened. I believe also that if there were a way to educate the people about handling their litter, and to let them know the danger of messing up the place, it would help a lot. With this, Mr. Speaker, I support the motion and commend the Member for bringing it to this Honourable House. Thank you.

The Speaker: Does any other Member wish to speak?

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I rise to offer my support to the motion before the House. I am pleased to say that Government has accepted and will take the responsibility for providing this service at SafeHaven. Thank you.

The Speaker: Does any other Member wish to speak? If no other Member wishes to speak, does the Honourable mover wish to exercise his right of reply?

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I want to first thank all Honourable Members who spoke in support of the motion, and those who gave their tacit support. I was very encouraged by the enthusiastic debate this motion generated. I believe that all Members are now conscious that we have to address this very important matter. It is a matter that is not going to go away.

We also have to change the mentality in the country. The private sector has the attitude that this is Government's problem, so the cost has to be borne by Government. I believe it is such a serious problem, and we have seen from the Public Accounts Committee report that it is not a revenue-earning programme. In 1996, Government spent something like \$888,000 for sending items off the Island, while not collecting enough revenue to take care of even the transportation costs.

Lots of cans, bottles, oil, batteries, plastics and cartons and other items are brought into this country. They are used, and then it is Government's responsibility to haul it to the Government dump, and take care of disposing of it. I believe the only way we can do it is through legislation—provisions have to be put in place to ensure that the cost of this problem is borne by everyone in this country.

Government does a good job with the collection of garbage, keeping our roadways and, to a certain extent, our districts clean by having crews for this purpose. There is nothing wrong with that. I commend the Government in this area. But a consciousness has to be created among our people, and the people who work among us, that is not okay. When someone uses something and just pitches it out of a car window, or when ready to dispose of a durable item like a refrigerator or

stove, finds a vacant piece of property and dumps it, hoping to forget it, . . . this will no longer be tolerated. That mentality has to be curbed in this country, and I believe it has to come through a number of means, that is, we have to first punish or discipline those people who abuse the environment by littering. We also have to educate the population, and especially our kids, about the importance of maintaining a clean environment.

As the Chairman of the Public Accounts Committee I tabled its report for 1996. In that report we mentioned that there was a recently appointed recycling officer attached to the Department of Environment, and that an educational campaign would be mounted. I am not sure how much has been done in this area. I, for one, have not seen a whole lot of publicity as far as creating a consciousness in people with respect to litter.

I believe we, as a Government, have to first establish a proper, well thought-out waste management policy. I believe we have to impose fines on people who litter our environment—the physical as well as the marine environment. The easiest way to do this would be to empower our police officers, our environmental health officers and public health officers, so that when they see abuse in this area they are able to issue a ticket. Persons will then be required to pay a fine at the courts of-fice. At present they have to first catch the person. I have never heard of them having the authority to issue a ticket. A lot of time is wasted in court either prosecuting or attempting to defend a position. To date, it has not worked.

I was told we had one defendant actually brought before the courts in this area. I think the Honourable Minister for Tourism some years ago was able to impose, through the Marine Conservation Law, a fine for a cruise ship dumping effluent in our harbour. But there has to be instilled a fear and a consciousness that this behaviour among us is no longer acceptable. We have to implement a proper recycling programme. I am told that if we do have a proper programme, most items we create here by way of waste can be reused in some fashion, thus eliminating the amount of items that have to be shipped off the Island.

In my opening remarks I recommended that the simplest way for Government to share the cost of a waste management programme with the private sector would be at the point of entry into this country. There could be a specific, I should not say a tax, but a specific fee or charge on every item brought in—that is, on every can, bottle, and automobile—because after it is brought in, we are responsible to make sure these items are properly disposed of. Government cannot afford to bear this cost by itself.

The First Elected Member for West Bay raised the issue of boats dumping in the canals. I recall discussing that issue when it was being dealt with. I am very disappointed to learn that nothing has been done in this area. I would request that the Honourable Minister for Environment advise his staff to make this issue a priority. I do not believe that the operators expect this service to be free. I think it important that we make this ser-

vice available for boat owners who house their boats here in these Islands.

There are a number of programmes that could be implemented where the cost of litter control can be shared. I am aware that other countries have a 'highway sponsorship' programme, whereby private business and clubs pay for the proper maintenance of an area, maybe a mile or two of the highway, or an area in a district. It does work very well, and it brings to the consciousness of the public that businesses are involved and are being responsible by sponsoring these programmes.

I believe we definitely have to increase the fines for illegal dumping. The Second Elected Member for Bodden Town raised the problem this morning about cleanup of construction sites. I recall seeing litter from these sites blowing all over the place, and then it is up to Government to ensure that this litter is collected and disposed of. I do not think this is right. I think when we issue approvals for construction it should go with certain conditions—one of them being that the contractor or developer is responsible for making sure that litter created on the site is cleaned up, maybe on a daily basis.

I would also suggest that the issue of derelict vehicles be addressed. There are a lot of derelict vehicles that no one seems to have taken any responsibility for, and Government is then forced to go out and collect and dispose of them. I believe the onus has to be placed on homeowners, property owners, and vehicle owners to ensure that the responsibility is theirs for keeping their respective property or vehicles clean. If they allow people to ride in their vehicles and throw out trash, when they are ticketed it is their responsibility to say who the culprit is so it does not fall on them personally if they did not throw it out. The onus has to be placed on someone with respect to responsibility.

I believe it would be a good idea for us to—and this was a suggestion that was passed on to me—establish, in each district, an 'enviro-watch' committee. That committee would act as a watchdog to organise district cleanups and report violations they see occurring to the proper authorities. I would also recommend that we establish an environmental advisory council, chaired by the Director of Environment, staffed by people with some expertise in waste management and recycling and with a genuine concern for the environment as a whole. I would put forward two names to be a part of this advisory council. The first one is in the marine area, because of his concern for our marine environment. That is Mr. Peter Milburn. I have had a lot of discussion with this gentleman. He has been here many years and has the interests of this country at heart. And because he makes his living from the ocean, he has a keen interest in this area. I am aware that he is upset about some of the things he sees occurring with regard to abuse in this area.

The other name I would put forward is Mr. Marty Healy of Envirolube. He is a specialist in recycling. There are other members of the general public who have an interest and expertise in this area, and I believe the more people we have assisting in this area, the bet-

ter for all of us. I am one of those representatives who does not have an ego, and who also is not very tolerant I see people playing games. A lot of games have been played, especially in this area.

I also believe it is such a specialised area that the Department of Environment has to be careful regarding who they recruit and put in charge of this programme. I get the feeling sometimes, and I have nothing against Government trying to assist in providing employment for some of our ex-prisoners and that type of thing, and I do support that programme, but I am talking about officers. It appears that the Department of Environment—and I am aware of a couple instances in which it became a safe haven for people who lost their jobs in other areas. These are not Caymanians, Mr. Speaker. These are non-Caymanian officers who just want a job and a salary at the end of the month.

We raised this motion while we were in Cayman Brac, and I want to say that it was not geared or intended for Cayman Brac. It was intended for the three Islands, because from what I can see, Cayman Brac has a pretty litter-free environment. They do have a problem with the location of their dump, but I understand that is being dealt with. It is out of concern for the environment of the three Islands. I am quite sure the residents of Cayman Brac and Little Cayman will continue to do what they have been doing with respect to keeping their environment clean. They seem to have a lot of pride in their environment.

I recall an announcement by the Department of Environment just after Christmas. If one wanted to dispose of a Christmas tree, one could drop it off at his district Town Hall. The Department would collect the tree and have it ground or recycled. The public could then go and pick up a bag of chips to fertilise and beautify their yards and homes. I was passed a picture just this week where those Christmas trees also appeared at the public dump. I do not know if they were taken there and dealt with regarding the chipping process, but I believe we have to be honest and have a genuine concern and interest in this area.

We cannot play games with our environment. So much depends upon this issue of maintaining a clean environment. I think one area in which the Department of Environment can help is to make sure more bins and containers are made available for public use. When attending a function like football or basketball games, and you are eating a Snickers or drinking pop and you look around for a place to dispose of it, there is nothing. There are no containers. The tendency, if there is no container, is to drop it on the ground, which means that someone has to pick it up later. That is not good. Like I said, I think if we can make more containers available—and it is not very expensive, with all the diesel drums I see around, it is not very difficult to get them cut, put the Environmental Health logo on it and put them around our districts where people can use them. Once they are filled, make sure they are picked up and the litter collected is disposed of. This has also been a problem, in

that the dogs tip the containers over and drag the litter all over the place.

I think I have exhausted all I have to say on this very important issue. Once again I want to say thanks to the Minister for Agriculture and Environment who has accepted the motion on behalf of Government, and also to all Honourable Members who have spoken in support of this very important matter. I look forward to early implementation of some of the recommendations other Members and I have put forward in the debate on this motion. Thank you, Sir.

The Speaker: I shall now put the question on Private Member's Motion No. 15/98, as amended. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The motion has passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 15/98 AS AMENDED PASSED.

The Speaker: certain Members have requested that we take the luncheon break at this time. Is that the wish of the House? We shall suspend proceedings until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.25 PM

PROCEEDINGS RESUMED AT 2.45 PM

The Speaker: Please be seated.

Private Member's Motion No. 10/98, the Elected Member for North Side.

POINT OF PROCEDURE

Mr. W. McKeeva Bush: Mr. Speaker, on a matter of procedure. I am looking at these motions, and we have several very important and serious motions. The most important motion here is the one dealing with censure or revocation because it deals with a person's character and with a person's ability to perform. That motion has been circulated for a long time, and we need to deal with it and get it over with.

When we have a matter, which affects someone's character and their ability to perform, then I think it should take precedence over any matter in the House.

The Speaker: I understand what you are saying, but the Business Committee refers the business to this House. So that should be dealt with by the Business Committee.

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order, on a matter of procedure, I should say, this House can direct which matter it deals with.

The Speaker: I have made my ruling on this. Let us proceed with Private Member's Motion No. 10/98.

Mr. W. McKeeva Bush: Mr. Speaker, on a matter of procedure. Are you saying that you are not going to allow the motion to come forward now?

The Speaker: Not at this particular time, no.

Mr. W. McKeeva Bush: Okay.

The Speaker: Private Member's Motion No. 10/98. The lady Member for North Side.

PRIVATE MEMBER'S MOTION NO. 10/98

ASSISTANCE TO LOCAL FARMERS IN THE IMPORTATION OF SHOTGUN SHELLS

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 10/98, Assistance to Local Farmers in the Importation of Shotgun Shells (and I changed the word 'bullets' to 'shells'), which reads:

"BE IT RESOLVED that the Government of the Cayman Islands consider importing shotgun shells for sale to local licensed farmers."

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I beg to second that motion.

The Speaker: Private Member's Motion No. 10/98 has been duly moved and seconded. Does the Mover wish to speak to it?

Mrs. Edna M. Moyle: I will be very brief in speaking to this motion as I feel that the motion speaks for itself. All that is being requested is that the Government of the Cayman Islands consider importing shotgun shells for sale to local licensed farmers.

For years governments have put more and more money into developing agriculture in these Islands with a view to one day becoming self-sufficient in any crop we are able to grow in large quantities in these Islands. The Government has continuously imported pesticides, insecticides and other things required by farmers to assist in any way; feed for cattle, and various other items. I feel that importing these shotgun shells for resale to local farmers is just another way to help make the farmers' lives a little bit easier.

Those of us who are older (and I guess younger) know that shotguns have been like a part of the family for local farmers for as long as we can remember. There is a pest in these Islands, which we call a rabbit. For those people who tend to not understand Caymanian English, I will call it the Agouti, which is the correct

name. This pest constantly destroyed crops such as cassava, sweet potatoes, and various others.

Shotgun shells used to be for sale in these island in the private sector. I do not know the reason why this was discontinued, but I am sure that in replying the Government will inform me. I know that the safety of such shells could possibly be one of the reasons and that is why I am asking that the Cayman Islands Government be the entity to sell these shells because we need people who are going to be responsible to see that they do not get into the hands of the wrong people.

After debating the Miscellaneous Provision (Fees and Duties) [Bill], and asking for consideration to be given to farmers on licensing fees, importation fees, and various other fees, it got lost and farmers were being charged for licences and renewal of licences. I had representation from the farmers in my district of North Side, particularly on the renewal of those licence fees where it had been increased to \$100, and because it followed the format of the driver's licence, one had to pay for three years. They found it very hard to come up with \$300 at one time. So I made representation to the Hon. Financial Secretary, and to the police.

I would like to thank the Hon. Chief Secretary for the amending regulations, which have now made licensing of farmers nil, and importation of guns for farmers nil. I would like to thank him for doing this in his normal way and for the consideration of the people of these Islands who farm.

I have had representation from the farmers in that for them to obtain a box of shotgun shells they have to buy a ticket. And depending on what time of the year, whether it is the high season or not, that ticket costs quite a bit of money. They have to pay hotel accommodation in Miami just to be able to purchase a box of shotgun shells unless they are lucky enough to find some friend who is travelling to Miami and willing to take the time to search for these and bring them back. I believe the removal of licence fees for farmers and the Government importing these shotgun shells for resale to them it will bring down the cost of produce.

We constantly tell the public to buy local. We constantly hear people saying that local produce is more expensive. In my humble opinion, these are the things that cause the cost of local produce to escalate.

I said I would be brief in my introduction. So I will end my contribution by asking the Government to look favourably at this motion so that we can offer more assistance to our local farmers who are farming under unfavourable conditions in these Islands. I commit this motion and ask the Government to look at it favourably. Thank you.

The Speaker: The motion is open to debate.

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: While the Government understands the reasoning behind this motion, the Government has quite recently removed the cost to farmers on the importation of shotgun shells (shotgun bullets, I

have been corrected) so that the importation is now free of any Government licence on it. The system as I understand it, and the Hon. Minister for Agriculture will deal more with that, is such that it now is working well with the way this is dealt with.

From the point of view of Government actually importing shotgun bullets, it is felt that this is really a matter that should continue as it is being dealt with now. We did take the point on the cost and regulations have been amended to that effect. So, while we understand the import and reasoning behind it, I cannot support this motion.

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

Hon. John B. McLean: Ever since I have been Minister for Agriculture I have tried my best to accommodate and support the farming community of this country. Although I am saying so, I am certain that there are various farmers and persons associated with farmers who will agree to that. It is my understanding that a few farmers have been complaining in regard to the importation of shotgun shells. As a matter of fact, I have spoken to a couple and while I agree with them from one side, I have to disagree from the other.

The fact remains that we are aware that we do have a problem with what we call wild rabbits in Cayman; and we need to definitely assist the farmers to protect the farms that are disturbed. At the same time, I am satisfied that the necessary arrangements can be made for the farmers to acquire whatever shotgun shells are necessary. It is my understanding that thus far they have actually been able to achieve that goal and have been able to have the necessary shells they need.

What I will say is this: As we have done in another area—and we can term it as farming, or preserving, because I am speaking of the Whistling Duck where Government came forward and gave some assistance to a certain individual (or individuals) to try to preserve that bird—I will be happy if Government could give some assistance again, as we used to before, to farmers who are in need if they need some subsidy to purchase shells. But what I am not happy with is if we go and open this up to where the shotgun shells can be imported on an ad hoc basis. I think the way it is presently set up is good enough.

[Inaudible interjection]

Hon. John B. McLean: I would like to explain, if the Member will give me a minute.

My understanding is that it is not something from the Department. It is an application which is a standard application, not only for a farmer, but also for anybody. You fill it out, get it approved and the shells, or shotgun bullets, can be brought in. That is my understanding. I see nothing wrong with that control. I honestly do not think that we should go ahead at this stage and change that. If, as I said before, we can assist the farmer, I think we should go ahead and do it, but I do not think we should change what is presently in place.

I would like to say to the lady Member that bringing her motion is her duty. I can only do what the Government is prepared to support me on. While I support my farmers, I have a duty also to the country. I honestly believe that we have presently in place what is necessary, and I have to support my colleague by saying that I cannot support this motion.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: It is a pity, when the Government deals with motions—especially Private Member's Motions—that not enough thought is given so that when Government brings its argument, whether agreeing or disagreeing with the motion, it would bring more salient points than what we have been hearing.

It was just explained to us that the system is such whereby anyone with a shotgun licence can also acquire an import permit for the importation of ammunition for such shotgun. The Government's position is that that is enough control, and to vary that system for the farmers would be allowing a situation to prevail whereby there would be no control and it would be, as it was termed, an ad hoc system.

For the record, and hopefully for the Government to understand the motion, let me go through the purpose of the motion and what it hopes to achieve once more. The mover quite ably made her point. But the Government was so busy deciding what position it was going to take it may not have been listening carefully.

The motion simply stated, "**BE IT RESOLVED THAT the Government of the Cayman Islands consider importing shotgun shells for sale to local licensed farmers.**" It has been explained that even though the farmers can acquire the permits (and the price of the permits are now only \$10), the fact is that many of the farmers have difficulty with the physical process of importation of these shells. No one is questioning Government's will to alleviate the cost to the farmers. The farmers are not seeking a subsidy to purchase shells. The farmers are simply asking for a centralised location, which would automatically have control over the sale of these shells, so they could purchase these shells locally rather than having to beg, plead or cajole someone whenever they are travelling, or when they travel themselves, just to buy these shells.

For instance, the Agriculture Department has an outlet where they sell various products in an effort to encourage farming in the country. There is also the Farmers' Co-op, which sells a lot of the produce from local farmers. If either of these two entities were allowed to import the shells and dispose of them to the farmers with some type of identification, then: (1) it will be established that the sale of these shotgun shells would only be to farmers; and (2) the farmers would have access to these shells more readily.

In the new Firearms Law (1995 Revision) Amendment Regulations 1998, under the second schedule, section 2 reads: "**For the purpose of these regulations**

“farmer” means a person who satisfies the appropriate authority that he farms or manages land that is used for arable purposes or the rearing of stock.” So we know, by way of these regulations, what a farmer is and who a farmer is. It is therefore quite easy to identify those people who have some type of identification whereby they could purchase these shells at one of these outlets.

The point seems to have been made that changing the system that now prevails will cause less control. We contend that there will be more control because outside of licensed shotgun owners who purchase the licences to buy these shells, the farmers would simply have one central location to purchase. So, we cannot take the view that in doing it in this fashion it would mean less control, we contend it would mean more control. And it would make life easier for the farmers in that respect.

The Government has made no case for not accepting this motion. The Minister responsible—who did not answer first—says that he wants to support “his local farmers” but that he has to support “his colleagues,” and his colleagues are not supporting it. Therefore, although he wants to support his local farmers, he has to support his colleagues so he cannot support his local farmers. That is what has been said!

Mr. Speaker, without making a joke of this, and as the legal brains would say, “speaking generally” (that is the Minister's [for Education] byword), I would sincerely urge the Government, notwithstanding the fact that they have taken a position, to revisit the line of argument being brought. If they have another argument to bring, two Members have spoken there are three others on the Government Bench; if they have an argument which makes sense, we are quite willing to listen. What we have heard thus far—and I know the Government knows that what I am saying is the truth—no points have been made as to why the motion should not be accepted. If there is some reason that has not been put forward to us, . . . it is not that we cannot understand. If we understand some other reasoning, we are not saying that we cannot withdraw the motion, but we are going on the premise of the reputation made. We feel justified because we cannot see any reason that would cause any risk to any other type of wildlife or anything else. We do not see any security risks on the part of those who would be controlling the shells. There must be another system by which that could be operated, just like every other item that is sold by the Agricultural Department and/or Farmers' Co-op.

If the Government is not prepared to look at the situation again, this will be just another case of the wrong people bringing the right message at the wrong time, which unfortunately happens quite often these days. Mr. Speaker, I recommend the motion, and if the Government sincerely wishes to support the farming community it would accept the motion. There is no excuse if it is so minded to use anyone else's thoughts not to support the motion.

I know the mover will wind up. I hope the Government is prepared to reconsider and give us sensible arguments as to why not—because we have heard none

so far. If not, I trust that those not directly involved will leave the Chamber so that the Backbench can win the vote.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I rise to offer my support to Private Member's Motion No. 10/98 requesting Government to assist by providing shotgun shells for local farmers.

I know the mover quite well. She would not have brought this unless she had a request put to her by local farmers. I believe it is a reasonable request and a practical solution to an inconvenience the farmers are presently experiencing. If I were a farmer, and I went and got a permit to import shotgun shells.... Let me put it this way: No local farmer could ask me to take a permit and bring down a case of shotgun shells. We all recognise the seriousness of handling firearms or ammunition, and in most cases the farmer himself has to make a trip to Miami, or wherever he purchases these shells, personally pick them up and bring them back. If Government really wants to assist local farmers, the motion put forward by the Elected Member for North Side is a very reasonable, practical one.

With Government being the importer, there would be more control over the number of shotgun shells existing in the country. And in order to purchase those shells one would have to provide (and I think the Agriculture Department would be the provider) some type of identification even though the Agricultural officers do know most of the local farmers. They would fill out a request, pay some money and get their shells. I believe that is a very reasonable request.

I was a little bit disappointed with the Minister replying on behalf of Government. I know personally how keen he is to support local farming. I really am aware of that, he being a farmer himself. He does quite a bit of farming, Mr. Speaker, and for him to have allowed his colleagues to put him in this position—

[inaudible interjection]

Mr. John D. Jefferson, Jr: It had to be colleagues. I know that gentleman well enough on a personal basis to know that he would have adopted the request. I really do know him that well.

I would really beg Government to reconsider the position because I think it is a very reasonable request. I don't farm, but I do understand we have a problem here with rabbits and that sort of thing. We need to be in a position where we can control that as far as farmers are concerned.

So I support this motion. I think it is a reasonable request and I suggest that the Minister for Agriculture maybe twist his colleagues' arms so that they would reconsider their position. Thank you, Sir.

The Speaker: Does any other Member wish to speak?

If not, does the mover wish to exercise her right of reply?

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I would like to thank my colleagues on the Backbench for their support.

I cannot believe that the Government is rejecting such a simple motion to assist the little man like the farmer—whom we claim to be so concerned about. This carries me back to the days of the old Unity Team: *If you leave me, I am finished with you, even if it is for the betterment of the people of these Islands.*

[Some Members' laughter]

Mrs. Edna M. Moyle: My motion did not ask for any subsidy for farmers. The farmers in these Islands—and I particularly speak of my farmers in North Side—are too proud to come and ask for a subsidy to purchase shotgun shells, or a handout to assist them. I was not asking for the removal of any control.

In my humble opinion the Third Elected Member for West Bay hit it on the head. To do what this motion is asking would put more control in place because we will then know who are getting these shotgun shells. As the situation exists now, I can be a licensed farmer and get a permit. I can go to Miami and buy four boxes of shells. But only God and I know whom I give those shells to.

But if Government were to provide a place where the local farmers can go (and under this amendment to the Firearms Regulations, we have the definition of a farmer), they could go to this place and purchase a box of shotgun shells and we would know where those shells have gone.

The reply to this motion shocks me, in that the Government has totally refused to accept it. I cannot believe that a Minister in this Parliament responsible for Agriculture can be led by his colleagues and refuse to accept this motion rather than convince his colleagues to accept a motion to help those farmers who are so dear to his heart!

Mr. Roy Boddén: Hear, hear!

Mrs. Edna M. Moyle: Mr. Speaker, I will sit down and ask you to put this matter to bed, close the files on it by bringing it to the vote.

The Speaker: I shall put the question on Private Member's Motion No. 10/98. Those in favour, please say Aye. Those against, No.

AYES and NOES.

Mr. John D. Jefferson, Jr: Can we have a division, please?

The Speaker: Certainly.

The Clerk:

Division No. 7/98**AYES: 7**

Mr. W. McKeeva Bush
 Mr. John D. Jefferson, Jr
 Mr. D. Dalmain Ebanks
 Mr. D. Kurt Tibbetts
 Dr. Frank McField
 Mr. Roy Bodden
 Mrs. Edna M. Moyle

NOES: 7

Hon. James M. Ryan
 Hon. Richard H. Coles
 Hon. Truman M. Bodden
 Hon. Thomas C. Jefferson
 Hon. John B. McLean
 Hon. Anthony S. Eden
 Hon. Julianna O'Connor-
 Connolly

Absent:

Hon. George A. McCarthy
 Mr. Linford A. Pierson
 Miss Heather D. Bodden

SPEAKER'S CASTING VOTE

The Speaker: The result of the division is seven Ayes, seven Noes, no abstentions, three absent. According to the rules, I have to allow the status quo to remain, so I have to vote against the motion. The motion therefore fails.

PRIVATE MEMBER'S MOTION NO. 10/98 NEGATIVE.

The Speaker: Maybe this would be a convenient time to take the afternoon break. We will suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.30 PM**PROCEEDINGS RESUMED AT 4.01 PM**

The Speaker: Please be seated.

Private Member's Motion No. 11/98, Appointment of a Select Committee to Take Input from the Public on the Review of the Dependent Territories.

The First Elected Member for West Bay.

¹PRIVATE MEMBER'S MOTION NO. 11/98

**APPOINTMENT OF
 A SELECT COMMITTEE TO TAKE INPUT FROM THE
 PUBLIC ON THE REVIEW
 OF DEPENDENT TERRITORIES**

Mr. W. McKeeva Bush: Mr. Speaker, upon receiving the orders, or the agenda for the meeting, I spoke to you, as Speaker, telling you that I would not be ready to deal with this motion at present. I spoke to the Minister responsible for Social Welfare and said that I could deal with the one for Financial Assistance to the Elderly. It is up to the House what they want to do, Mr. Speaker. That is the position.

Dr. Frank McField: Mr. Speaker, as a result of what the First Elected Member for West Bay has said, I was wondering whether or not we could. . . .

Mr. Speaker, I notice that the Leader of Government Business is bringing back his troops, so I guess there will be a vote that is tested.

I basically wanted to find out if it is possible, since the Business Committee does not include all Members of the House, if Members who are now present can make a decision as to what the next motion to be discussed will be.

Hon. Truman M. Bodden: Mr. Speaker, I think in the interest of time and expediency, we only have another twenty minutes left, the whole of that time will be taken up talking about what to do next. Since we are going into a Committee tomorrow and are back on Monday, I believe it would be best to adjourn the House and on Monday come back here. Very little debate can go on at this stage.

The Speaker: If that is the wish of the House, I will entertain a motion for the adjournment.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Honourable Leader of Government Business is trying to prevent a decision being made. The Fourth Elected Member for George Town has made a request. Regardless of what the answer to that request is, it makes no difference to close the House down now and wait until Monday morning because we may as well get a decision on the matter.

What he is talking about regards the way the Business Committee has set the agenda. If we look at the appointment of the Standing Business Committee, there was a Government Motion regarding that appointment which read: **"BE IT RESOLVED that in accordance with the provisions of Standing Order 76 this House appoints a standing Business Committee charged with deciding the order of business of the House."** And it has (a), (b), (c), (d) and (e). Section (d) reads: **"provide a ready means of consultation between Members who are not Members of Executive Council and the Leader of Government Business, the Presiding Officer and Clerk."**

The point with that is that while there is a Business Committee it is clear in this Government Motion which was accepted by this Honourable House that the whole purpose of the Business Committee calls for consultation with the other Members of the House. When the agenda was set there was no consultation. That is the grievance being put forward. Regardless of what may be said and what other rules or laws may be pulled by the Leader of Government Business we feel that we have a right to be consulted regarding the agenda.

We ask questions and Ministers have to answer, and they do this round-robin thing to find out which Minister can answer a question, and when, in order for them to put the questions on the Order Paper on a daily basis. Why not consult with us regarding our motions to see

¹ See page 444

who is ready, and when, and what we consider to be the most important motions to be dealt with early.

We crave your indulgence, Mr. Speaker, to see that point and ask that you look at it in that light.

The Speaker: May I just ask Hon. Members one question? This other business appeared on the Order Paper on June 5, and every time the House has met since. Why was this not brought to my attention, or to the attention of the Business Committee prior to this hour?

Mr. W. McKeeva Bush: Mr. Speaker—

The Speaker: This was on the agenda in the opening session in Cayman Brac, and every agenda we have had since.

Mr. W. McKeeva Bush: Mr. Speaker, I hope that you are not referring to the motion that I raised with you, the next motion to be dealt with. As you know, I came to you and informed you that I could not deal with it, and we agreed that I would speak to the Minister for Health, which I did.

The Speaker: I am not arguing that point at all, but I am asking why we waited until this late hour of the afternoon to bring this discussion. Why not come into my office and discuss it?

Dr. Frank McField: Mr. Speaker, I can certainly state my case. I brought my motion in early because I thought it would influence the consideration of the motion, the position in which the motion would be considered. I felt that the motion was an important motion to clear the air. Although this motion is not a censure motion against the Government, it is a motion against one Minister of the Government. If we read what Erskine May says about a censure motion, it says quite clearly that it is to the Government's advantage to have that dealt with as soon as possible. As long as motions like this are in existence without being clarified it is calling into question the credibility of the Government, or the person involved. It would be better to have us get through that body of work.

The Business Committee is empowered to set the business of the House. Certain Members, like myself, feel that we were not consulted and that there is a slight disadvantage being given to this particular motion. I brought this to your attention so that Members would have the possibility to vote as to whether or not they felt it was important enough to take precedence over other motions or if this motion which arrived here at this House early should be the last motion to be dealt with during this particular sitting.

I am making a motion that Private Member's Motion—

The Speaker: I am not prepared to entertain a motion at this time. Let us get this discussion out of the way.

I would like to say from the Chair that it is my view that every Private Members' Motion is an important motion. Every motion has been brought and seconded by Members, therefore each and every one is important. The priority in which they are brought to this Honourable House is the responsibility of the Business Committee. If there is any grievance, certainly that can be adjusted.

The First Elected Member for West Bay contacted me, but I thought that time had elapsed between when he told me that and today. I apologise if it was too early for him. But, to say that only one motion is important, I cannot accept that. Every motion is important.

Dr. Frank McField: Mr. Speaker, on a point of order, Sir. I did not say that.

The Speaker: I think we are getting absolutely nowhere. I will entertain a motion for the adjournment of this Honourable House.

Dr. Frank McField: Mr. Speaker—

ADJOURNMENT

Hon. Truman M. Boddan: Mr. Speaker, I move the adjournment—

Dr. Frank McField: Mr. Speaker—

Hon. Truman M. Boddan: of this Honourable House until Monday morning at 10 o'clock.

The Speaker: I have agreed that the First Elected Member for West Bay, under Standing Order 11(6) will speak to a matter on the adjournment—

Dr. Frank McField: Mr. Speaker—

The Speaker: We are now—

Dr. Frank McField: Mr. Speaker—

The Speaker: The question is that this House stand adjourned.

The First Elected Member for West Bay.

STANDING ORDER 11(6) RAISING OF ANY PUBLIC MATTER

Mr. W. McKeeva Bush: Mr. Speaker, I want to enquire of the Government what is happening to the rights of the public to use roads with access to the sea that existed for years.

There is a matter in my district that is very glaring at present. In Northwest Point, West Bay, a family—not just a family, but the general public—has been stopped from using this access to the sea in the vicinity of Mr. and Mrs. Cleveland Ebanks' Road, West Bay Northwest, Block 2C Parcel 160.

In this situation a gentleman bought a piece of land and the road existed with access to the beach. He has now blocked the road by dumping several loads of marl on it. Other members of the public in that area are affected and stopped from using the right-of-way that existed for as long as 90 year old people can remember. It may be that the Prescription Law applies in this case and the Minister should now declare that road public.

I know that the Lands Department has informed the Ministry of the situation and I am asking the Minister responsible to deal quickly with the matter I am raising. We all know that nothing can get more heated in this country than a land argument. I would not want to see that develop in this case. In fact, I believe that strong action needs to be taken to inform the public as to the rights of access to the beach or the sea.

That road, from the main road to the sea, was there and was not being used except with limited access right now. Everybody used that access. I used it as a boy to get to the Barcadere to fish and to buy fish from the late Mr. Donald [?] Ebanks who lived also in that area. I am hoping that the Government will move quickly on the Lands and Survey request to regularise the situation. People in this House know that area. My knowledge of it was that it was called Joe Perry's Barcadere, or Mr. Lambert Hydes' Barcadere, or Mr. Donald Ebanks' Barcadere at times because he used to fish there.

This is a glaring case. The man has dumped three loads of marl in the area and Government should move post haste and make him remove it until they can deal with it. I am asking the Minister to move quickly on it to stop any argument. The two couples who live there are up in age, well over 70, and, Mr. Speaker, we don't want any problems. As I said, the one thing that can make for a heated argument is an argument over land. I don't want that to happen.

I stand by these people, and I know other representatives do. I know that people in Northwest Point, Justices of the Peace and other people, people as old as 90 years of age, know of that road being there.

Thank you for your indulgence, Mr. Speaker. I ask the Minister to move on this as quickly as possible.

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

Hon. John B. McLean: I take the Member's point, and would just like to say to him and to the House that my Honourable colleague, Mr. Thomas Jefferson, did bring it to my attention and we are working on it. We will definitely take the necessary steps because I too do not want to see anything go wrong there. We will do whatever we can to make sure that it is corrected.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I thank the Minister. I don't know who else raised the matter to him, but that matter had been raised since early this year and I do know that the Lands and Survey wrote to him in April. So, to stop

anything untoward happening there, they must move as quickly as possible to deal with it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to extend the argument being put forward, there are several other locations, especially on the Seven Mile Beach, where either six foot or twelve foot access exists. I think you, sir, are very much aware from your tenure at the Central Planning Authority. I would just ask the Minister, since there is some focus in that area, to have the necessary agencies identify these locations and ensure that there is proper access for the public. We hear from time to time where there are problems and certain attempts have been made to block them. So if the Minister could also look into this at the same time, and perhaps give a public statement identifying these access areas so that the public will know where they can have safe passage through to Seven Mile Beach with those given areas.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I rise to add my support to the request for a prompt resolution to this matter. It is a matter which has been lingering for some time and, as the First Elected Member for West Bay said, the residents in that area are quite heated at present. I think in the interest of good order it should be resolved as soon as possible. I support this request.

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

Hon. John B. McLean: I have given the undertaking to deal with the matter the Member has just put forward. But I would like to point out that most of the accesses on Seven Mile Beach have signs. I think this is an isolated case. We will deal with this because I would not like to see any problems come there either. I sympathise with the Member who actually raised it. The only point I made is that my colleague had brought it to my attention and we are definitely dealing with it.

The Speaker: I shall put the question that this House adjourn until 10 o'clock on Monday. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. And I call to Members' attention that there will be a Select Committee here tomorrow on the Immigration Law and the Election Law.

AT 4.24 PM THE HOUSE STOOD ADJOURNED UNTIL 10 AM, MONDAY, 22 JUNE 1998 (TO ENABLE SELECT COMMITTEES TO MEET ON FRIDAY, 19 JUNE 1998).

**MONDAY
22 JUNE 1998
10.25 AM**

The Speaker: Prayers by the Honourable Minister for Tourism, Commerce and Transport.

PRAYERS

Hon. Thomas C. Jefferson: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Administration of Oaths or Affirmations. Oath of Allegiance to be taken by Mr. Samuel Bulgin, Solicitor General to be the Temporary Honourable Second Official Member.

Mr. Bulgin would you come to the Clerk's Table please?

**ADMINISTRATION OF OATH
OR AFFIRMATION**

OATH OF ALLEGIANCE

by Mr Samuel Bulgin, Solicitor General

Hon. Samuel Bulgin: I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law. So help me God.

The Speaker: Mr. Bulgin, please take your seat as the Honourable Temporary Second Official Member responsible for Legal Administration.

Item 3, reading of apologies.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have received apologies from the Honourable Second Official Member responsible for Legal Affairs who is off the Island on official business.

Item 4 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 11/98, Appointment of a Select Committee to take input from the Public on the Review of Dependent Territories.

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I thought on Thursday, when we adjourned that I would be taking Private Member's Motion No. 8/98 which is on the Order Paper, Financial assistance to the Handicapped and other Persons in need.

The Speaker: Do you have anything further to say? (Pause) I can only repeat what I said at that time, the House follows the Order Paper as established by the Business Committee.

Did you make the necessary arrangement with the Committee?

Mr. W. McKeeva Bush: Mr. Speaker, no. I made arrangements with the Speaker when I said that I could not take the motion at that time. I can only repeat what I said on Thursday, Mr. Speaker, if the House desires that I move the other one, then I will go ahead with it.

The Speaker: The Honourable Minister for Education, Aviation and Planning, Chairman of the Business Committee, do you have any thing to say on this?

[Inaudible interjections]

Hon. Truman M. Boddan: Mr. Speaker, the Business Committee has set the motion that is there. We will be sitting again this afternoon, and at that stage we could look at this again. This has been set down. If it is not inconvenient to the Honourable Member, it would be good if we just left the motions in the order they are because I know another Member, the Fourth Elected Member for George Town, had a request to change the order of the business. He is not here either. I think it would be better to just leave it the way it is, sir, if it isn't totally inconvenient to the Member.

The Speaker: The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/98

APPOINTMENT OF A SELECT COMMITTEE TO TAKE INPUT FROM THE PUBLIC ON THE REVIEW OF DEPENDENT TERRITORIES

Mr. W. McKeeva Bush: Mr. Speaker, in the future I would like to see business, especially motions when we don't have a disagreement, placed upon the Order Paper in the order in which they are received.

Mr. Speaker, I beg to move Private Member's Motion No. 11/98, Appointment of a Select Committee to take input from the Public on the Review of Dependent Territories, standing in my name, which reads as follows:

"WHEREAS the United Kingdom Government, through the Secretary of State for Foreign and Commonwealth Affairs announced a review of its Dependent Territories;

"AND WHEREAS this Review affects citizenship, change of name, international obligations and other possible matters affecting these Islands;

"AND WHEREAS there has been no public discussion on the Review;

"BE IT RESOLVED THAT a Select Committee of all Members of this Honourable House be set up to take input from the public on the Review, make the findings public by a report being tabled in the Legislative Assembly, sent to the Secretary of State for Foreign and Commonwealth Affairs through His Excellency the Governor, and included in the Vision 2008 exercise.

"AND BE IT FURTHER RESOLVED THAT the Select Committee elect a Chairman and a Deputy Chairman."

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I beg to second the motion.

The Speaker: Private Member's Motion No. 11/98 has been duly moved and seconded. Does the Mover wish to speak to it?

Mr. W. McKeeva Bush: I think all of us agree that the matters dealt with in the motion are of paramount importance to these islands. A review of the Dependent Territories by the United Kingdom must be considered important and cannot be considered frivolous. As we go about

planning for the new millennium, the twenty-first century, we must focus on the policies that could emanate from the new partnership as announced by the United Kingdom government.

A few areas have been made clear—the change of name. I recall in May of last year attending a meeting of the Caribbean Development Bank Board of Governor's meeting in Canada with the Hon. Financial Secretary, my Permanent Secretary and members of his staff, in connection with the Dependent Territories which had several members of the Dependent Territories. Maybe they were all represented at that meeting, but in attendance at that meeting was the Hon. George Foulkes, from the Department for Overseas Development. One of the discussions we had at that meeting was the change of name and what we would call ourselves in the future. We suggested British Overseas Territories. That is neither here nor there, but it is made clear so far.

There are areas that need to be much more clearly defined. This has not been done as far as the Cayman Islands is concerned. For any partnership to work, there must exist a two-way street, as we say, give and take. One of the strongest parts of the speech by the Secretary of State, Mr. Robin Cook, dealt with international obligations as they relate to the Cayman Islands and our financial sector. We Caymanians might as well face the facts, we are not going to exist as a territory of the United Kingdom unless we are prepared to come in line with their international responsibilities.

However, for this new partnership to be real, to be true, to be also beneficial to the Cayman Islands, then there must exist real dialogue between the officials of the United Kingdom and the representatives of the people here. As representatives of the people we can only talk to the United Kingdom, have a sensible discussion to know what the people are thinking and what they want. If there was ever a time where the people in these islands needed to be awake and alert, it is now. If the review with reforms is to be a partnership, then it cannot be left to one, two, or five people; any discussion with the United Kingdom on our behalf should rightly be discussed with us before the discussions begin and positions are taken.

How else can anyone know what the people desire? While the Executive Council can have some knowledge of what is good for the country, certainly in any discussions about our needs, our hopes, our aspirations as a country and as a people, they should consult us first. When there are discussions such as the conference in London, Cayman should be represented by more of the people's representatives along with His Excellency the Governor. What this will do is take the load off of any one or two persons.

When it comes to decisions such as citizenship and whether or not we want it (that is, citizenship of the United Kingdom), or whether or not we want it without reciprocity are matters that need broad-based discussion. The British Nationality Act 1981 (or 1983) determines who are British Dependent Territories citizens. The matter of citizenship is not just saying whether or

not we want reciprocity. The matter of citizenship is not an easy issue because the British Nationality Act and our Immigration Law conflict somewhat. The British Act was imposed on us and it might have taken away certain rights that we had prior to its coming into force. Certainly, in the meeting of the Dependent Territories in London I believe that these are matters that should be raised.

As the British Nationality Act stands, it puts the Cayman Islands at somewhat of a disadvantage because we cannot claim citizenship of the country we were born in. You and I, and all of us, Mr. Speaker, cannot say that we are citizens of the Cayman Islands because Caymanian citizenship does not exist. We can say we are a Dependent Territories citizen of the Cayman Islands with Caymanian status, either by birth or by acquisition. If we are talking about a partnership, then this has to put us at a disadvantage. We see it especially when we travel when we have to get visas for certain countries that UK citizens do not have to. For instance, to travel to France, we would have to get a visa. I know that is so because certain people are going there for the World Cup—not me, but I know it is so.

As a Dependent Territories citizen of the Cayman Islands, we are only being distinguished as not belonging, for instance, to Montserrat, Anguilla, or the British Virgin Islands, or any other Dependent Territory. If this review is going to be a partnership, if it will have some meaning and worth to us as a people, then take out the wording 'Dependent Territory citizen,' and define in our own law who is a Caymanian citizen as it is now defined in the British Nationality Act; as opposed to what is happening now where the United Kingdom has the say in the British Nationality Act that we get citizenship by birth, by registration and by naturalisation and what conditions have to apply to get it by any of the three means.

When we get it by any one of the three means in the present form, we are still a Dependent Territory citizen of the Cayman Islands, rather than being a citizen of the Cayman Islands. As we move forward to the new millennium, I feel strongly about having Caymanian citizenship set down in law. Why should we go into the twenty-first century in this disadvantaged position? If we are going to be partners, then we must be real partners.

Issues such as Constitutional matters or any such questions pertaining to the Constitution, issues such as the Constitutional needs of this territory need to be discussed at the level which includes as many people as possible. I am talking about things like citizenship and all these other matters.

The United Kingdom has also told us that we have laws on our books, which do not conform to theirs. They say, for instance, that we must remove the law against homosexuality. The question I would like answered is, How much say will we have in such a decision? When I say 'we,' that is the majority of people in this country. Who will discuss it? Where will it be discussed? How will the discussion be made? And will the question, Does the Cayman Islands want this change in its law? be put to us? While the United Kingdom government can say that

it does not want this law on our books, it is not up to them. The people of this country would want to have a say, and want to take a stand against any such move.

The question we have to ask ourselves is whether or not we want the United Kingdom government to have such a hold on us where it would have the right to demand that of us. That is why, while no one wants to rock the boat on Constitutional matters, realistic and sensible discussions about our Constitutional authority in regard to demands by the United Kingdom need to take place.

The United Kingdom authorities have also said that we are affecting their international obligations. Is it not time, then, that we knew and understood what those international obligations are? How much do we affect them, and how much they affect us? And what exactly is expected of the Cayman Islands? Tell us all these things that we are expected to conform to.

There is much talk by United Kingdom officials in regard to the international obligations and how they relate to the Dependent Territories. Although the United Kingdom says its policy paper (or 'White Paper' as it is called) will not be made public until sometime in the next couple of months, there has already been quite a bit said, and reported in various financial papers, about their international obligations in relation to our tax haven status. In fact, recently, there was a new agreement signed by the OECD countries, which could have some far-reaching consequences for these islands. That is why it is of paramount importance that we have some say in what obligations the United Kingdom commits these islands to.

Specifically, there have been indications that the United Kingdom wishes its Dependent Territories to abolish a long-standing internationally recognised principle: that countries do not enforce the fiscal laws and policies of other countries except by bilateral treaty obligations. For example (and this is just an example), if the Indonesian countries, who unfortunately find themselves in financial crises, were to impose a 20% tax on the world-wide income of American companies doing business in Indonesia, Americans would not be obligated to enforce such a tax against American company assets in the United States. So, such a change in policy would not be in the national interest of these islands in the same manner as the Chancellor of the Exchequer, Mr. Gordon Brown, recently indicated it would not be in the international interest of the United Kingdom to impose a 20% withholding tax proposed by Brussels and originally put forward by the Finance Minister of Germany. That proposal, they say, would have serious effects on the financial industry of the United Kingdom, in particular its Eurobond market.

Similarly, I believe that since I have the article it would be good to read it. It says in the *Financial Times*: **"Mr. Gordon Brown, UK Chancellor of the Exchequer, last night threatened to block proposals for a European Union wide minimum tax on income from savings and investment. Mr. Brown said the European Commission's draft directive which covers the Eurobond market and the financial services sector**

would damage the city of London. **'We are going to stand up for the national interests,' he said, after a meeting of the European Finance Ministers in Luxembourg.**"

The report goes on to further say, **"British objections to the directive which requires unanimous approval centre on its potential impact on the capital markets especially the Eurobond market, the British Banker's Association and other representatives of the city of London have warned of job losses and migration of financial services away from the European Union."**

All I am saying, Mr. Speaker, is that while they say the proposal would have a serious effect on the financial industry of the United Kingdom, similarly, any laws which would allow fiscal enforcement of third party country policies here in the Cayman Islands cannot be in the best interest of peace, order, and good governance in this territory. If any proposals are ever made by the United Kingdom that our laws be changed to allow enforcement of third party fiscal policy, it would seem to me that such proposals must be put in writing by the United Kingdom together with their resultant implications. Put those proposals to our financial industry and this Legislative Assembly; and, those proposals, if any, should be brought to this House in the clearest possible terms so as to allow this House through its committee that I am asking for to obtain the widest possible input from the financial sector and any other concerned persons on the implications to our financial industry prior to any amendment, or new laws being introduced to give effect to any such policy changes.

I believe that I can speak for all on this side, and certainly Members here can say for themselves that the United Kingdom must understand that this House in majority will not endorse any experimental changes which will allow us to become international guinea pigs or pawns in order to assist their entrance into the European community and to meet their European obligations. It is quite obvious that it is those international obligations they are referring to in their proposed review of the Dependent Territories, although nothing has been said about it in these islands.

One paper published in March of this year quoted the Foreign [and Commonwealth] Office. I will read one quote from it. It says, **"The overseas territories', the Foreign Office spokesperson said, 'must have a clear understanding of what the United Kingdom's overall international obligations are. It is essential that the territories conform to these obligations.'"** It said the timetable set up for the completion of the review is the end of 1999 with an initial review of progress to take place at the end of this year, 1998.

It goes on to say, **"We are still formulating principles and the paper will use much the same language as Robin Cook's speech to draw attention to the United Kingdom's international obligation and it will be incumbent upon each Overseas Territory to make themselves similarly compatible."** Mr. Speaker, these matters really need to be discussed be-

cause they are not saying what these international obligations are—at least it has not been put to this House.

It is most important that this Government be careful in handling this matter. It is most important that it deal with it expeditiously whenever it hears about it so that the United Kingdom will not have an excuse to make any changes unilaterally by order in Council. We will not tolerate this kind of high-handed action. I don't believe that the country is in a mood to accept any such action.

I think that Mr. Peter Corona, Gibraltar's Chief Minister, hit the nail on the head when he said in his response to Mr. Cook's speech that while we are not sovereign independent states, we are not an independent country. The Cayman Islands is not. We must have a right for an appropriate role in international bodies. And it would seem that it would be much more advantageous for these islands to have more say, a meaningful role in the United Kingdom's discussions with the European Union in matters affecting our interests.

You must remember that through Orders in Council the United Kingdom can take away laws from us which they do not want, and I guess that means any law which affects their international obligations no matter how good those laws are for us locally. We have to be concerned about this situation. If we recall, the death penalty was one such law. In one fell swoop through Orders in Council they took it away and we had no say in keeping it.

The world is changing fast. We must ensure as a people that changes affecting us—whether it is citizenship, or any proposed change of laws to the financial sector in regard to international obligations—are dealt with according to what we as a people want, need and can live with.

During my time in Executive Council, and before, there were many good, strong laws put on the books that gave the courts and the authorities the right to make wide [investigations] when they can prove that a company has done something illegal. We have prepared ourselves and done well in regulations. Not that more cannot perhaps be done, but we cannot sacrifice the financial industry that has taken years to build up with a lot of Cupertino between the two countries because of the United Kingdom's entrance, or proposed entrance into the European community.

Because the financial industry is such an integral part of our economy, sufficient funds are being voted for its promotion and protection. That is a new effort, a new initiative to promote and protect the financial industry.

I believe that this motion is very important to us. There was a request that we remove the part where it says to send it to the Vision 2008 Exercise. I have not had time to talk to my colleagues about removing that aspect of it, but I do feel that this needs the widest possible consultation and input from members of the public. I hope that the Government can accept the resolution and move forward from there.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This motion is a very important motion. It deals with an extremely complex subject, much of which has serious international ramifications. The motion deals with the Dependent Territories review and the three matters set out there in the second recital which says, “**AND WHEREAS this Review affects citizenship, change of name, international obligations and other possible matters affecting these Islands.**” In relation to the change of name, this has now been dealt with in principle, as Dependent Territories as he set out in this motion.

Secondly, I would like to deal with the question of citizenship. This has to be looked at in its historical light and the fact that within the Dependent Territories citizenship in all of those territories is dealt with through the British Nationality Act of the United Kingdom as the mover quite rightly pointed out.

I do not know of any Dependent Territory that has been allowed to legislate locally for citizenship. What basically happens is that discretion, which normally rests in the Home Secretary of the United Kingdom, is delegated to the Governor. The actual admission of Dependent Territory citizens for the Cayman Islands or any other Dependent Territory would be dealt with locally. In other words, the three areas which deal with naturalisation (which is the granting of citizenship to a person who is not a member of the Commonwealth), and the sections that relate to registration by discretion and registration by entitlement that relate to British citizens of other countries has been delegated to His Excellency the Governor. So, from the point of view that citizenship here is under a United Kingdom statute there has been the delegation of power to the Governor and that moves on to the Hon. Chief Secretary who deals with these matters.

The second aspect of this is what we should consider in the event of an offer of British citizenship by the United Kingdom. I should point out that the United Kingdom has not at this stage made any offer of citizenship, so the committee that will be set up will obviously discuss this. The time for making decisions other than the general view that has been taken will come at a later stage.

The statement I made at the Dependent Territories Conference in London was one that could be summarised in this way: As far as the issue of British citizenship is concerned, we recognise the importance of British citizenship for some of the territories, for example, Montserrat and St. Helena. Already it has been allowed to Gibraltar as it is within Europe. It has also been allowed to people from Montserrat since the volcano.

We are very small, the Cayman Islands, that is, and any offer of British citizenship which carried with it reciprocal rights would not be in the best interest of the Cayman Islands and not acceptable. The acquisition of British citizenship on a reciprocal basis would have to be decided after fully consulting with the Cayman Islands people on the terms. Where we would find it useful is to obtain access to European countries without needing a visa for each one, and entry to the UK through the EU

Immigration points. That, basically, has been summarised by the mover of the motion, and that was the statement we made at the Dependent Territories Conference.

So it says, first, that any reciprocal rights, that is, if people from Europe wanted to come into Cayman without any immigration restrictions for us to be allowed to go to Europe without any immigration restrictions, would be totally out. I have no doubt that that is the view of every Member of this House and of the public.

The other thing we said was that if we could have easier access to European countries, and the mover did mention this, within Europe once you have a visa to one of the European countries that is accepted in the other European Union countries, as I understand it. While there is not a very strict enforcement of visas in every European country, it is a necessity for a Caymanian going to Europe. It can take time to get some of these visas as it has to be done through the country's embassy. So it would be good if we could get some assistance here and if that could be eased. Many come here from Europe without the need for visas so it would really be similar rights as far as entry into the country goes, that permission would be granted easier. Naturally, it would help us if we could go through the European line going into the UK and other countries as this is normally a shorter and quicker line at the airport when entering.

The Foreign Secretary said that whatever decision the UK made in relation to an offer—and I put only an offer, there is no move here by the UK to really impose this on us—would be communicated to us. But I do point out that it is important to some of the countries who are Dependent Territories, the Falklands (in fact the Falklands already have it in a limited way), Gibraltar, Montserrat and perhaps several other of the Dependent Territories have different views on this.

The complex area of this relates to the financial centre aspect. This is extremely complex, as the mover of this motion (the First Elected Member for West Bay) knows. He came with us on one of the most difficult and complex negotiations that we did in London a few years ago on the Proceeds of Criminal Conduct Law.

International negotiations are never easy. Decisions have to sometimes be looked at differently after one hears the submission from the other side. But the consultation with the negotiating team, which is with the negotiations throughout, is the most important. There were times, I must say, that in this instance the private sector and the five Government Ministers may not have seen totally eye to eye on certain issues, but there was common ground for dealing with it.

As you know, in 1996 the Proceeds of Criminal Conduct Law was passed and we were the forerunners of this legislation. There was worry at the time—there always is with new legislation that has international effects—but, thank God, the decisions made in those negotiations have shown that the Proceeds of Criminal Conduct Law has been a stabilising and good thing for the Cayman Islands. All other Dependent Territories, with the exception of maybe two, have full legislation

now in place. Some have only passed it quite recently dealing with money laundering and the proceeds of crime.

The Foreign Secretary has said that, and I am quoting here, **“With the reputation, size and success of our offshore centres, come obligations to buy the internationally accepted rules and enforce the highest international standards of financial regulation in all of our overseas territories. All must play by the same rules, and those rules must be strict if we are to avoid the risk of territories becoming channels for money laundering or the concealment of the profits of crime. Criminal money will always find the weakest link and we must therefore constantly update our defences.”**

I have not doubt that that principle is supported by every Member of this House and by the public. We have to fight the war against drugs, against international crime, against crime locally, and we cannot become a channel or conduit for money laundering or the concealment of the profits of crime. Mr. Speaker, that decision was first taken in 1982 with the agreement on narcotics that was signed between the United States of America, the United Kingdom and ourselves. The Mutual Legal Assistance Treaty with the United States of America followed it in 1985.

The principle to fight against drugs and against crime has always been accepted as Cayman's position. The business of this country is legitimate, it is genuine and we do not need dirty money in this country. We cannot afford to have dirty money in this country, and, therefore, we must continue to upgrade our legislation to deal with that.

The Foreign Secretary of the United Kingdom went on to say (and this is very important), speaking to the Dependent Territories he said: **“You have made a lot of progress on this issue. All the Dependent Territories are putting in place better legislation on regulatory crimes. Some, including the Cayman Islands, the British Virgin Islands and others, have put in place up-to-date money laundering legislation and are finding that it does not detract from their success in attracting investment. They do not want to attract dirty money. They know the benefits of being more attractive to clean money. The Governor of Gibraltar, for example, has recently introduced money laundering legislation to UK and European community standards. This has transformed Gibraltar's international reputation, the highest standards of regulation are the best guarantee for financial success and the biggest draw to investors.”**

Within this speech there is no talk of the enforcement of tax judgments. Indeed, the law on this has to be looked at on the two categories I will deal with at a later stage. There is the enforcement of tax judgments of other countries and the question of the illegal evasion—not avoidance—of tax in other countries. And the Foreign Secretary did set out a checklist of measures that they would wish to have in place by the end of 1999. I

am happy to say that basically the Cayman Islands, and, indeed, most of the Dependent Territories have already complied with the vast amount of what he set out in this.

It basically deals with the Financial Action Task Force. On our Caribbean Financial Task Force we have already submitted to an audit of the country in relation to the proceeds of crime. We were the first to do it. It happened about two years ago. Our present Chief Justice, who is a lawyer, judge, and scholar of the highest standard, has always ably represented us. He was made an observer when the audit of the United States in relation to money laundering was undertaken by the Financial Action Task Force which is basically made up of the G7 countries.

With another year and one half to go there will need to be some minor legislation to deal with some areas that still need to be tidied up. As we develop, for example when we get into cyber money transactions of the future, areas such as computer fraud relating to the transactions that may come through the Internet or its equivalent in the future, there will have to be legislation to deal with this. The one area that is still outstanding is the updating of the company management legislation and this will obviously need to come to the Legislature in due course, but this is being worked on.

So it was good for the Foreign Secretary to specifically mention the Cayman Islands as being one of the leading countries in the Dependent Territories—and, indeed, the world—for staying clean as far as international transactions go.

The Speaker: Would this be a convenient time to take the morning break?

Hon. Truman M. Boddin: Yes, Sir.

The Speaker: Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.35 AM

PROCEEDINGS RESUMED AT 12.15 PM

The Speaker: Please be seated. Debate continues, The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddin: On the question of the financial centre I was discussing before the break this morning, the Government's position was stated in the Dependent Territories' Conference as follows:

“The Cayman Islands is an active member of the Financial Action Task Force through its membership of the regional branch, the Caribbean Financial Action Task Force. We are one of the best regulated financial centres in the world, a fact recognised publicly by the Caribbean Financial Action Task Force which will hold its next meeting in the Cayman Islands later in the year. Cayman was the first country

in the region to volunteer to have a mutual evaluation of its laws, legal and financial systems carried out by the Caribbean Financial Action Task Force. The report concluded that 'The Cayman Islands have a legislative Common Law and Treaty framework for law enforcement in relation to money laundering, restraints on dealing with the proceeds of crime, confiscation or forfeiture of the proceeds of crime, access to information from banks and other financial centres, and for the exchange of information between the Cayman Islands and other countries.' Indeed, respect for our officials and legal process is such that our leading judge in financial matters, Judge Smellie, participated in the mutual evaluation process of the United States. He is also assisting the European Union with the United Nations Drug Control Programme in the Caribbean." That ends what our position was stated at there.

The position and any changes relating to legislation or policy would first be looked at carefully by the Hon. Financial Secretary and the Hon. Attorney General. It would then go to the Private Sector Consultative Committee which is a Committee set up by the Financial Secretary and has representatives from all branches of the finance industry, and indeed the financial centre industry. Not just banking, but trusts, mutual funds, management companies, lawyers, accountants and all those service providers who are in this area. As I mentioned earlier, five members of that committee went to the United Kingdom a few years ago (about three years ago) to deal with the negotiations in the Proceeds of Criminal Conduct Bill. Also, any amendments to the laws obviously come here and the public has input on them, and this House also debates the issues relating to them. So there is very good communication, both with Members of the House and the Consultative Committee. I should mention that many times the changes are complex and technical.

On the question of the enforcement of taxes in the Dependent Territories, in an article in *The Wall Street Journal* of May 21, 1998, our Governor said, and I quote because I think this should put our position beyond a doubt: "**Cayman Governor John Owen says, 'It is still unclear exactly what is in the works. Certainly, no instruction [this is a quote from him] or anything has come out from the UK saying Cayman must cooperate with tax investigations.'**"

The British Foreign and Commonwealth Office stated in it: "**We are not in the business of trying to put the Dependent Territories out of business. We want to make sure that they gain the largest possible benefit from the financial services sector because that helps their economics and their sense of reliance.**"

One other area the mover mentioned is the OECD Report. It is specifically article 15 that the Member referred to. I believe that it is the recommendation which states as follows: "**To remove, before the end of 5 years starting from the date on which the Guidelines**

are approved by the OECD Council, the harmful features of their preferential tax regimes identified in the lists referred to in paragraph 2. However, in respect to taxpayers who are benefiting from such regimes on 31 December 2000, the benefits that they derive will be removed at the latest on the 31 December 2005. This will ensure that such particular tax benefits have been entirely removed after that date." [page 56]

The gist of this is that they are saying that in relation to their members, by the 31 December 2005, which is seven years down the line, the benefits of tax regime should be removed from the member countries. One thing is very clear on this, and there has been some misunderstanding here, the recommendation I read applies only to OECD member states. There can be no doubt about this. The member states dependencies do not fall within that category and included in that are also the Dependent Territories of Gibraltar and Bermuda. So while it has relevance, there are two important aspects of it: We are looking at five years down the line in one category to complete; and we are looking at seven years down the line for the OECD countries to abolish benefits they receive from tax regimes abroad. I think that the UK's position, as the Governor stated, is that there has been no request in relation to the Cayman Islands cooperating on tax investigations.

This matter has been around a long time. It is going to be around for a long time to come. I think the benefit Cayman has at this stage is that several of the other countries that have tax, such as the Channel Islands, the Isle of Man, I think the British Virgin Islands, maybe Turks and Caicos, under the section that deals with dual criminality, have already implemented laws that commit for criminal tax offences—and I draw the difference between tax investigations generally, and tax evasion, so to speak. It only deals with tax evasion. We will see the impact of that as time goes on. In fact, you will very quickly see the impact of that (if there is going to be a serious impact) on the economies of those countries. So we are in a good position where we can watch and see what happens there.

The second aspect of it is that banks and trust companies in private banking and the trust business in this country, before they take on business relating to tax matters from other countries, as a general rule, they require a tax opinion saying that the transaction is a tax avoidance, not a tax evasion. This is the distinction I am trying to draw because tax avoidance is legally reducing the taxes. It is a principle in English Law that every person can so deal with their affairs that they pay the minimum amount of taxes legally required to be paid. Tax evasion, on the other hand, relates to directly breaching the laws of other countries.

So it will be a question of looking at what the impact of that is. If we are ever at a stage that that has to be dealt with, and as I said, it has been around and it is not going away, so we cannot believe that it is not going to be around for a lot of time to come. But we have always taken a position, and what is important is that this is a

national issue. I do not believe that when it comes to dealing with international matters such as this that this House can afford to get into very long political debates. Constructive debates such as this will move the country forward, but it is important, because it affects the national interest of this country, that it is dealt with the importance it should be given as a national issue, which I believe Members here will ensure.

We have seen the passage of a fair amount of legislation. The Convention on Narcotics and psychotropic substances was passed about six months to a year ago. That put in place an international convention dealing with narcotics. Our Mutual Legal Assistance Treaty has been operational for a long time, and our Chief Justice is the central authority under that. We have the Mutual Legal Assistance Treaty and, indeed, the Drugs Law for many years has had windows by which information relating to drugs and the proceeds of drugs can be received from abroad.

So, when looked at initially, the OECD Report appears to be more frightening than it really is. It only applies to member countries, of which we are not. It does not apply to the dependencies. Obviously, it does have an indirect impact and I am not saying that we do not need to look at it, I am just saying that the impact is going to come much further down, if it does come.

I believe that with what the mover put forward on this motion, we have to look at the promotion and protection of the financial industry, and I fully support what that Member has said. Funds for the promotion and protection of the financial industry is a constructive way of moving ahead and I know that that policy is clearly there. Obviously, the more funds we could put in it the better it would be.

The question of consulting the public on major issues is one that obviously will happen.

The issue of the European Union, what Prime Minister Corona from Gibraltar said (and he had quite a forcible speech) is one that applies far more to Gibraltar than it does to Cayman and the other Dependent Territories. But it is equally important that we have to keep up with what is a very massive—and I mean a real massive—amount of directives being issued out of the European Union. We are not within the European Union but some of them could have indirect effect on us.

I believe, with what the Foreign Secretary said about our being one of the leading financial centres in the world, we must continue to stay on the cutting edge with our legislation and our policies.

The only other area before I go on to deal with the third point that was mentioned by the mover is the question of homosexuality, the death penalty and, I guess more generally, human rights. The European Convention on Human Rights does apply to us. It is similar in many respects to the International Convention on Human Rights. It is later, and somewhat more detailed. But there is a section in the European Convention that states that, in relation to issues such as homosexuality, concern has to be given to local conditions. As to how far

that section can go to assist us, I am not sure. But it is the one section that would assist us.

The United Kingdom did, by a United Kingdom Order in Council, abolish the death penalty. I do not believe that any of the Dependent Territories, in fact, are going to voluntarily change laws relating to homosexuality. But what I can say is that the abolition of the death penalty which was looked at at the time, which a lot of people said would hurt us and that we could not afford to have this done and, as the Member mentioned, that it was affecting the local aspect of human rights, this is something that I do not see anyone being brave enough to bring an amendment to this House. So in the end it may or may not (I don't know), follow the abolition of the death penalty. But we are a very religious and moral community and my personal reading—and I notice the Third Elected Member for West Bay and I once took a position on abortion that we stood alone on which, when looked at by the public, confirmed our views and the legislation, or rather the views of the vast majority of Members changed that. The public just did not want it.

It is very important to get a feel of what the public does or does not want. However, the fact that the UK may bring our laws, or that law, in line with the internationally accepted principles of human rights is something that we will have to watch in the future and see what happens. But, like the death penalty, it is really not a matter of life and death—if I could put it that way!

I think that deals with those two aspects about as far as my notes show.

The third area that was dealt with was the question of Constitutional change. Having run in both the 1992 and 1996 general elections, and about every other candidate in here who ran in 1992 and 1996 took the position of no Constitutional change. As far as I go, that continues in my view to be the wish of the vast majority of people in the Cayman Islands. Obviously, this will be reviewed from time to time and what the Foreign Secretary, the Right Honourable Robin Cook stated in the UK at the Conference was basically this: He said, “**Second, for the territories that wish to retain the British connection, the British Government will not shirk its responsibilities. Just as we respect the wishes of the people of the Dependent Territories to decide on whether you wish to remain British, so we also respect your wishes to elect your own governments and be represented by them.**” That statement is probably 50 years old at this stage and it has not changed. Basically, if the Cayman Islands wish to remain a British Dependent Territory, a Crown Colony, then the UK will respect that. Indeed, they have a duty to respect that under the United Nations Conventions.

What I said at the Dependent Territories Conference was this, “**For the Cayman Islands the Constitution works well and provides us with continuity and stability. This is especially important for the twin pillars of our economy—tourism and finance. Like other territories we have been before the United Nations committee of 24 on Decolonisation, and, like others, we have pointed out the overriding rule**

should be the resolution fundamental to the United Nations, that is, 'All people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and political development.' We do not see the need to change our Constitution. In reality it is a country's people and their positive attitudes that will keep it stable and progressive rather than any written document."

I would just like to elaborate on that because what it really comes down to is the duty of Members of the Legislature to keep attitudes in the public positive and to keep those moving progressively forward. The people make up a country and we are their representatives. My position in the elections, in fact, I believe the position of every Member here in some form or another, was that the Constitution would remain, that we would remain a Dependent Territory.

There have been changes from time to time and the UK will keep it under review. But one principle, which is important to understand, is that there will be no change, or there can be no change in our Constitution without the public's full input. This is normally done in a general election when it is made an issue—as it was in 1992. The United Kingdom, before accepting any recommendations from a legislature, will ensure that there is full and absolute input on it, as happened back in 1990 and 1991 when it was made an issue in the 1992 elections.

The UK's position has not changed for this Government. It remains as it always has been, as the Foreign Secretary, the Rt. Hon. Robin Cook stated. For the territories that wish to retain the British connection, the British Government will not shirk its responsibilities.

One other aspect I would like to point out because I recently attended a conference in the Bahamas that had dependent and independent countries there. What was very striking when the statistics were looked at, both as to the gross domestic product (GDP) and the per capita, is that the Dependent Territories are several times better off financially and economically than the independent countries. Indeed, when I heard the problems of many of the other Caribbean independent countries (the large ones and the small ones) who over the years had moved into independence, their economy had deteriorated which means that their people were far worse off than they were a few years before. And some seemed to have lost hope of trying to get back to where they were as a Crown Colony. I had to really thank God that our Constitutional status has remained the way it is. It has given us stability. It has given us a society that is far more crime free than any other country in the Caribbean or, indeed, the world.

It doesn't mean that we do not have to work on these things, but when we look at where countries that were really the gems of the Caribbean have financially deteriorated to it helps us realise that political change without the assurance of economic stability and continuation, and the preservation of basic and fundamental human rights. . . any change that does not carry that can cause the people of any country to suffer. It is so obvi-

ous all around us where they have reached. In fact, when you look at the GDP even of ourselves (the British Colonies compared to the French and Dutch, and even the US Dependent Territories), we are way ahead. I believe that we are ahead because of what we said. The continuity and stability of this country and its Constitution is fundamental to the twin pillars of the Cayman Islands economy, which is tourism and finance.

The last thing I wish to mention is (and this was mentioned by the mover) that it would be good if there has to be a political debate in any area to keep it on an even keel and preferably clear of the Vision 2008 exercise, and to keep that to what it really should be, progressive planning over the next ten years.

In summary, we are happy to accept this motion. We feel that the three points in it are very important. In fact, I should say that when the motion was filed aspects of the vision might have overtaken it. I guess we know that was laid on the Table a bit earlier. In relation to the change of name, that was a simple matter. In relation to the citizenship, I would just like to read what we said there, which summarises the position. In London we said, **"As far as the issue of citizenship is concerned, we recognise the importance of British citizenship for some of the territories. However, it is not a major issue for Cayman. We are very small and any offer of British citizenship which carried with it reciprocal rights would not be in the best interest for the Cayman Islands, and not acceptable. Nationality should be a decision for each individual person. The acquisition of British citizenship on a non-reciprocal basis would have to be decided after fully consulting with the Cayman Islands people on the terms. Where we would find it useful would be to obtain access to European Union countries without needing a visa for each one, and entry to the United Kingdom through the European Union at immigration points."**

At some stage in the future (and by that time this committee will be formed) the United Kingdom will make a statement on nationality. They will either offer it free of conditions, or with conditions, or perhaps not offer it at all. I don't know. But at that stage we can look at it.

The next summary I have is in relation to our position as a financial centre. That can be summarised by saying, **"The Cayman Islands is an active member of the Financial Action Task Force through its membership in the regional branch, the Caribbean Financial Action Task Force. We are one of the best regulated financial centres in the world, a fact recognised publicly by the Caribbean Financial Action Task Force which will hold its meeting in the Cayman Islands later in the year. Cayman was the first country in the region to volunteer to have a mutual evaluation of its laws, legal and financial systems carried out by the Caribbean Financial Action Task Force. The report concluded that 'The Cayman Islands have a legislative Common Law and Treaty framework for law enforcement in relation to money laundering, restraints on dealing with the proceeds**

of crime, confiscation or forfeiture of the proceeds of crime, access to information from banks and other financial centres, and for the exchange of information between the Cayman Islands and other countries.' Indeed, respect for our officials and legal process is such that our leading judge in financial matters, Judge Smellie, participated in the mutual evaluation process of the United States. He is also assisting the European Union with the United Nations Drug Control Programme in the Caribbean."

Also on the question of tax, just recently in *The Wall Street Journal*, His Excellency said, "Certainly, no instruction or anything has come out from the UK saying Cayman must co-operate with tax investigations." I draw the distinction between avoidance of tax and evasion of tax.

Lastly, on the question of the Constitution, I believe the position to be what we stated, and I quote: "For the Cayman Islands the Constitution works well and provides us with continuity and stability. This is especially important for the twin pillars of our economy—tourism and finance. Like other territories we have been before the United Nations committee of 24 on decolonisation, and, like others, we have pointed out the overriding rule should be the resolution fundamental to the United Nations, that is, 'All people have the right of self-determination by virtue of that right they freely determine their political status and freely pursue their economic, social and political development.' We do not see the need to change our Constitution. In reality it is a country's people, their positive attitudes that will keep it stable and progressive rather than any written document."

The United Kingdom's position on that was clearly summed up when the Rt. Hon. Robin Cook, the Foreign Secretary of the UK said in relation to Constitutional status, "Second, for the territories that wish to retain the British connection, the British Government will not shirk its responsibilities. Just as we respect the wishes of the people of the Dependent Territories to decide on whether you wish to remain British, so we also respect your wishes to elect your own governments and be represented by them." That is the United Kingdom's position.

Lastly, I would like to emphasise that this matter in relation to the financial centre is very complex. It is very technical. It is not one in which all of the pieces that relate to different areas necessarily can be solved at one time. It is important for this House, and indeed, important to the Financial Secretary and his private sector committee to ensure that we keep politics out of discussions on this matter as far as possible because what we say here is looked at very carefully internationally. We no longer are the islands that time forgot. When this legislature speaks, countries abroad listen. So we have to be careful that what is coming out of here comes out positively and, as the mover said, is looked at as what is better for the country. I think we can best promote that, as the mover said, by promoting the Cayman Islands through

PR work abroad, which requires money—trips such as visiting Brazil, London, New York, Hong Kong—that have been undertaken by the Financial Secretary and the private sector as a joint enterprise is important. Dialogue with the United Kingdom under the partnership has continued. We have to look carefully at the effects of measures dealt with to ensure that we do not take an impulsive reaction, but look carefully at the ramifications of how it affects us, how it affects our relationship with the world at large, with the United Kingdom especially (because we remain a Dependent Territory and that carries obligations with it). There is no way of getting out of that. We have to understand what they are and work within that.

I am certain that if this country takes a responsible approach to money laundering and the proceeds of crime and does not shirk its international obligations relating to these, what I refer to as, cancers, not only within our society but in the world—that is, drugs, crime—then this country will not only follow its Christian religious beliefs, but internationally we can play a very important part in reducing the international business of narcotics, the international business of crime and the laundering of money. And, as one of the largest banking centres in the world, it is our duty to do our part and to play our part in doing everything we can to reduce the plague of narcotics and the laundering of the proceeds of crime.

I believe we have done that in the past. We have had recognition by the Foreign Secretary of the United Kingdom in an international forum—and believe me, Mr. Speaker, it was an international form in London—and we have to keep building on it. Problems will arise, we have to look carefully at them and understand exactly what the problems are and do what is best in the interest of the Cayman Islands having regard to the interest of the United Kingdom and international interests abroad.

I think that God has been good to this country and I believe the path we are on with our fight against crime and drugs is a correct one, supported within our community. I ask Members to please take a positive approach to this because if they do not it could have very serious consequences. Our duty is to do what is right for the Cayman Islands having regard to our international obligations.

So I am very happy to support the motion and I look forward to the select committee. I believe that what will come out of that will be the positive way forward for the Cayman Islands and its people as a whole.

The Speaker: Proceedings are suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.45 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I rise to make my contribution on the motion before the House, the Resolution of which asks that a select committee of all Members of this Honourable House be set up to take input on the review of the Dependent Territories, and to make the findings public by a report which should be tabled in the Legislative Assembly and sent to the Secretary of State for Foreign and Commonwealth Affairs through His Excellency the Governor and also included in this, the Vision 2008 exercise.

This motion is a reasonable one, and it comes from someone who is conscientious about the issues at hand. I think it is accurate to remark that what is proposed is the fairest and best way of dealing with these important issues, and all the matters surrounding them.

I take note that the Minister responding for Government made a request that debate on this be in a constructive spirit, with politics being kept to a minimum. Certainly, Honourable Members in this House are quite capable of debating constructively, as I would say that happens in the House more frequently than not. It seems, however, a little more difficult to accede on the second request, that is, to remove politics from the situation. This is a very political exercise. I can tell that Minister that because politics has to be brought into the matter, it does not necessarily mean that these politics are going to be of an adversarial nature, or that they are going to result in any savagery in the debate. I bristle a little when I hear people in a house of politics request that politics be removed from what is being said. That is well nigh impossible.

I think we have to say that irrespective of the position we hold, we should take care in how we express ourselves on particular occasions. I use that as the jumping-off point to say that there are many similarities between this side of the House and the Government with an issue such as this. But, as I will go on to articulate, there are also some differences (certainly from the point of view of the person speaking), but this need not be a frightening prospect. I will try to deal with the differences in a judicious, sensible and mature manner, and I believe that in so doing, it will promote a broader and fuller understanding. Ideally, it will narrow the gap between the two sides by demonstrating the importance of both the Government and the Backbench coming together on this issue, particularly as it is an objective of the Private Member's Motion to produce a document that can be forwarded to the Foreign and Commonwealth Office for their information.

The first point of similarity is that all of us, irrespective of the cut and thrust of debate and the fact that many of us (myself being the prime example) get personal at times and sometimes say things which should not be said, have as our objective the well-being of the Cayman Islands. In this debate that position is not an exception. We agree that we in the Cayman Islands have crafted a sense of destiny, a sense of well-being, a sense of making our own way into the world, which, while not unique, is under threat now, and is in constant

need of review. When you set yourself up as one of the bankers to the world, it goes without saying that you cannot escape certain kinds of scrutiny. We have been scrutinised—we are constantly being scrutinised. But the records will show that every time we have been called upon, we have exercised responsibility, restraint and co-operation.

That does not mean that we will be unaffected by the developments happening in the wider world, or by the geopolitics of certain situations. We in the Cayman Islands have to begin to be fully cognisant of developments, many of which we have absolutely no control over by virtue of the fact that we are a small player. As a small player we do not speak in the wider forum for ourselves, but our position is mouthed through the metropolitan country of which we are a dependent. That puts us in an even more precarious position.

That being the case, there were many who welcomed the announcement by the Foreign Secretary, the Right Honourable Robin Cook, when he made his speech in London on 4 February about this new partnership. I quote from page 1 of his speech to the Dependent Territories Association, he said that **“Britain wanted a modernised contract between itself and the Dependent Territories.”** It is refreshing to note that he justified such a move by quoting Dr. Johnson, who once said, **“A wise man keeps his friendship in constant repair.”** Notice, Mr. Speaker, he did not say that if it works, don't fix it. He said, **“A wise man keeps his friendship in constant repair.”**

He used that as a jumping-off point to say that he was prepared, along with the Government, to explore this new relationship. Three categories were referred to Members of the Legislative Assembly to be addressed. Although when the report came out, the National Team Government put forward a position, and there was no mention of anyone else's position, it is not a matter I take issue with. I mention it only in passing because I believe that on this occasion the position of the National Team was not significantly different from the position of the rest of us who occupy these hallowed Chambers.

Regarding citizenship the Right Honourable Robin Cook said in his speech to the Dependent Territories, at page 6, that he was **“exploring with his colleagues the possibility of granting British citizenship to all of those Dependent Territories who do not already have it.”** He went on to say that **“such a move would give all these citizens the right to live and work in the United Kingdom.”** I quote him when he says, **“There are complex issues involved in deciding the best approach. We are looking at the matter sympathetically and urgently, but we have not yet reached a decision. We will announce our final view to Parliament, but in the meantime, I would welcome your reaction.”**

I take this to mean that he is talking about the reaction from the representatives of the Dependent Territories who were gathered at the Association Conference. In the absence of a referendum, or any empirical polling, I can only say that from representations I have had, and

from discussions with my colleagues, our people would like us to take a cautious approach to any acceptance of British citizenship. Historically, we have never sought economic advantage by emigrating in large numbers to the United Kingdom, and even when we went abroad to study, the numbers who went to the United Kingdom were insignificant as compared to the numbers who went elsewhere, particularly to North America. In earlier times, when we were more closely allied to Jamaica, persons, like myself, benefited from college education in Jamaica. Geographically, it was prohibitive to get to the United Kingdom in the absence of any direct communication. And in those days, when we were [not] economically well off, it was financially prohibitive, almost, to reach that far. So there has never developed that kind of relationship. However, politically and culturally, our umbilical cord to the United Kingdom has never been severed. We are still a Dependent Territory, while many of the territories in the Caribbean exercised their option and have gone into political independence.

While it is not for me to say that the offer is graciously accepted, I would suggest, based on the feedback I have just mentioned, that Caymanian people are not interested in British citizenship. They would be interested, as I have heard articulated by the previous two speakers, in the ability to travel relatively hassle-free to the countries of Europe, where we could get some kind of exemption from the stringent visa requirements. I think we would be satisfied with that. The bottom line is. . . and I note that contrary to what many people may think, the positions of the Minister for Education and Leader of Government Business are similar on this, and this is one of the few points there will be such a close similarity. We would have to be a little cautious on accepting any citizenship and certainly would not accept that citizenship if it carried with it reciprocal obligations, because. . . let me be crystal clear in what I am saying. It is not that we conceive any threat *per se* from the citizens of the United Kingdom. But we also have to bear in mind that it is the people of the European Union, so that while the British themselves may not wish to take advantage of any reciprocal rights, who is to say that we may not have hordes of other people from the other European Union countries. And, that being the case, we would be at a severe disadvantage, because remember, not only are there language barriers, but culturally, economically and historically there would be other differences as well. So in this case, I have to side with the Minister in cautioning any acceptance of British citizenship without understanding the full ramifications.

Quite frankly, Caymanians at this stage would prefer to be left alone, and would be happy if some arrangement could be worked out, as I said, in which we could benefit from the visa exemptions.

Not surprisingly, I differ with the Minister when it comes to the business of human rights. I do not feel content to rely on the European Convention and the International Convention of Human Rights as espoused by the United Nations. I would be happy to have our own instrument. In this regard, the old adage, "Mother may

have, and father may have, but God bless the child who has his own" is very apt, and very relevant. If I interpret the section of the Hon. Robin Cook's speech correctly where he says, "**I believe that those territories that choose to be British must at least abide by the same basic standards of human rights, openness and good government we expect of ourselves, and being British means their legislation must comply with the same international obligations to which Britain is subject, such as the European Convention on Human Rights, and the United Nations International Conventions.**" I interpret this to mean that the Honourable Robin Cook would not have any objection to us having our own instrument, once it complied with the standards set in the two instruments quoted. I would be happy, and I know the Minister who spoke for the Government assumed the responsibility for this some time, I would be happy to know that we could get on with this business of developing our own instrument dealing with a bill of rights in this country. Every day as I walk the street people tell me of a necessity to have such an instrument.

The danger in not having our own instrument is simply this: To the unknowing or to those who cannot realise the means, how are they going to access the European Convention or the United Nations to seek their protection? During the luncheon interval I took a walk to the Post Office and met a gentleman who had a problem. He told me he had to write to the Foreign and Commonwealth Office. Fortunately the problem was resolved to his satisfaction, but it had to do with a matter of domicile, and it called into question a basic human right—someone had been here for twenty years and had been denied certain things that many of us take for granted. So I would be happy to develop within this country our own instrument. We could then use that instrument to educate our people, beginning from the primary school.

I have to remark on this again. I am not one of those West Indian people who thinks the United States of America is heaven. What I like about it is that every citizen, however humble, knows what his or her rights are. Contrary to many people, I think there is nothing to fear, because on the one hand, we have to promote the rights, and on the other hand, we promote the responsibilities. One cannot take a one-sided approach and say we have the rights but no responsibilities. I look forward to that development.

As far as constitutional changes go, I make the case—and it is a unique case—that the Cayman Islands has used colonialism to its benefit. One of these days when this country is mature and when I am more certain than I am now that I will not get persecuted, this is the legacy I would like to leave. I have crafted a political history in which I made the case—and when I showed it to the eminent Professor Nettleford he was very interested and indeed enthused with this novel approach. I argued that what the Cayman Islands has done is develop a concept which I call 'voluntary colonialism' and used it to their advantage, so much so that the Cayman Islands is

envied, not only by other Caribbean countries who went into independence, but by the developed world.

The thesis is basically this: At a time when Caymanians could have advocated and received political independence, they chose to go the unique route—because we were the ones who developed, initiated, invented, the Crown Colony system—and they turned that system into what has literally become an economic windfall. I am saying, Mr. Speaker, all through the 60s and 70s, when it was popular for countries to proclaim political independence, the Cayman Islands hung on to the metropolitan country and as a result of that crafted a financial and economic system which is now the envy of the world. That is why we have to be so careful about events we are discussing now.

The position is unique. I make the prediction that as time goes by it will become interesting to academics and development theorists, and will indeed perhaps be a model for other countries to study in an effort to determine how we have done so well with so few natural resources.

I say that because constitutionally, I do not think there is anyone in here—in spite of all the differences that exist between us in other areas—who is advocating any other constitutional status but that which we now have. However, it is prudent not to take that status for granted, and to always be in a position where we can review and change and do preventive maintenance whenever necessary. A country has to be much like a valued automobile—it works only for as long as it is serviced properly. If it is not serviced properly, you may think the engine is running well, and you go out one day and it breaks down in the middle of a very important journey.

So up to this point, we are content with our constitutional status. I think we are to be commended for exploiting this situation, for developing what I have called 'voluntary colonialism,' even when many developing countries in the 70s were cursing colonialists and neo-colonialists. We used the system to our advantage. I have to say that is a sign of smart people. I have to give myself some credit, too, because in spite of the fact that some people thought I was radical, I never departed from that system. When you travel, people do not ask you, '*What is the name of your Prime Minister, or Chief Minister,*' or '*What colours are in your flag?*' They ask you, on the point of entry, '*How much money do you have in your pocket?*' Fortunately for Caymanians, we are spared some of the indignities that those people who opted for political independence have suffered.

I do not want to be mistaken for sounding self-righteous. That is not to say we do not have challenges or problems. In the past, we have surmounted these problems by coming together and working, narrowing the differences, and getting on with the business. The motion at hand calls for no less. My disappointment in the approach of the Government is the fact that the Government was not pro-active enough for my personal liking. When you get issues like this, I do not think it is good enough to wait and have to be forced into a posi-

tion of reacting. I like to be on the ball first. I thought this whole business presented a good opportunity for the Government to get out of the Glass House and into the highways and byways and to hold some town hall meetings, and even to co-opt the support of those of us on the Backbench who might often occupy a different perch, and say, '*Let us go to the people and find out what they want,*' and explain to them British citizenship, the option of constitutional change, this whole business. I think the business of what we call ourselves, while important, is the least of the issues confronting us. You know, Mr. Speaker, a rose by any other name is just as sweet. Whether we are the United Kingdom Overseas Territories or British Dependent Territories, it does not matter. We are the Cayman Islands, and we are an economic success, and we are proud to be! The name does not matter.

But I would have been happy—and I would have expected that the Leader of Government Business and his team would have taken the initiative to do this—to say, Let us go, so that we can be prepared when we are called upon, or that we can be pro-active and say, '*Now, Honourable Robin Cook, we know these things are being developed, and we know you will have to make your presentation before the United Kingdom Parliament, but here is what we have done, and here is what our people have told us they would like to see.*' It does not mean that the views would be accepted, but we would have been in a position in which we would have been able to say the population of this country was widely consulted.

As a corollary to the position of the Honourable Robin Cook in both his address to the Dependent Territories Association and to the speech he made when he announced his Government would be taking a refreshing, new approach to the Dependent Territories, we have the contingent liabilities in the Dependent Territories, the report by the comptroller and the Auditor General. You have a copy of this report, Mr Speaker, and mention was made of it already in this Assembly on a subsequent occasion. I mention this to say that this report—and I gather it is being sold at one of the bookstores here in town—forms the basis of much that the Honourable Robin Cook has included in his speeches, and in press conference, and indeed, in subsequent positions taken by ministers of the Honourable Tony Blair's government. There is much in this that we can learn from, and much that is relevant now.

One of the things this report talks about is a national policy plan. As I understand it, this is not as important to the United Kingdom in the case of the Cayman Islands as it is in the cases of those countries which are directly granted aid by the United Kingdom. Nevertheless, it is my understanding that the United Kingdom government would be happy to see us develop a national policy plan. This is where I have to mention the Vision 2008 exercise.

It strikes me that this exercise can be, or may be, the national policy plan of the Cayman Islands, to the extent that there was an attempt to gain some widespread consultation, and it came to this House and men-

tion was made of it. I think it should develop into that, and I know there is a desire not to make it political, and at this time I will conclude by this footnote: This plan has the ability to develop into a plan that does well for the country, and has the ability to develop into a plan that will enable the Cayman Islands to face confidently all those intractable problems we are now facing in terms of immigration issues, bill of rights issues, the direction we are going, what kind of education and training policies we develop. So I see this as a good takeoff point, and to me it dovetails quite nicely into that national policy plan that the Honourable Robin Cook, and indeed, the Contingent Liabilities of the Dependent Territories report says we should have.

As I understand it, there has been some concern expressed by some representatives of the developing countries regarding what the United Kingdom expects and demands of us, particularly those of us in the business of international finance. I notice that the Leader of Government Business dealt very gingerly with some of these issues. I will try to be equally gingerly, but I have to say that the Minister skirted some of the issues too widely, and in my opinion did not do justice to some of them. I say that because we have certain international obligations with respect to our position as a leading financial centre. I have said before that we have done much in the past, and are currently in the forefront of doing all we can comfortably to live up to these financial obligations.

I did not go to the Dependent Territories Association conference. This affords me an opportunity to tell the Government that perhaps the next time they are going, they do not have to take me. When I want to travel, I am in a position where I can always find enough to buy a ticket. But it would be good next time—Mr. Speaker, where I went to school, they taught me that it would be good to mix the delegation, so it is not only Government Members, at least some Member, whether independent or opposition, should be invited to go along also. That presents a balanced view. It need not be a negative thing. Certainly the leader of the delegation can sit with that invited party beforehand, if they come from a politically different spectrum, and iron out the difficulties. They would not presumably be going all the way up there to quarrel. But they would be going to take a unified approach.

I think it would strengthen the position if the Government delegation could say, *'We are so correct on this that we even have a Member of the opposition in the delegation, who agrees with our position on this particular point.'* I remember well the last time the former Second Elected Member for Cayman Brac and I went to the Foreign and Commonwealth Office. They tried to engage us in dialogue of this nature, and we were quick to tell them that we did not go there to discuss this, because in this particular matter our position was identical to the Government's. We were a mirror image of the Government, so they should not believe that because we said we did not like what the Government was doing in some areas, we were going to allow ourselves to be

exploited. We realised that this particular path we had chosen was beneficial for the whole country, so we had nothing to say different from the Government's position on this matter.

It is clear that there are elements who, in spite of all the co-operation, in spite of all the responsibility we have exercised, are not pleased with our position. In a publication describing itself as "the professional guide to investment world-wide" under the name "International Portfolio," in the issue of March 1998, there is an interview with the premier of Bermuda, the Honourable Pamela Gordon, and the Leader of the Opposition, the Honourable Jennifer Smith. The title of that article, page 15—I have a copy, if the Serjeant-at-Arms would oblige, to lay on the Table and a copy for the chair—the premier of Bermuda is quoted as saying, **"We are not prepared to play watchdogs, nor are we prepared to allow fishing expeditions. What we are saying is if you can prove that a company has done something illegal we are more than prepared to let you go through the books. But we are not prepared to let you go through each company that is British. That's an invasion of privacy—and it's insulting."** The article goes on to say—this was at a time when the Dependent Territories Association conference was just being reported upon, as that was in February of 1998, and this article was written in March of 1998.

The preview of the article, 'Offshore Regulation Review,' says, **"During the coming months offshore financial centres from Bermuda to the Isle of Man will be forced to account for their regulatory regimes under an international spotlight. A checklist of demands—including 'genuinely' independent law enforcers and a commitment to comply with international investigators —has been sent down from the UK motherland to her Overseas Territories. Reactions to the demands have been as varied as the spectrum of regimes currently in place, . . ."**

Quite significantly, and quite interestingly, the position of the Leader of the Opposition in Bermuda is identical to the position of the Premier on this issue, meaning they will not co-operate with any attempt, and will not be party to any fishing expeditions, to any external pressures which will lead them to compromise the positions they have taken.

I was very interested in this whole business of the national audit office report. I surfed the 'Net' and was surprised and perturbed to find, in the House of Commons select committee on public accounts, in minutes of evidence taken Monday, December 15, 1997, some cause for concern to us in the Cayman Islands. Going through the 37th report of the select committee on public accounts, we need to pay some attention to these matters. The summary on page 3—and I have copies for the Chair and to lay on the Table when the Serjeant is back in the Chamber—I shall read from the report. **"It is particularly worrying to note the Foreign Office's assessment that the situation on money laundering needs to get a lot better; and we agree with the Foreign Secretary that comprehensive and thorough**

measures are needed. We note the Foreign Office's evidence that, by early 1998, there would be anti-money laundering legislation in all the Caribbean Dependent Territories, but we are disturbed that there remains a fiscal exemption clause in the Cayman Islands and that the law in Bermuda is defective. We look for these weaknesses to be remedied by March of 1998."

Again, Mr. Speaker, I wish to crave the indulgence of the Serjeant to send you a copy of the actual examination of witnesses. This, to us in the Cayman Islands, must be disturbing. Sir John Born, who is the chairman of the Public Accounts Committee, is interviewing Sir John Kerr as a witness, and Mr. Peter Westmacott, Mr. John Kerby, Mr. Lee Beaumont, and some other people. I crave the Chamber's indulgence to check page 3 of this report where the Chairman asks Sir John Kerr the following: "**The Caymans used to have a fiscal exemption clause, did it not? That is removed, is it?**" Sir John Kerr went on to reply, but I am going to read what to me is significant. Sir John Kerr closed his reply on this occasion (page 4) by replying to Sir John Born, the Chairman, "**The Governor of the Cayman Islands told us today [today, Mr. Speaker, being Monday, 15 December 1997] that he would make sure that the fiscal exemption would disappear from Cayman's all-crimes law by March of next year.**"

Now, there is something radically wrong, because we were told in this House that there was no knowledge of any such demand or request. I crave your indulgence again, Mr. Speaker, to go on to the examination of witnesses, to questions 100 and 119. The document is not numbered in chronological order so you will have to find it by looking for that section. It is toward the final one-fourth of the document. I want to draw your reference to page 2 where Sir John Kerr was "roughed up" by the Chairman. "**Perhaps you could let me have again a slightly fuller note on that. Thank you for the information you have already given, but, you see, if we have an island like the Turks and Caicos, where the Governor does not control things and we find a situation I have described, it is hardly surprising then that Mr. Love has found the situation at the bottom of page 33 where the Cayman Islands and the British Virgin Islands told you to get lost, in rather non-diplomatic language, did they not?**"

And Sir John Kerr said, "**Well, they may have done in February 1996.**" The Chairman said: "**They failed to respond, I think is the phrase.**" Sir John Kerr replied, "**I am advised that the legislation they now have in draft is legislation that they will be implementing, as I said.**"

And then, Mr. Speaker, I take it that the Chairman interrupts Sir John Kerr at this point and says, "**No, no, that is not what you said.**" Then Sir John Kerr goes on, "**I said to Mr. Love—**" And then the Chairman again cut in, "**No, no, no. I listened very carefully to what you said to Mr. Love. He pointed out that you withdrew the original proposals because they said they**

were not having anything to do with them and you then put forward weaker proposals and you said you would welcome the support of this Committee because despite the twelve-month time limit, they said, 'Get lost!' again in effect, but they still had not implemented them and you were appealing to us to support you. Now you are telling us you were wrong in that." To which Sir John Kerr replies, "**No, I am sorry. I do not withdraw at all from my request for the support of the Committee. I agree with you, sir, that this is an important area.**"

The Chairman said: "**Why did you tell me that you were quite happy with what they had in hand?**" Sir John Kerr: "**I must have expressed myself very badly. What I was trying to say was that in the BVI they have guidance in place and the legislation is not yet in place, but the legislation is in draft . . . We would like to see that legislation pushed through their legislatures quickly and put into practice. If this Committee would recommend that, I would be extremely grateful.**"

Mr. Speaker, the facts speak for themselves. Clearly, someone is not in concert with the other people, because on the one hand we have this report in the examination of witnesses saying they are going to ensure that we comply. On the other hand we have people telling us they have no knowledge, when Sir John Kerr says they were promised this legislation would be in place.

This information, as I mentioned, was obtained from the World Wide Web. It is there for all who are interested or who know how to access it. What is more important in our case is that we prepare ourselves, which brings me to the point that it is necessary to be pro-active in these areas.

I have to give credit to our Financial Secretary, who is always on the alert, and always prepared to do whatever is necessary. But the pressure he faces necessitates that he have the support and absolute ability (by virtue of the fact that he has all the information necessary) to do his job to the best of his ability. With the level the Cayman Islands have reached, in terms of international finance, we certainly are under scrutiny. An article in *The Wall Street Journal* of Thursday, 21 May 1998, written by Michael Allen, who is described as a staff reporter of *The Wall Street Journal*, is captioned "Tax Evaders Beware: Rich Countries Prepare for Crackdown on Havens." Several people, including His Excellency the Governor, are quoted in this article in such a way that leads me to believe that they have no knowledge of events recently quoted by me during the select committee on public accounts, minutes of evidence in the House of Commons.

I note too that from the list of countries categorised here, and the amount of money in those countries, the Cayman Islands are at the top. At the same time, there are countries with much more money than we have. Indeed, the United Kingdom as a banking centre has four times as much. Yet, Mr. Speaker, pressure is being put on us and countries of our size. Why? If you are familiar with the Melian Debate, you will understand why. Coun-

tries, which are small and seemingly insignificant, are always subject to the demands of those who are big and powerful.

It leads me to say that one of the ways—as a matter of fact the only way—in which we can successfully prepare ourselves for whatever eventuality is coming is to be pro-active. I believe this select committee the mover (the First Elected Member for West Bay) has called for is timely. I believe it will be constructive. I believe it will put not only our Financial Secretary but also the Government—and when I say the Government, I use it in its broadest terms meaning the fifteen elected Members of the Legislative Assembly. It will put us in a position in which we are informed, by virtue of the fact that we will be able to take input. It will put us in a position where we can sit down and seriously bargain with the Foreign and Commonwealth Office. Not that they are going to necessarily change the direction they have arrived at, but certainly if we are able to speak with them from a position of authority (by virtue of the fact that we tell them we have consulted widely and there is consensus on the positions we have taken) it will make a difference.

The weakness, as I have said, is that the Government did not see fit to take this issue and do with it what the mover is requesting be done in this motion. However—

[inaudible comments]

Mr. Roy Bodden: That's right, Mr. Speaker! The Government was not even minded to have wide consultations with the Members of the Legislative Assembly—some of whom are eminently equipped, by virtue of the fact that they are always in touch with a significant portion of the people, to let them know what the sentiments are. Having said that, it is not too late. The Government now has this opportunity to jump on the bandwagon, and I am indeed happy to hear them recording their support. We hope they will sit down, when the select committee comes.

It is not for me to say, but I am sure when the mover gets up to wind up he will very graciously put forward to the Chair who should be the chairman of this select committee. Indeed, without taking tales out of school I think it is the most eminently equipped person, certainly a person whom we all hold in high regard; a very balanced person, and someone whom we all be confident in chairing this select committee. A request was made to keep the politics out of it. I believe such a chairman will keep politics if not completely out, to a minimum, because that gentleman has the respect of all the fifteen elected Members. Indeed, I would even be so presumptuous to say that he has the respect of his colleagues, the official Members, as well.

The task at hand then is for us—notwithstanding that the Government was negligent—to get on with this and prepare ourselves, so we can craft our input and report prior to the Honourable Robin Cook tabling his White Paper and the United Kingdom Parliament taking

their position. As I have said, this is one of those rare occasions where on the basic and fundamental points there is no significant distance between the Government and those of us on the Backbench. I hope, in the interests of the continued development of this country, that consultations can be widespread and sincere. And God can help us that our report will be considered, and if not adopted in its fullest, certainly borne in mind as a point of reference when it comes to be discussed and received by the United Kingdom Parliament and Government.

If we can arrive at this, if we can achieve such a broad consensus, then it bodes well for us to move into the 21st century in a positive way. But I want to end on a note of caution: We have many problems we need to sort out, which if not directly impacting this, certainly are significant corollaries to any exercise we derive from our efforts. We have to find a way to come to grips with these problems, being the simmering immigration issue and the issue of the bill of rights.

I do not need to make any comment on this whole business of removing the law against homosexuality, because that has been beaten, thrashed, debated and killed enough. Suffice it to say that as long as we are under the auspices of the metropolitan country, as long as we remain a Dependent Territory, there are some issues we are going to have to come to grips with. I guess what I am saying in the final analysis is let us not adopt the ostrich syndrome and bury our heads in the ground whenever we are confronted with serious significant or even controversial issues. Let us put our shoulders to the wheel, put on our considering caps, and try to narrow the distance between us. There is nothing wrong with that on this occasion.

I am one who is very cognisant of my position in here. Sometimes I do not want the distance to be narrowed, because it might not suit the political position I might adopt. I always say that the Westminster system is certainly not a one-party system. But on this occasion, I am happy to join ranks, to be co-operative; to walk hand in hand and step by step with the Government, to arrive at what is the best for our country. Having said that, Mr. Speaker, it gives me the utmost pleasure to lend my support to this motion. Thank you.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.45 PM

PROCEEDINGS RESUMED AT 4.20 PM

The Speaker: Please be seated. Does any other Member wish to speak? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. As the seconder of this motion, it is obvious that my contribution will lean toward supporting this motion. It is very heartening to see that on an issue as important as this, both

the Government and the Backbench (as is obvious from those who have spoken so far) are what the First Elected Member for West Bay terms “on all fours” with the motion.

The mover has eloquently put the case forward. The Government has responded. And the Third Elected Member for Bodden Town has used his flowery language once again to very good order, and added some more information to the motion. He certainly brought out some salient points, which I think are important for us to consider. As a result, there is not a great deal that I can add to the various aspects we need to consider. However, I feel there are some specific areas which need to be addressed. In my deliberation, with your permission, most of these will be addressed with some quotations. It is going to be necessary for me to do that to make certain points. I crave your indulgence to allow me such privilege.

The Leader of Government Business, who responded to the motion on behalf of Government, referred to a speech to the Dependent Territories Association by the Right Honourable Robin Cook on 4 February. This was entitled “A New Partnership.” He referred to certain areas of the speech. As usual, because we do not think alike in everything, there are certain other areas, which I think, are very important for us to take note of.

The first premise we need to discuss when we look at this motion is what was mentioned very early in Sir Robin Cook’s speech. He said, “**That is why one of my first acts on becoming Foreign Secretary was to launch a review of our relations with the Dependent Territories. I wanted us to take a fresh look, and to make sure that we had got the relationship in the best possible shape.**” And here is where the important part of it comes in, Mr. Speaker. “**Since then, we have consulted with governments, with opposition leaders, and with the governors. We have given the maximum possible weight to their views on how we should develop our partnership.**”

It is late in the afternoon, and I am going to make a few short comments on that. One of the biggest reasons that drove the mover and me to bring this motion is that while Sir Robin Cook made that statement, up to this point here in the Cayman Islands, this has not been the situation that prevails. We, the Backbenchers, have been privy to a few short discussions with His Excellency the Governor. On one occasion, the entire Legislative Assembly gathered in the Committee Room, and that was when we were discussing the three areas for comment (which I will get into later) regarding this review. But the Leader of Government Business and one of his colleagues went to this conference in February, and the Leader of Government Business delivered a message at this conference on behalf of the country.

We are not going to take great issue with the situation, but we think it is important to make this clear, so that in future we will not have to deal with a situation like this. When this was done, I do not know who else knew anything about what was going to be said or the position

that was going to be taken, but I certainly did not. Let us bear in mind that after the fact I am not going to point out what I would term inadequacies in what was said. The point is not whether or not what was said was right. We have a system of government that calls for five elected Executive Council Members and three Official Members—called ‘the Government;’ and the other ten elected Members are called the Backbench (nine now, since one of us is now the Speaker). The point is that in matters holding such national and international importance, consultation should be of a much wider scale before such decisions and statements are made.

It is heartening to hear, after the fact, that the Government is quite happy, not only to involve the other elected Members who also represent the people, but to also involve public input into such important matters. It is possible that the thought that this should have been done did not occur to them, seeing that is the way they are used to operating—with nothing being said about it. I think by now they know that situation has changed. In future, I would hope we do not have to entertain situations like that. The fact is, while we wish to do the right thing for the country, we are not prepared to allow a minority of the representation of the country to make certain decisions that are going to affect all of us. We wish that to go on record, and we hope that in the future the value on the Backbench will be utilised positively instead of having the arguments that sometimes ensue.

Just a note on that, Mr. Speaker: Sometimes we are blamed for (in common language) being ‘*pickisome.*’ We are asked sometimes, ‘*Why don’t we just get on with the business of the House?*’ The truth is, we would love to, but sometimes we are not allowed to participate. I think the few minutes spent on that are well spent, so that in future we might not have to have such situations where there will be problems.

Getting back to—

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of interruption, if it is a convenient point for you.

Mr. D. Kurt Tibbetts: Certainly, Mr. Speaker, there is a lot more to be said.

The Speaker: I would entertain a motion for the adjournment. The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday, 24 June 1998 at 10.00 AM.

The Speaker: Before I put the motion for the adjournment, the Elected Member for North Side has asked permission, and I have granted it, to make a brief statement.

**STANDING ORDER 11(6)
RAISING OF ANY PUBLIC MATTER**

Mrs. Edna M. Moyle: Mr. Speaker, thank you for allowing me to clear up a matter that I believe is very important to me and to the listening public of these Islands. On Thursday, June 18, I moved Private Member's Motion No. 10/98 in this Parliament. The Minister responsible for Agriculture said in a radio interview, or clip, which I have had transcribed, **"I would not advocate for us to put shotgun shells on the shelves of the Farmers' Market as was suggested by the mover and other people."**

Mr. Speaker, I would like to make it abundantly clear that at no time did I suggest that the Government put these shotgun shells on the Farmers' Market shelves where people could go in and at their whim and fancy buy them. In my introduction to this motion, and I read from the *Hansard*, I said, **"Shotgun shells used to be for sale in these Islands in the private sector. I do not know the reason why this was discontinued, but I am sure that in replying, the Government will inform me. I know that the safety of such shells could possibly be one of the reasons, and that is why I am asking that the Cayman Islands Government be the entity to sell these shells, because we need people who are going to be responsible to see that they do not get into the hands of the wrong people."**

In my winding up, I continued to speak of control. **"To do what this motion is asking would put more control in place, because we will then know who are getting these shotgun shells. As the situation exists now, I can be a licensed farmer and get a permit. . ."** and I went on and continued to speak of control. I do not believe, and I do not want to believe, that this was a deliberate misquote, that the Minister would say that I suggested to put them on the shelves of the Farmers' Market. At no time, in a casual conversation with that Minister, or in a private discussion, or on the floor of this House, did I suggest that these shotgun shells be for sale on the Farmers' Market shelves. Thank you, Mr Speaker.

The Speaker: I shall now put the question. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I do not know if this is allowed, but the statement that was just made also affects me, and if you would allow me to clear a certain matter up, I would appreciate it.

The Speaker: Could you be very brief?

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, I will be very brief.

Regarding what the Member for North Side has said, when she quoted the Minister for Agriculture, the fact of the matter is that I was the one who mentioned in

my contribution to the debate the location of the Farmers' Market. But at no time—and the *Hansards* will prove this—at no time during my debate did I mention the method by which these shotgun shells could be sold, or how they would be stored, or what type of security could be used. That would have been the Government's prerogative. Therefore, I wish to make it abundantly clear that at no time was I suggesting that these shells be put on the shelf of the Farmers' Market to be sold. I believe it is only fair and just for the Minister involved, if he misunderstood, to clear that up, and if he did not misunderstand, to clear it up still. Thank you.

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

Hon. John B. McLean: Mr. Speaker, thank you. I think when I was speaking I was trying to say that I would not advocate shells being sold on the shelves of the Farmers' Market, because it was something that had been done years ago and had been discontinued. The point I was trying to get across to the Members was that there is something in place now, which is handled by the police, and I thought that was sufficient for farmers to acquire the shells necessary for rabbits. I also pointed out that I knew of no farmer who was having great difficulty with it, and if there was, the Department would assist like we assist with other things. So I am not trying to place a blame—

[inaudible comments]

The Speaker: I shall now put the question that this House do now adjourn until 10.00 AM Wednesday, 24 June 1998. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 4.36 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 24 JUNE 1998.**

**WEDNESDAY
24 JUNE 1998
10.09 AM**

The Speaker: Prayers by the Third Elected Member for Boddan Town.

PRAYERS

Mr. Roy Boddan: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number two on today's Order Paper, Questions to Honourable Members/Ministers. Question 74 is standing in the name of the First Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 74

No. 74: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce and Transport to give an update on any plans by the Port Authority to develop the site at Spotts' landing.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The Authority has plans to develop the Spotts landing site, and will proceed with

such plans when funds become available. Plans may be viewed in the Port Director's office.

SUPPLEMENTARIES

The Speaker: Supplementaries? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. As the Minister's answer is short and presumably very concise, I wonder if the Minister could explain what he means when he says, "when funds become available." I understand the Queen's English, but perhaps he could expand on that.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, considering the present budget approved for the Port Authority in 1998, there are no funds within it to deal with this particular project. We have had presented to the Port Authority, I think, three different versions of a plan. One is being favoured by the Port Authority. There has not been a final decision taken on that plan, and we are looking at it with a view of very likely in 1999 dealing with it.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If it is in order, could the Minister give us a brief overview as to what the favoured plan entails?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Being aware of how the Government and most recently the Port Authority came to possess this piece of property, the original intention, as I understand it, was for the Government or the Port Authority to develop a park area for that specific area of the Island. It is with this in mind that I refer to the plan favoured by the Port Authority, which deals with it, and splits it more or less—not necessarily that there is a division—but part will continue to be operated as a cruise ship landing, and a portion of it, when we look at it globally, the park will also be a part and parcel of the overall function of the property, with cabanas, landscaping and additional security features, and things of that sort.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Do the plans contain provision for any type of tourist-related outlets, for the sale of tourist-related items?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: My recollection of it is that there is a minimum amount of that in place, because most of the cruise ship passengers coming off at Spotts prefer to come into town. We realise that not everyone wants to do that, and certainly if something is provided there it will attract some of the passengers in that area, so there will be a small area catering to that type of service.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Has any thought been given to having some type of link between this project and the Pedro St. James project and the Botanic Park, with regard to national tourist attractions? The Honourable Minister mentioned earlier that it is going to be a park area. I am sure that is not just for locals, but for everyone. I am asking, if facilities were provided leaning in the right direction, if it might be one of the areas utilised by tourists when they are going on the various tours in that direction as a recreation area. Because the other two venues are not really anything but sight-seeing, this one might physically provide them access to beach, etc.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I think the point made by the First Elected Member for George Town has merit. We have been focusing on, as he says, the Pedro St. James project and the Botanic Park. When we move toward development of this particular area in its final form, I am sure that will be part and parcel of our thinking, and I thank him for bringing that to our attention. However, he did specify that there is no beach at the other particular sites and I was thinking something different until he made that remark.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Could the Minister say if a major part of the way it is envisaged to develop the site by the Port Authority is to ensure it is self-sufficient, self-sustaining, and not creating additional cost; but that whatever revenue is earned through its operation will be able to at least take care of the cost of its operations?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: My recollection of the thinking of the Port Authority is that first we wanted to

create a park area where locals as well as visitors could go relax and sit under a tree if they wished; there would be soft drinks and perhaps some other kinds of sandwiches and patties and things of that sort so they could have a snack. We have not thought in terms of developing the project to such an extent that it will be self-financing. I think when we take that view, we also have to look to the point where whatever facilities are made available to enhance that, we need to make sure that the public is part and parcel of that service being given. In other words, if we are going to put structures larger than what we have in the scheme at the moment, if my recollection is correct, they would be leased out with a view to providing the service by people who could make a bid or a tender for the space, and that local person would provide the service to the cruise ship passenger or local person who visits.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. Could the Honourable Minister say if there is anyone in charge of keeping the Spotts landing site clean and litter-free in its present state?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: My understanding is that the Port Director has some arrangements. What the specific arrangement for this is, I am unable to say this morning.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Could the Honourable Minister state if, at present, the property is vested with the Port Authority?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, the answer to the Member's question is yes.

The Speaker: Are there any further supplementaries? If not we will move to question 75, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 75

No. 75: Miss Heather D. Bodden asked the Honourable Minister responsible for Tourism, Commerce and Transport how many Caymanians are employed at Pedro St. James Castle.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The full staff complement at Pedro St. James includes fifteen full-time employees, of which twelve are Caymanian.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. Can the Honourable Minister say if there are any incentives being offered to these employees to ensure quality service?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Yes, Mr. Speaker, in recent times there is an employee of the month programme within Pedro St. James, and some awards have been made already. I would say there is incentive to ensure quality service, and I am aware of one lady in particular, one of the local persons mentioned, who was employee of the month for March.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I want to ask the Honourable Minister if he could say, of the twelve Caymanians employed there, if most of them from the Savannah area.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, my colleague may have stumped me there! I do know there are perhaps a half dozen of them from that area. I would not go larger than that, but if he wants the specifics, I am happy to let him have it in writing.

The Speaker: If there are no further supplementaries, we will move to question 76, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 76

No. 76: Miss Heather D. Bodden asked the Honourable Minister responsible for Tourism, Commerce and Transport what educational purpose Pedro St. James serves, and how it will be communicated to the public.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. Pedro St. James is an important landmark in Caymanian history. This is the site of the meeting in 1831 where

Caymanians decided to form the first elected Legislative Assembly. In addition to educating visitors about the birth of democracy in the Cayman Islands, Pedro St. James also serves as a living example of eighteenth century society in Cayman.

The Resource Centre, located in the Visitors' Centre Building, will be a public facility both for research and dissemination of information about Pedro Castle specifically, and will highlight Caymanian history in the 18th and 19th centuries.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, could the Honourable Minister say what is considered to be the highlights of eighteenth century Cayman Islands society?

The Speaker: Are you asking him to express an opinion or historical events?

Dr. Frank McField: Since I am not allowed to ask him to express an opinion, and since in his answer he says it "serves as a living example of eighteenth century society in Cayman" I wanted to know other examples of eighteenth century Cayman Islands society. It is my understanding that they have some exhibits and films instructing people as to what the society was at that time. The information I am seeking is to get some idea of what they are showing as highlights of society at that time?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The Member answered part of his own question, and I thank him for that. There will be, in addition, a film that more or less captures persons who worked and lived around Pedro Castle as we know it, and the type of garments and headdress they wore will depict that era.

The Speaker: If there are no further supplementaries, we will move to question 77, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 77

No. 77: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce and Transport to provide a breakdown, by nationality, of air arrivals for the years 1995, 1996 and 1997.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I am reluctant to read all these numbers, but the answer is that tourist arrivals by air for the years 1995, 1996 and 1997 are given in detail

where it shows, in 1995, the total number of visitors arriving by air at 361,445; in 1996, 373,245; and in 1997, 381,188. Looking specifically at one country, which is the major country from which we attract visitors, the United States, we attracted 266,218 visitors in 1995; in 1996, 274,725; and in 1997, 278,665. There are details from Canada, United Kingdom, Europe, Jamaica, Caribbean, Central America, South America, Pacific Rim, and the rest of the world.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker, and thanks to the Minister for pointing out those details. In examining the statistics provided, it is plain that visitors from the United States are far and above the numbers of visitors from other jurisdictions. Can the Minister tell the House what efforts his Ministry is making to—and could he explain to the House if there are any other areas his Ministry or the Department of Tourism may be looking at with a view to increasing the numbers from this list given here? The United States is way ahead, so can the Minister tell us if there are any policies in place or any plans to increase the numbers from other jurisdictions?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, the buzzword today in tourism is 'integrated marketing communications.' It is a system that pulls together public relations work, advertising we see on television, as well as the glossy magazines from the travel areas (particularly of the United States). We have them in the United States, representatives in Canada, Europe, and we are looking specifically at moving totally into the integrated marketing communications system. There are also strategic plans as to how we also pull in—and we are starting to implement this—the work of the persons who are located in the regional offices and the representatives who are operating in places like Boston, Dallas, Atlanta and Tampa and other places.

In recent times, we are also looking at and following very closely, what is happening in South America. It was probably twenty-four months ago we decided to split out the rest of the world, which was a large number in relation to the total number of visitors that come to the Cayman Islands, to look specifically at which countries were the major percentage in that "rest of the world" number. As a result, we have been tracking our visitors from South America in particular; places like Brazil, Argentina and Chile, and I do not believe there is any secret that the Minister is going to make a move to look at that area very shortly.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I am aware that ease of communication and ease of access by virtue of the fact of direct flights must play a large role in the numbers of tourists we access from the various destinations. Can the Minister tell the House whether there is any attempt by his Department or Ministry to take advantage of the increasing direct flights from the United Kingdom to woo tourists from both the United Kingdom and the European mainland to our destination?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, the answer to the Member is yes. We have been working with British Airways, and the Member will recall that the Ministry of Tourism actually attracted the Caledonia charter back in December about three years ago. Shortly afterwards, in the space of about four months, BA decided to establish not a once-a-week charter, but twice weekly a scheduled flight, which they are now moving on to three days a week. In 1999 they will also be replacing their equipment—the information we have received from BA—with 777s. We have been working with the European representatives in Germany, France, Spain, Italy as well as the Benelux countries to promote and connect with that flight at Gatwick and come in to the Cayman Islands. So we are definitely working in that area.

Members will recall that we were recently able to gain the approval of Delta Airlines to have a direct flight in from Atlanta, and that flight is running very, very full most days. To get on the flight, you have to make a reservation early, and in talking to some of the senior management of Delta, they came for a long-term. They did not come for just this year or next year. One of the things I should say as well is that it surprised me that Delta Airlines—although I realise it touches globally—there are about 611 flights that arrive in Atlanta on a daily basis, and they connect, not only from different destinations within the United States, but also the Far East and Europe. So that is a pretty open door. When we look at South America, we know that American Airlines is a big player in that market, and into Miami is an easy jaunt, and then across the South America. So we will work that and look at some possibility of a local carrier out of South America tying up with Cayman Airways, so they benefit from the arrangement we are looking at as well.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I realise the Honourable Minister might not have the answer to this question, but I am going to pose it anyway, as he is usually on the ball. Can the Minister say if these figures he provided mean that the seasonal fluctuations, which we used to experience in tourism, are now decreasing? And is he satisfied that we are reaching the point at which throughout the year we have significant numbers of tour-

ists in place to make it a viable and continuing industry for those people who have various investments, like the restaurateurs and hoteliers?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I think the statistics and the graphs that analyse month-by-month, year-by-year would indicate that there is a peak season, and that peak season begins, in some cases in December, and in other years it depends on the winter season in the United States. It may begin mid-November. It sometimes takes us into mid-April. It depends on when Easter comes around, whether it is March or April. But I believe wholeheartedly that when we look at it over a period of time, we will see that there is a better performance during the summer months than there has been previously.

Performance in the summer can be affected by a variety of things. A few years ago, we had the Olympics in Atlanta, which seriously affected us. If we have hurricanes it can seriously affect us whether they are coming into our area or not. But if there are hurricanes in the Atlantic, the knowledge of Caribbean geography in the United States and where Cayman fits in relation to the total Caribbean, . . . I think we need to do a lot of work there for them to appreciate that if the storm is at the British Virgin Islands they do not need to cancel their reservations in the Cayman Islands. I believe there is a lot of work that continues to be done in this area.

A year ago (and it ran that year with some success, and this year I think it is probably going to perform better) "Chillin' in Cayman," which is a programme dealing with the summer, from June until very early December, where we have in excess of eighty participants, meaning hotels and watersports and restaurants, as well as people involved in transportation, so that you provide a greater value for visitors coming to us in that period of time. So yes, I think we are all—not the Ministry—we are all doing a reasonably good job.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. Perhaps the Minister will smile if not laugh at this one, but nevertheless I will ask the question. In the answer, the Minister has said, "Tourist arrivals by air for the years 1995, 1996 and 1997 are as follows." Can the Minister give us a definition of what the Department considers to be a tourist?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I think the Department of Tourism depends on the work of the Immigration Department. The statistics I am quoting are classified by the Immigration Department as being visitors to the Cayman Islands. I am not going to try to technically give an answer by the Department of Tourism. I

think the classification is done by the Immigration Department.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. The reason I asked the question is simple. Is it possible that in some of these numbers quoted the same individuals are travelling back and forth from specific countries to the Cayman Islands more than once during the course of the month?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I am sure that is very likely, whether they are coming from the United States or some other country and having three vacations versus one, it is very likely.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Minister state, if he has the information available, which of the tourists from the countries listed in the answer have the longest stayover period recorded?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I do not have that information available, but I know from previous experience—I am not going to be able to definitely talk about 1997 because I do not have that with me, but I know 1996 and 1997. The visitors who stay the longest are from Europe, generally seven to fourteen days.

The Speaker: Are there any further supplementaries? If not, we will move to question 78, standing in the name of the Third Elected Member for West Bay.

QUESTION 78

No. 78: Mr. John D. Jefferson, Jr. asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works what educational programmes are in place in respect of recycling within the Cayman Islands.

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

Hon. John B. McLean: Thank you, Mr. Speaker. The following recycling educational programmes are in place within the Cayman Islands:

Fair Display Booths: The purpose of these booths is to advertise and promote recycling at various local fairs, including several sponsored by the Department. The following fairs were attended:

- Savannah Heritage Day - October 1997
- Department of Education Book Fair - November 22, 1997
- Department of Tourism Fair, West Bay - November 1997
- West Bay Environmental Health Fair - December 1-6, 1997
- Department of Tourism Fair, Cayman Brac - February, 1997
- Public Health Services' Health Fair - February 19, 1998
- East End Environmental Health Fair - March 6, 1998
- Drug Free Week, Healthy Lifestyles Fair - May 8, 1998

Informational School Visits: Visits are frequently made to schools. There were approximately 22 visits made in the first half of this year. The format may vary from a single class, in which the students are working on a project regarding recycling, to a whole school informational assembly.

The following schools were visited, please note several schools were visited two or more times:

- John Gray Memorial Church (After School Programme)
- East End Primary
- Grace Christian Academy
- John Gray High School
- Lighthouse School
- North Side Primary School
- Savannah Primary School
- West Bay Primary
- George Hicks High School
- Creek Primary
- Spot Bay Primary
- Cayman Brac High School
- West End Primary
- Faulkner Academy
- Bodden Town Primary
- George Town Primary School
- Catholic Primary
- Cayman Preparatory School
- Red Cross Junior Club
- Girl Scouts
- The Achievement Centre
- Community College of the Cayman Islands

In addition, the Department serves as a resource to teachers and grade school, high school and degree students in their research projects regarding the environment. The Department has sponsored a high school student intern for the past term and has participated in several in-house student career visits.

George Town Landfill Visits: Approximately 10 landfill site visits were conducted. These 30-minute visits are followed by a 20-minute question and answer session.

Informational Lunches: The purpose of these lunches is to educate private sector employees who participate in the recycling programme on how to make their programmes more effective.

Recycling Colouring and Activity Book: This popular book has been distributed to the majority of schools on Grand Cayman and Cayman Brac. The book provides entertainment and also serves as an educational tool.

Island-Wide School Recycling Competition: The competition will be kicked off in September 1998. The aim of the competition is to increase awareness of and participation in recycling within the Cayman Islands.

Earth Day 1998: The Department participated in a workshop held by the National Gallery of the Cayman Islands. The workshop topic, "The Art of Assemblage", addressed several waste issues through the creation of sculptures made from everyday trash.

Furthermore, the Department organised numerous Earth Day events in conjunction with the National Trust including school visits. Activities and educational material incorporated the importance of reducing, reusing and recycling.

Iggy the Recycling Iguana Public Service Announcements on Radio Cayman

Educators' Curriculum for Solid Waste Awareness: The Department is currently working on a solid waste curriculum for all schools on the island.

- Press Releases: The following press releases appeared in the *Caymanian Compass*:
 - An Earth Day supplement was inserted one week prior to Earth Day
 - Office paper recycling Kick-off Day. With the full support of the Ministry of Agriculture, Environment, Communications and Works, the Department expanded the Pilot Office Paper Programme on June 27, 1997. Employees were provided with educational information regarding recycling and waste reduction.
 - Cayman Can Drive.

The Department conducted the third Annual Cayman Can Drive, Saturday, November 29, 1997.

- Christmas Tree Recycling
- Recycling Awards Luncheon
- Recycling Colouring/Activity Book
- 1998 Earth Day Articles and Advertisements
- Used Motor Oil Recycling Notices
- Cayman Brac Cleanup and Recycling
- Cayman Brac Recycling School Winners
- "Where the Paper Goes" Article

"Day Break" Appearances and Field Reports

- Importance of an How to Recycle
- Earth Day - Recycling Message
- Cosponsored Recycling Educational "Factoids"

Information recycling brochures/posters/booklets/newsletters

- Office Paper Recycling brochure
- Office Paper recycling poster - "Recycling at work, Make it your business"

- Earth Day
- Educational Booklet
- "Let's Reduce and Recycle" DoEH Booklet
- "Our Environment" DoEH's Kid's Newsletter- December 1997
- "Our Environment" DoEH's Kid's Newsletter- March 1998

And I may say, Mr. Speaker, schools, which actually started these programmes early, were such as the Red Bay Primary School.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. First of all, let me thank the Minister for such a comprehensive answer. In the Public Accounts Committee's report for 1996, we dealt with the issue of recycling. It says here, "A public awareness campaign on the proper management of waste oil is planned for the upcoming year." I wonder if the Minister can brief us on how this programme works.

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

Hon. John B. McLean: Yes, Mr. Speaker, just in recent weeks we had a press release on this. Oils are collected and stored in a container and we are more sure—I can't say 100% sure—than we were in the past that oils are collected on a more regular basis and we no longer have the problem, which I am sure the Member is concerned about, of oil just being thrown ad hoc into the ground.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: The Minister mentioned that there was some notice of the oil-recycling programme. I wonder if the Minister can confirm what the holding capacity is for used oil.

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

Hon. John B. McLean: The tank is a 3,000 gallon tank.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I would like to ask if the Minister considers this sufficient to deal with the demand that presently exists for recycling of used oil.

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

Hon. John B. McLean: That is a very good question, and I would say that with the demand we have at this time, we could use another tank.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Minister can say when we last had a shipment of used oil.

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

Hon. John B. McLean: I don't have that with me now, but I know that we have some that is ready to go right now. I would undertake to supply him with the last time we shipped it.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: If we have a holding capacity of 3,000 gallons, and I can't remember what the estimated importation figure is in regard to oil, but unless we are shipping this every week, . . . I wonder if the Minister can say what is happening to the oil we cannot store at the George Town dump because of a lack of capacity.

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

Hon. John B. McLean: We actually handle some of the oil, and there is a private arrangement for what I would consider bulk oil from CUC at this time.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: The Public Accounts Committee was also told that the oil companies do something in regard to recycling used oil. Can the Honourable Minister confirm what they do? What kind of holding capacity to they have and, once again, what happens to the oil not being shipped off the island if there is such a limited holding capacity?

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

Hon. John B. McLean: It is my understanding that there is a good relationship in regard to the companies that have the excess oil. There is an arrangement in place, as I mentioned earlier, where whatever we do not collect is shipped overseas.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if there is any intention to take these recycling educational programmes to the districts? I notice that a lot of visits have been made to the schools, but I cannot see where any district meetings are being held to help the districts to be aware of this recycling.

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

Hon. John B. McLean: It is my understanding that we are in the process of starting district meetings. However, we have been doing publicity on it and thus far have been receiving co-operation from all districts throughout the Cayman Islands.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I thank the Hon. Minister and look forward to seeing the announcement of a meeting of this type in the district of North Side. How are these booklets such as "Let's Reduce and Recycle," and Earth Day booklets, reaching the community in the outer districts?

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

Hon. John B. McLean: If I could comment on two things, I would like to say to the lady Member that one of the first recycling programmes to be started was started by the Red Bay Primary School. It is my understanding that it was due to a field day on the beach at North Side. From there we have been working with the schools and at every opportunity we get we try to hand out the brochures and books to inform the general public of what is taking place and we ask for their continued support. As I pointed out, we thank God that we have been getting support from all of the districts throughout the Island thus far.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I am glad that the Red Bay School assisted the district of North Side in cleaning up our beaches because it is badly needed, but I still ask, Can we get these booklets to the communities? Are we inserting them in the *Caymanian Compass*? How are we getting them to the general public in the outer districts particularly? That is what I would like to know.

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

Hon. John B. McLean: I think to answer the lady Member correctly, it is my understanding that mostly we have been distributing the information at the district fairs and, of course, when we go to the schools. But it has not been done on a regular basis we have to admit.

The Speaker: Before I put the next question, I will entertain a motion for the suspension of Standing Order 23(7) &(8). The First Elected Member for West Bay.

Mr. W. McKeever Bush: I so move.

The Speaker: Do we have a seconder? The Member for North Side.

Mrs. Edna M. Moyle: I second the motion.

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

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I thank the Hon. Minister for his reply. I would ask him to undertake to see that this information on recycling reaches the outer districts. I cannot say it would reach the outer districts through the newspaper, maybe it is time that we took some time on television. I wonder if the Hon. Minister would say if there are any plans for such a thing.

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

Hon. John B. McLean: There are plans, and the Department has been on television a number of times. What I will undertake to do is to try to get the brochures out on a more regular basis. As I said a while ago, we have been distributing them at fairs and when we visit schools. But if it is felt that we need to do it on a more regular basis, we will do so within the financial means we have.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I am aware that the igloo-looking recycling containers are placed throughout the island and can be seen specifically around school grounds. Can the Honourable Minister give an undertaking that more of these containers be placed at locations such as public parks, playfields, bus stops and public beaches?

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

Hon. John B. McLean: We do have some now at various areas as the Member mentioned. If we have the funds available, we would like to have more of them around because it has been effective.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say how used motor oil recycling notices reach the district of North Side?

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

Hon. John B. McLean: I am advised that notices are placed in the *Caymanian Compass*. I would presume that the paper is sold in North Side as it is everywhere else. So, this is a means of trying to communicate it to the public. As a matter of fact, I think we do have one or two stations in North Side working along with the major oil company on the island.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: The Minister just mentioned one or two stations in North Side that assist. I wonder if he can inform me of the names of the stations that assist?

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

Hon. John B. McLean: Mr. Speaker, I said that we have one or two stations in North Side that I think would be working along with the major oil company on the island because that is where they would be getting their oil and fuel from.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: It is my understanding that it is very important to properly educate the public as to the proper handling of used oil. It is my understanding that a lot of the used oil we have here is contaminated. Can the Honourable Minister say what efforts have been made in the area of proper education as to proper collection of used oil?

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

Hon. John B. McLean: Here again, this is quite technical and I am advised by the lady in charge that they have constantly been working along with the oil companies on the island in an effort to make sure that what the Member is talking about is being done. She has been getting full co-operation.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I wasn't really thinking from the standpoint of the oil companies. I understand that garages have a drum and they put all of their used oil in there. But if there is a container with brake oil thrown in the same drum it contaminates the whole thing.

I have another question. Another concern that was raised by the Public Accounts Committee in its report was the proper disposal of medical waste. In the report it mentioned that the incinerator was malfunctioning. Can the Honourable Minister say what is being done now as to the proper handling of medical waste?

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

Hon. John B. McLean: This is something that was raised here some time ago. I appreciate that all Members were in support of having something done, so it has definitely been worked on and the bids will be back in July. We have taken the necessary steps, but until we can get that we have to follow the process.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I think the Minister mentioned bids. Bids for what? Replacement of an incinerator?

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

Hon. John B. McLean: If the Member recalls, it was Cayman Brac and Grand Cayman. It has to go to bid under the Tenders Committee. That is my understanding.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: One of the recommendations put forward by the Public Accounts Committee was the employment of properly qualified persons to deal with this issue. I wonder if the Minister can confirm what steps have been taken by the department in regard to hiring qualified people to do the job that has to be done.

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

Hon. John B. McLean: As the Member is aware, I am not really responsible for staffing. What I am told is that we do have persons being trained. I think we have at least one who is trained in that area to make sure that it is disposed of. I do not think the problem has been the staff, I think it is that the incinerator has been giving trouble and we had to use other means to dispose of the hazardous waste. Within the range we had, I must say that every precaution was taken.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I cannot recall what the Minister said as to how they are now handling the medical waste now that we don't have an incinerator. How is this waste being properly disposed of?

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

Hon. John B. McLean: There are special containers that the medical waste is contained in until it goes to the waste dump. There is a special container utilised only for that until we can get the incinerator back on line.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: We were told in the Public Accounts Committee that it was being thrown in an open container and set on fire. I wonder if the container he is referring to is the same one? What effect does this pollution have on the environment here?

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

Hon. John B. McLean: I have to agree with the Member. That is the only container that has been utilised for this. We have to use something to get rid of it until we can get the incinerator back on line because the other one, as pointed out here a long time ago, is obsolete. It is not working.

The Speaker: I am going to allow two more supplements. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Mr. Speaker, I would really crave your indulgence to explore this matter to its fullest because this is a very important matter. The Minister mentioned that we were going through the tendering process, getting bids on the replacement of the incinerator. Because of the importance of this issue, can the Honourable Minister say how quickly he expects these bids back and the new incinerator put in place?

The Speaker: I might say that we are straying far from the original question. I think that if this information is necessary, a substantive question should be put down. If the Minister wishes to answer, he may, but this is far outside the ambit of the original question.

Hon. John B. McLean: Mr. Speaker, I agree with you. The most I can say to the Member is what I said a while ago. It has been through the Tenders Committee, as I understand, and the results should be back in July. It is the process that has to be taken with projects such as this. He knows, he has been in Public Accounts Committee. If I don't do that, he will probably pull me in there too!

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if any approach has been made to the oil companies towards having them offer incentives, particularly for garages to bring in used motor oil?

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

Hon. John B. McLean: It is my understanding that we have been working with the garages and with the oil companies. As I pointed out earlier on another question, we have been getting some co-operation. We are not here to say that it is fully what we would like it to be, but we continue to negotiate with them and to work along with them and that is the most I can say on it at this time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister give an undertaking to approach the oil companies with a direct proposal that some form of rebate, discount, or credit be given either per gallon, or per 55 gallon drum for any used motor oil turned in by the garages who buy directly from the oil companies? It seems that this would be one way to ensure the used motor oil is disposed of in a proper and safe way. Many garages just store it in the 55 gallon drum and when it is convenient just drop them off at the dump or let the oil saturate and soak into a piece of unused ground thus polluting the ground water.

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

Hon. John B. McLean: We will take every necessary step to make sure that this does not happen. At present I am not aware of this happening. I know that some people still bring it in by drum, but we try, as soon as it gets to the dump, to make sure that it is properly secured. As a matter of fact, I will mention that there is someone on the island who has been collecting oil and shipping it which we are trying to work along with also.

If the Member is aware of something like that, I would appreciate if he would pass it along to me and we will try to deal with it ASAP because this is something we are trying to do. We too are aware that pouring that into the ground is not good for the country.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Minister would say if there is a separate section within the Department of the Environment to deal with the education of recycling since this is such an important matter, and how many members of staff are in this section?

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

Hon. John B. McLean: It is my understanding that we have two full-time individuals in the department.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say

what qualifications these two members of staff have?

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

Hon. John B. McLean: It is my understanding that both of them are educated in Environmental Control.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister state their degree by name?

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

Hon. John B. McLean: I don't have that information, but I will be happy to have the department circulate that to the lady Member.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Minister said in an earlier answer that he did not have the information available at present as to when the last shipment of oil was done. However, it seems as though it may have been a while back. Can the Honourable Minister say exactly how the waste oil that is collected is stored, and what measures are taken to ensure that this is done properly before shipment takes place?

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

Hon. John B. McLean: As I pointed out, there is a holding tank of about 3,000 gallons. It is my understanding that it is brought into the dump and pumped into this tank which is referred to as a holding tank until they have a full capacity. Then it is shipped.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is it the case, then, that shipments are made whenever this holding tank is full? If that is the case, is the tank now full? If it is, are there any other containers being used because the tank can't hold any more?

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

Hon. John B. McLean: As I pointed out earlier also, we do need another storage tank. But the Member is correct, we actually have to use the smaller drums as holding tanks until the full tank is brought back to the island and then we pump again.

The Speaker: I will allow two additional questions, one from the First Elected Member for George Town and one from the Third Elected Member for West Bay and we will have to move on. That will be 28 supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Having understood what the Minister said, and this goes back to what I asked and I don't think I got the answer so I don't want you to count that one as this, please. What I was asking is: If the holding tank that is used is now filled, I understand that whenever it is shipped smaller containers have to be used until it comes back, but is it now full awaiting shipment? And if this is the case, can the Minister explain the process of shipping and if there are any hitches why this process may not be running smoothly in that the tank is full and not shipped immediately?

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

Hon. John B. McLean: I think it actually comes back to the question asked about the different oils. My understanding is that a sample of the oil has to go to Florida and therefore it could be that the tank could be filled this week, and not shipped until that sample comes back from testing. So it may be that we will have the holding tank filled and we will have to have some drums that are also filled. Apparently that is the situation now.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: My question relates to the incinerator. Can the Honourable Minister say if there are any funds in the present budget for the purchase of this incinerator?

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

Hon. John B. McLean: Yes, Mr. Speaker.

The Speaker: We are moving on to question 79, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 79

No. 79: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works whether Government has any plans to develop the Bodden Town 'back road' and, if so, when.

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

Hon. John B. McLean: Public Works Department and the Long Range Planning Unit are currently in the process of developing a set of road corridors to be reserved for future construction. These include two corridors pro-

posed in the Bodden Town area, a major corridor and a minor corridor to be used as a relief road.

There is currently no schedule for construction of any of the corridors.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if the Government has any disposition on which of the two corridors it may deal with in the first instance?

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

Hon. John B. McLean: No decision on that has been taken.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: May I request an undertaking by the Minister that this matter be delved into? I believe that I speak for my other two colleagues, the Hon. Anthony Eden, and Miss Heather Bodden, when I say that we have been approached—and continue to be approached—by our constituents on the necessity to develop this back road, particularly the relief road, especially in light of the fact that trucks hauling aggregate and building materials are becoming more numerous on the road, and it is just a matter of time before we have some serious accident (heaven forbid). This is particularly noticeable when we have events at the United Church or the Adventist Church, funerals or weddings, when parking is along the side of the road and it is acute. I request an undertaking that this relief road which would, I presume, take traffic off the main road, be investigated with a view to making that a top priority when the Government is so disposed to deal with this.

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

Hon. John B. McLean: I am in full sympathy with what the Member is saying and I will definitely pass it on to Government. I, too, have observed what he is saying and I know especially during Pirates' Week when they have the street dances up there, it is a complete block-off. It is necessary.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: The Minister said, "PWD and the long range planning unit are currently in the process of developing a set of road corridors to be reserved for future construction." Can the Honourable Minister say if any of these road corridors are in the district of North Side along the line of a shorter route to George Town,

as I have discussed with him over the years since being elected as a representative of that district and taken a helicopter to fly over and look at this. Is this one of the road corridors being reserved for future construction?

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

Hon. John B. McLean: The lady Member was in the helicopter with us, and we did look at a route. But as the lady Member is aware, Government did not take a decision at that time to do any roads that were suggested. We looked at it, and, again, while I understand what she is saying, I am sympathetic towards her, but if the decision was not taken, I cannot actually go in there and build a road.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I think the Hon. Minister misunderstood my question. I would like to know if in the long range planning unit in PWD, in developing a set of road corridors to be reserved for future construction, if one of these corridors is in the district of North Side.

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

Hon. John B. McLean: I understood what the lady Member said. It is my understanding that what we are talking about here is a corridor that goes up to the Frank Sound area. The one she is speaking about, when we actually flew over the area in a helicopter, was a completely different one. That is the one going into North Side and that is what I pointed out. No decision was taken on it.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Would the Hon. Minister then tell me where in Frank Sound is this road corridor being reserved as he just said? I was not asking for the one I referred to in the helicopter ride. I did not ask that question. I asked if there was a corridor being reserved in the district of North Side. He just said something about Frank Sound. Can he explain to me where in Frank Sound that corridor is supposed to be?

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

Hon. John B. McLean: It is my understanding that it is in the area of the fire station.

The Speaker: Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say where that road will connect in the district of North Side to come out by the fire station area? If the entrance is in

the fire station area where will it exit in the main district of North Side?

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

Hon. John B. McLean: I know the lady Member knows this, the district of North Side starts at Frank Sound. My understanding is that it is going to feed into the North Side Frank Sound Road.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I would have to be totally ignorant if I did not know the district of North Side started in Frank Sound, since I solicited so many votes in that area. But my question is, if it leaves the main Frank Sound Road into North Side, down along side the fire station, where does it exit? Is there an opening for the traffic coming from the major North Side district to be able to get into that corridor to exit into the Frank Sound Road at the fire station?

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

Hon. John B. McLean: It is my understanding from the Chief Engineer that it is in the area of the fire station which will take the road right into the prison area which would be the bypass behind Bodden Town. But I don't have an exact location as to where it would be by the fire station.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I think when Mr. Miller was the representative [for North Side] in this Parliament, there was a suggestion about a corridor coming in through Hut Land around Mr. Willie Ebanks' farm that would come out on the Frank Sound Road thus allowing the main North Side traffic to cut off the Old Man Bay area and cut off the traffic in Frank Sound. What are we going to achieve to help the North Side traffic by entering at Frank Sound and coming out at the prison?

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

Hon. John B. McLean: What I would say is that if the road started there, it would filter them closer to George Town and they would bypass what we found to be a problem a while ago which is the bottle neck in the Bodden Town area.

I can only tell the lady Member what has been proposed. She and I were in the helicopter and we looked at what she is talking about, and I agreed. But the only way I can say how this road will be connected is how the Chief Engineer just advised me.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the substantive answer, the Minister addressed developing a set of road corridors to be reserved for future road construction. Going back ten years, I distinctly remember the question of reserving road corridors as being a very important issue. We have seen today that by playing politics much of what should have been done prior to now has not been done. Can the Honourable Minister give us some type of time-line for these corridors to be reserved? And what kind of assurances do we have that this will actually happen?

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

Hon. John B. McLean: Again, the Chief Engineer advised me that the Planning Unit and PWD are constantly working on this. It is hoped that we will have something within this year.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: There are those of us who are not quite as in the know as others, so can the Honourable Minister explain exactly what the long range planning unit is? Is it part of PWD? Exactly what is its role?

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

Hon. John B. McLean: It is a unit within the Planning Department which works closely with the PWD, especially when it comes down to doing corridors and roads like this.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say what the process will be once these corridors are identified? What type of input will be sought, either publicly or in Parliament, in order to ensure that the decisions made, while being done by the professionals, are satisfactory to the people of this country?

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

Hon. John B. McLean: As was normal with the other Development Plan, it is my understanding that the public would have input. It would be a part of the Development Plan, the recommendations would be part of that, and it would go to the public for them to give their input.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Trying to walk this whole situation through, can the Honourable Minister say exactly what process is required for these corridors to be reserved?

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

Hon. John B. McLean: I think the zoning process would be the better one because it would give the general public an opportunity to give their input. We can either zone it, as I just mentioned, or we could gazette the corridors. If we gazette corridors it means that under the Law we would have to look at compensation. So it would be better for us to work with the public and have it zoned under the Law.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if these corridors mentioned in his answer include the entire island? Does it include the other two islands, or is this just a portion we are talking about.

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

Hon. John B. McLean: This would no doubt be a project on all three islands. But we have given priority to certain major areas. I guess that is the reason why we have a specific question on the back road in Bodden Town. The other one would be the Harquail Bypass and we are looking at the Crewe Road Bypass. So it will all form part of an overall project.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if, during the look/see being done by PWD and the Long Range Planning Unit, the Master Ground Transportation Plan which was shelved is being used as a reference to develop these reserve corridors?

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

Hon. John B. McLean: Some of the individuals who actually participated in the Master Ground Transportation Plan will be working on this. But it is my understanding that new traffic counts have been made throughout and we will be relying more or less on that. I would not say that some of the corridors will not fall in the same path because I really do not know at this time.

The Speaker: This concludes Question Time for this morning. We shall suspend proceedings for fifteen minutes.

PROCEEDINGS RESUMED AT 12.15 PM

The Speaker: Other Business, Private Members' Motions. Continuing the debate on Private Member's Motion No. 11/98. The First Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 11/98

APPOINTMENT OF A SELECT COMMITTEE TO TAKE INPUT FROM THE PUBLIC ON THE REVIEW OF DEPENDENT TERRITORIES

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Before I get into what I call the meat of my delivery, there are a few items that I would like to address in the contribution to the debate made by the Honourable Minister for Education, Aviation and Planning.

Early in his contribution, the Minister quoted what he termed the Government's position during the Dependent Territories Conference in February. Then he quickly went on to say, after quoting certain areas, and I quote him: **"So there is very good communication, both with Members of the House and the Consultative Committee. I should mention that many times the changes are complex and technical."** [*Hansard 22 June, 1998 page 449*] The reason I quoted that part of his delivery is because I want him to know that to this point I do not agree that there has been "very good communication" with Members of this House. But we are not here to take serious issue this morning. We just wish to make it known that we welcome such a stand, and hope that when matters are being deliberated on in the future, Members of the House—all of us!—will be kept up-to-date with what is happening.

When some of us air our concerns some people wonder if we are trying to be picky. But those of us who do not have access to the day-to-day dealings must be concerned when reports are conflicting. I will use an example. The Minister said: **"On the question of the enforcement of taxes in the Dependent Territories, in an article in *The Wall Street Journal* of May 21, 1998, our Governor said, and I quote because I think this should put beyond a doubt our position [and he quotes]: 'Cayman Governor, John Owen, says, "It is still unclear exactly what is in the works. Certainly, no instruction or anything has come out from the UK saying Cayman must cooperate with tax investigations.'"** [*Hansard 22 June, 1998 page 449*] Yet, during the Select Committee on the Public Accounts (in the United Kingdom), in the Minutes of Evidence under the examination of witnesses on Monday, 15 December, 1997, Sir John Kerr (and I am quoting from [page 4] of the Minutes) said, **"I think the majority can see that if a territory acquires a reputation of having been penetrated by criminality, that in the long term it is**

PROCEEDINGS SUSPENDED AT 11.40 AM

not in its interests. The Caymans have signed up, as have all of these Dependent Territories, and 26 Caribbean countries in all, to the Caribbean Financial Action Task Force, which is the spin-off from the G7 money laundering task force, and the Caymans were, in fact, the first country to ask to be examined by their peers." Now, we know that to be a fact.

"This system works on peer pressure; they examine each other, and the Caymans were so examined, I understand, in 1995; Bermuda and the TCI [Turks and Caicos Islands] will be examined in the first half of next year. I think it is clear that in the Caymans they do feel that it would be dangerous for the future of the Caymans as a financial centre—it is, of course, a very big centre, as the table you drew to your attention in figure 8 shows—if it was thought to be a haunt of crime." I will pause there to say that we all know that there have been moves afoot—or that is the way it appears to us—from other territories to paint that picture of us. Competition causes that type of thing to happen.

Then he says, and I quote him again: "**The Governor of the Caymans told us today**"—Today!—"that he would make sure that the fiscal exemption would disappear from Cayman's all-crimes law by March of next year." That is, March of 1998.

Here we have one report stating that the Governor of the Cayman Islands says it is still unclear what is in the works, but we have in the Minutes from the Public Accounts Committee of December [1997] in the UK Parliament where an individual quotes our Governor as saying that our Governor would make sure that the fiscal exemption would disappear from the "Caymans all-crimes law by March of next year." I am not questioning what the Governor did or did not say, all I am saying is that when there are other people involved simply because of our status as a Dependent Territory, we are not always the ones who speak on our own behalf. It is obvious from the illustration just drawn that we have to be on top of the situation at all times because we never know the way situations are portrayed.

The Governor has met with us on more than one occasion and this is certainly not what has been put across to Members of the Legislative Assembly. I am not suggesting for a minute that he told us one thing and told someone else a different thing. All I am saying is that it is by no means a situation we must take lightly.

This motion we are debating today extends further than what has been discussed thus far. The items which are talked about in the Whereas and Resolve sections of the motion also mention that the UK has international obligations. I think this is something that we have to be very conscious of and continually looking very closely at because with all the international obligations that the UK has, and with our being a Dependent Territory, there are matters which will affect us that we have to be very cognisant of at all times.

I will move on with the next point in the Minister's speech. Mr. Speaker, sometimes I know we have to be very careful, and I accept what the Minister sometimes

says. But I cannot accept and I do not subscribe to, regardless of what our situation is, regardless of how we find ourselves, . . . I think it is incumbent on us not to paint the people of this country a picture without letting them know exactly what the whole situation is.

The Minister said: "**The gist of this. . .**" and he is referring to an OECD Report which I will get into a little bit later on. That report is named "HARMFUL TAX COMPETITION—An Emerging Global Issue." In referring to this article he says, "**The gist of this is that they are saying that in relation to their members, by the 21 December 2005, which is seven years down the line, the benefits of tax regime should be removed from the member countries.**" He goes on to say, "**We are looking at five years down the line in one category to complete; and we are looking at seven years down the line for the OECD countries to abolish benefits they receive from tax regimes abroad. I think that the UK's position, as the Governor stated, is that there has been no request in relation to the Cayman Islands co-operating on tax investigations.**" [Hansard 22 June, 1998, page 449]

I want to repeat what he said one more time. He said, "**I think that the UK's position, as the Governor stated, is that there has been no request in relation to the Cayman Islands co-operating on tax investigations.**"

For the benefit of all, when we talk about the international obligations of the United Kingdom, let me just quickly point two things out: The OECD is the Organisation for Economic Co-operation and Development, and the United Kingdom is one of the original member countries of the OECD. So, whatever is generally agreed on by the OECD, it is naturally expected that it is agreed on by the United Kingdom, seeing that that is part of their international obligation. When the Minister referred to this five year and seven year situation, he was talking about some guidelines that are in this OECD Report for dealing with harmful preferential tax regimes in member countries.

What he was referring to is where they mention, as the guidelines, the following: "**To review their existing measures for the purpose of identifying those measures, in the form of legislative provisions or administrative practices related to taxation, that constitute harmful tax practices [that is, what the OECD is terming harmful tax practices] as defined in Section III of Chapter 2 of this Report. These measures will be reported to the Forum on Harmful Tax Practices and will be included in the list within 2 years from the date in which these Guidelines are approved by the OECD Council.**" [OECD Report page 70] And it goes on quickly to state, "**To remove, before the end of 5 years starting from the date on which the Guidelines are approved by the OECD Council, the harmful features of their preferential tax regimes identified in the list referred to in paragraph 2. However, in respect to taxpayers who are benefiting from such regimes on 31 December 2000, the benefits that they**

derive will be removed at the latest on the 31 December 2005.” This is where there is mention of five years and seven years. It goes on to say, **“This will ensure that such particular tax benefits have been entirely removed after that date.”** [page 70]

If we stop right there, then what the Minister has said is that in one area we have five years to think about it, and in another area we have seven years to think about it. But if we look in this document right after these guidelines they mention, and I quote: **“Recommendation to produce a list of tax havens: that the Forum be mandated to establish, within one year of the first meeting of the Forum, a list of tax havens on the basis of the factors identified in Section II, Chapter 2.”** The forum is instructed to prepare within one year from its inception a list of tax havens taking into account the factors set out in section II of Chapter 2. This initial list would be non-exhaustive and would be subject to review by the forum.

What that is saying is that while the situation is given five years in one instance and seven years in another instance for the exercise to be completed, whereby everyone falls in line with the guidelines, in one year there is going to be a list of tax havens published. Now what we have to consider before going any further with the thought is if the Cayman Islands is on that list what type of negative effect will there automatically be. I dare say that instead of talking about five or seven years, we should be looking now to be discussing matters like this with the United Kingdom. The truth is, as advanced as we are with our legislation, including the Proceeds of Criminal Conduct Law and legislation along those lines, that if we are proactive about the situation we may not be on the list—if we can prove that as a nation we are doing everything possible, without negatively affecting our economy, towards the big problem of money laundering, proceeds from criminal conduct and stuff like that.

I don't think that we should be afraid to talk about it. I am not suggesting that we should be making more of a case out of this situation than what it really is. But, on the other hand, it is worse if we try to pretend that this situation does not exist and we need to be discussing it and making decisions as to the course of action to take, given the limited scope we have. What we find ourselves in is a situation where we have to be speaking to the Mother Country, and then the Mother Country will go off after that to discuss all of these matters with her partners that involve all of these international obligations.

To most of us it is a boring topic because we would not even like to have to entertain the thought. But I want to impress upon everyone that it is no good for us to sit and wait for something to happen and then react to try and correct it if it doesn't suit our situation. Nine times out of ten—in fact, probably ten times out of ten—it will be too late. That is what we must understand. So, if I need forgiveness because I take a different stand, then whoever wants to forgive will have to forgive. But I firmly believe that it is not the right thing for us as a country to

be trying to simply hedge our bets, hope for the best and not want to discuss these matters.

When statements are made in this Legislative Assembly, I am never going to subscribe to the belief that we should say things the way we want people to hear them. We should say things, if we are going to say anything about it, as it is. If we don't say it as it is, then I contend that we are not levelling with the public. Again, I am not taking issue with anyone about it. I am simply saying that I find myself in a position where, in trying to stay informed and acting responsibly as a representative, I need to look into the situation, deal with it, and talk freely about it. It is not something that we should make people believe that if we even talk about it we should be scared and frightened. That makes no sense. Others may be used to that tactic, but I am not.

The Minister went on to say, and I quote: **“So when looked at initially, the OECD Report appears to be more frightening than it really is because it only applies to member countries, of which we are not. It does not apply to the dependencies.”** [Hansard 22 June, 1998, page 450]

Mr. Speaker, I have to laugh! For anyone to read this document and make a statement like that...I have to laugh! Either I am the biggest idiot in the world for thinking that that statement makes sense, or the person who said it believes that I am the biggest idiot in the world in expecting me to believe it. Either way I'm an idiot! So he tries to soften it, because he's thinking while he's making this statement, *'Some of these fellows might see through this.'* So here is how he just smoothes it out, **“Obviously, it does have an indirect impact and I am not saying that we do not need to look at it [No! He's not saying that!], I am just saying that the impact is going to come much further down, if it does come.”**

'So don't worry fellows, everything is fine. But I want you to know that it is not that something cannot happen, you know. But don't worry about it right now.'

Mr. Speaker, political debates should be kept on an even keel on matters like this. I totally agree. The Minister said that. I am not in this for me to win or lose. I am a representative of the people. I want the people to understand that while I am not a lawyer, and while I do not have a pile of degrees, I understand what is happening. And while I am not subscribing to the belief that we should throw our hands in the air and be frightened about anything, I cannot truthfully read a statement like that and say that I agree with the statement because the situation is quite different from that.

Our Financial Secretary, in whom I have a world of confidence, is continually making attempts to be kept up to date on what is happening in this area because there is room for concern. But when a Minister of Government makes a statement like this, and it goes public (and it is obvious that if any one of us in here makes a statement we expect the public to believe it), then, when I hear statements as I just read being made, I cannot just bypass the statement because then I would be shirking my responsibility to the people. If I read it and understand

what is being said, and say nothing, it means that I am condoning it. I say today that I am not going to do that.

The Minister went on to say (and he goes back to some of what he said during the recently concluded Dependent Territories Conference), and he quotes himself. He says: **“For the Cayman Islands the Constitution works well and provides us with continuity and stability. This is especially important for the twin pillars of our economy—tourism and finance. Like other territories we have been before the United Nations Committee of 24 on Decolonisation, and, like others, we have pointed out the overriding rule should be the resolution fundamental to the United Nations, that is, ‘All people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and political development.’ We do not see the need to change our Constitution. In reality it is a country’s people, their positive attitudes that will keep it stable and progressive rather than any written document. I would just like to elaborate on that because what it comes down to is the duty of Members of the Legislature to keep attitudes in the public positive and to keep those moving progressively forward. The people make up a country and we are their representatives.”** [*Hansard 22 June, 1998, page 451*]

Now, I can totally agree with that wonderful statement. I read what the Minister said, not just to prove that I do not disagree with everything that he says, but if the Minister really means what he says, then when he says what it really comes down to is **“the duty of Members of the Legislature to keep attitudes in the public positive and keep those moving progressively forward”**, if we expect that to prevail, the only way, in my opinion, that will be achieved is to keep our people informed.

I believe that I am no smarter than John Public; I do not have any greater understanding than John Public has. My only advantage over John Public is that I am one of his representatives and I might have more ready access to information. In the past, I must say, Mr. Speaker, that that has only been sometimes!

I will end that part of the debate. I just wish to sum up by saying that because something is not easy to deal with because all of the answers are not staring us in the face; because there are other forces involved over which we do not have total control; it does not mean that we cannot sit down and talk sensibly about the situation, talk to who else we have to talk to about the situation, and deal with it openly. In fact, it is my belief that many situations which have caused us more grief in the past have arisen because we have not been doing that.

So, Mr. Speaker, let me move on. I am going to begin another topic now.

The Speaker: I think this would be a convenient time to take the luncheon break. Proceedings are suspended until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 2.45 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 11/98. The First Elected Member for George Town., continuing.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I referred earlier in my debate to a document, Minutes of Evidence, which depicts what transpired during a select committee on Public Accounts in the United Kingdom Parliament. I would like to read one more section from it. This is simply a case-building exercise. I am quoting a Mr. Davidson, who is questioning Sir John Kerr. [page 3 of 5] **“Could I just follow up the point about tax evasion and the sharing of information? My understanding is that the Dependent Territories are generally willing to share information on matters that are a crime in their country, but some of them, unless I am mistaken, do not have income tax and, therefore, do not recognise income tax evasion or avoidance or anything similar as in fact being a crime and, therefore, will not share information and, therefore, will not assist the American authorities in particular in providing any information whatsoever on some of the most outrageous cases of tax evasion. Now, do you have any intention of pursuing that matter at all?”**

Sir John Kerr replies: **“Absolutely. It is a Cayman Islands problem. The Cayman Islands have passed their all-crimes law, but in a way that contains an exclusion which we are not prepared to agree to. We are insisting that they must change their law. We are also unhappy with the state of Bermudan law. So you are correct that it is a problem, and a problem not yet solved. The legislation that the Caymans have is, in our view, for this reason defective.”**

This is referring to the fiscal exemption clause in our legislation. If we go by these Minutes, what is being said is that there is a move afoot for us to remove this fiscal exemption clause to satisfy some of these international obligations which exist with the Mother Country. While some may take the view that matters such as this should not be mentioned, I hold the view that they should be mentioned. We have to look at the situation as it obtains and how it affects our country. The scenario is this, as I understand it: We as a country have certain inherent disadvantages when we compare ourselves to other much larger countries because our economy does not enjoy the type of diversification some of the other territories, and especially the larger countries, enjoy. Some of the nations are industrialised, and most of the countries that look at our situation view our source of revenue as one not suitable to their liking. But once we comply with the legislation to the point where the principle of dual criminality prevails, I believe we are doing our

job and accepting our responsibility the best way we can. I think that is one of the problems we will continue to face because of pressure from the larger territories, in that they see the way we operate as inhibiting their way of operating, and their way of wanting to be able to collect certain taxes.

In my view, this is not a frightening situation; and not a situation we should try not to openly discuss. If we were simply candid about it, and were to accept the reasoning from the opposite side of the fence, it would not be difficult for us to understand why these territories think the way they do, and wish for certain things to happen the way they do. Like everything else in life we are not all going to agree on everything, but we have to find a way to coexist. In my view, that is what this whole exercise is going to be all about. I personally do not agree with going behind closed doors hush-hush all the time to try to deal with certain situations. All it does, as far as I am concerned, is arouse suspicion; people get the wrong impression, and the right things do not happen. That is my view. I do not have all the answers, and I do not think anyone here does. But I think we know what the problem is. So we simply have to work together to find the answers.

Let me make it clear so it can be understood. It is easy, if we are open and objective, for the Cayman Islands to understand certain positions the United Kingdom takes, and puts forward to us. It is not difficult for us to understand them. But at the same time, as far as I am concerned our job is to not wait around until decisions are made which will affect us negatively, but to build our own case to Mother Country: to say, *'Mother (so to speak), we understand where you are, but here is our position.'* We need to outline our situation. We need to do as much as we can to prove we do not want illegal money flowing through our system. We need to do as much as we can to prove that we are not just giving lip service, but mean what we say; that we do not condone ill-gotten gains and such like. But at the same time, as the Minister for Education said in his speech—and I wish to quote him, because I agree with what he is saying—**“This is the distinction I am trying to draw, because tax avoidance is legally reducing the taxes which every country has a principle. It is a principle in English law that every person can so deal with their affairs that they pay the minimum amount of taxes legally required to be paid. Tax evasion, on the other hand, relates to directly breaching the laws of other countries.”** [*Hansard 22 June, 1998, page 449*]

I quote the Minister to make the point that, in my view, because we are such a small territory, as many countries as should do not examine what our regime is all about, how we operate. They simply throw us into one big kit 'n caboodle, and there is no differentiation between avoidance and evasion. It is something we have to be able to prove the difference between, and where we actually fit—not where we want to fit, but where we actually fit. We will only be able to prove that by, as the old time saying goes, 'the proof of the pudding is in the eating.'

I believe that is where we need to lean toward, and to be able to prove that our legislation is as forceful as it can be, with us looking for our own survival at the same time. That is where I think we are.

So contrary to what some others might say about it, I do not think this is something we should be not talking about, or being very careful not to mention certain things.

There are many other areas this motion calls to be openly discussed with the public, but because other people have delved into those areas, I have chosen not to be repetitious. I have gone into another area which I believe is as important, or perhaps in certain instances more important, for us to look at. It certainly has to do with our ties with Mother Country which, I am sure, just like the Minister for Education said, we all wish to retain. We do not have a problem with that. That is nowhere the thought in anyone's mind, wishing for that status to change. But while wishing to retain that situation, there are certain things which have to continue for us as a small country to continue to prosper.

One of the other aspects some people try not to have to think about, but which does exist, is the fact that there are other world nations which are major players in the game. Earlier I stated that Great Britain was a founding member of the OECD. We also have to remember that when we hear about the G7 summits, and those types of things, we must also appreciate the fact that Mother Country is a part of the G7 countries. We cannot only look at it from one avenue, but we must appreciate the fact that Mother Country wears several different hats. In so doing, whether we like it or not, at some points in time we have to wear those hats simply because we are one of Britain's Dependent Territories.

I need to go back to this booklet, 'HARMFUL TAX COMPETITION: An Emerging Global Issue,' which is a publication by the Organisation for Economic Co-operation and Development, that is, the OECD, to make a few points. With your permission, I wish to quote a few sections from the document so we can get a very clear understanding of the situation we have to deal with.

In the introduction of this booklet, it states that in the ministerial communiqué of May 1996 called upon the organisation [that is, the OECD] **“to develop measures to counter the distorting effects of harmful tax competition on investment and financing decisions and the consequences for national tax bases, and report back in 1998.”** This document is a result of what that communiqué called on the organisation to do. It is also worthy to note that the request was subsequently endorsed by the G7 countries, which included the following paragraph in the communiqué issued by the heads of state at their 1996 Lions' Summit:

“Finally, globalisation is creating new challenges in the field of tax policy. Tax schemes aimed at attracting financial and other geographically mobile activities can create harmful tax competition between states, carrying risks of distorting trade and investment, and could lead to the erosion of national tax bases. We strongly urge the OECD to vig-

orously pursue its work in this field aimed at establishing a multilateral approach under which countries could operate individually and collectively to limit the extent of these practices. We will follow closely the progress on work by the OECD, which is due to produce a report by 1998."

So we are getting the picture, where we have the OECD coming from one side, and the G7 countries just a way off, looking on with the full intention of doing what they perceive is necessary for them to do. The basic principle which differs between 'them and us' is that they have a situation in which their economy—not necessarily their economies, but their national revenue, for them to function as countries—is supplied by direct taxation. The Cayman Islands have developed a situation in which we do not have direct taxation, and our sources of revenue for the country are based on other principles, not taxation. So in layman's terms, what is happening is that the larger countries who are involved with direct taxation are saying, *'If you have other territories who do not deal with direct taxation, it is obvious there are some of us who pay tax who will seek to be able to enter those territories, to utilise, within their laws, whatever they can do to avoid paying some of the taxes.'*

If I were they, I would not be telling the truth to say I would not take the position they take. But I am not they. So it is only natural that pressure will come to bear from them, saying, *'Look, guys, what you believe you are doing is right, is kinda' hurting us a little bit, so we need you to be like us, so we do not get hurt.'* But where the whole picture falls down is that they do not fully understand what we are all about. Not many of them will take the time to try to understand that. For many obvious reasons that we could never be like them: we do not have the type of resources they have, whether natural or otherwise, to diversify our economies to the level they can, for our country to have income.

That is not such a difficult situation for us to talk about. If we want to use the fancy words, whoever wants to do that may. But the way I just said it, I believe is the way it is, and that is what we have to deal with. So we have to find a way, as far as I am concerned, to be able to say to them, *'Listen, we understand what you wish to happen. But we are asking you to understand what we have to live with. So we are going to do as much as we possibly can to ensure that there is no funny business. But please, you must understand that we have to survive.'* It is easy for them to make reports and put in documents all kinds of fancy words, but if they come down and look where we are, what we do, and how we do it, then I believe we stand a chance to be able to find a way to coexist.

That word I just used, 'coexist,' is what we have to seek to achieve. That, in my view, is where we are. It is false, almost to the point of being ludicrous, for anyone to say all of the different things I have read (plus more I will read) because we do not hold direct membership with the OECD, and we are simply a Dependent Territory of a member of the OECD, for instance, that what they develop as policies and what they agree on as

members will not affect us. It is ludicrous to believe it will not, because if I am in charge of my home, and I say that when we go to the table to eat all the males must have a shirt on, father, son and everyone must have a shirt. Since I am the father and I make the rules, when I put on a shirt there is no way in the world that I am going to let my son come to the table without a shirt! That is a simple example, but I think the point is made.

For us to try to say it is any different would be fooling ourselves. That is exactly what we are doing. And basically, since we are along the line of the shirt business, what we really need to do is get everyone to understand that all the shirts might not be the same colour—but they will be shirts. If we can get to that point, I think we will be okay. So we do not have to be frightened and not want to talk about this thing.

I believe we should be pro-active. I think I need to make the point sink in a little stronger, so I am going to read a few short quotations from this booklet, produced in early 1998. It says, **"This Report was also submitted to Ministers when they met at the OECD on 27-28 April 1998,"** but it had been produced earlier in the year. It is a current document.

I mentioned earlier the list of tax havens they say they are going to develop, and I hope the powers that be who will be dealing with any discussions or negotiations, will be able to see fit to be pro-active about that, so we can try our best to not be listed on that list.

Here is a way in which those people are thinking. I read from page 10. **"The Committee notes that many tax havens have chosen to be heavily dependent on their tax industries. To the extent that a tax haven provides a clear signal that it wishes to curtail its harmful tax practises, the Committee would be prepared to engage in a dialogue with such tax havens taking into account the need to encourage the long term development of these economies."**

I am not suggesting for a minute that we should not be continually alert, making every attempt possible to diversify our economy. But the truth is that our options are very limited in that regard. Because of what they are used to, any dialogue they will have with us does not mean they will come up with any solutions of alternate ways of earning money for the country. It is just not going to happen that way.

They even recognise, in certain instances, Mr. Speaker, the disadvantages. They say, **"In the context of this last effect, countries with specific structural disadvantages, such as poor geographical location, lack of natural resources, etc., frequently consider that special tax incentives or tax regimes are necessary to offset non-tax disadvantages, including any additional cost from locating in such areas. Similarly, within countries, peripheral regions often experience difficulties in promoting their development and may, at certain stages in this development, benefit from more attractive tax regimes or tax incentives for certain activities. This outcome, in itself, recognises that many factors affect the overall competitive position of a country. Although international**

community may have concerns about potential spill-over effects, these decisions may be justifiable from the point of view of the country in question.” [page 15]

When those few of them who really sit down and consider certain situations, it is obvious from what I just read that they understand what we face. Of course, they have not come to say what we could do otherwise, since they do not want us to operate like that.

After they say they understand some of our problems, they come right back a couple of pages later and say, **“Because tax havens offer a way to minimise taxes and to obtain financial confidentiality, tax havens are appealing to corporate and individual investors. Tax havens serve three main purposes: they provide a location for holding passive investments (‘money boxes’); they provide a location where ‘paper’ profits can be booked; and they enable the affairs of taxpayers, particularly their bank accounts, to be effectively shielded from scrutiny by tax authorities of other countries.”** [page 22]

That is basically the crux of their argument. They say **“All of these functions may potentially cause harm to the tax systems of other countries as they facilitate both corporate and individual income tax avoidance and evasion.”** When they take that position, in a nutshell, if they hold fast to that and there is not any or much room at all for dialogue, then they are saying they are ready to put the pillows over our heads. To me, that is what it says.

I believe, because of the many discussions that have gone on prior to this, that Mother Country knows full well at present what our situation is. I believe we have an opportunity for dialogue with Mother Country to do everything possible to retain what we have; to possibly allow scope for enhancing what we have. But we simply have to sit down and search, and search, and find the ways in which we can do it without rocking the boat too strongly.

When we look at the recommendations coming out of this document—I just wish to read two more paragraphs. This is where there are recommendation guidelines for dealing with harmful preferential tax regimes in member countries. The first one I am going to read is to confirm this list of tax havens I mentioned before. **“16. Recommendation to produce a list of tax havens: that the Forum be mandated to establish, within one year of the first meeting of the Forum, a list of tax havens on the basis of the factors identified in Section II of chapter 2.”** I will not go into that because I am only talking about this list.

The next recommendation is one concerning links with tax havens. In my mind, all that has been said in the document from their point of view qualifies the Cayman Islands as a tax haven, if we leave it just like that. This is where I think we have to start to deal with it, rather than just sitting and waiting to see what happens. That recommendation says, **“17. . . .countries that have particular political, economic or other links with tax ha-**

vens”—that is, just like Great Britain has with the Cayman Islands—**“ensure that these links do not contribute to harmful tax competition and, in particular, that countries that have dependencies that are tax havens ensure that the links they have with these tax havens are not used in a way that increase or promote harmful tax competition.”**

So they are telling one of their member countries who has a dependency that they are almost convinced at this point that it is a tax haven: *‘Look guys, not because you have a dependency we consider is a tax haven, should you as a member of us allow the link you have with them to be usurped to their advantage.’* Or, perhaps, *‘Don’t think, guys, that because these guys belong to you, that we are going to leave them alone and let them do as they please.’* Kinda’ that sort of thing. That is what we have to work at, in my view.

We have talked about the OECD. While I have not gone into it fully, because I know it is not an exciting one. One would really need to read the entire document to get a full understanding of what is going down with the situation, I think I have quoted enough areas to show that there are some concerns we should have, and that we should be dealing with certain issues pro-actively.

I have a couple of documents here which are all in reference to the Birmingham Summit, that is, the report of the G7 Finance Ministers, the G7 Heads of State of Government for their meeting in Birmingham last month. Just last month. Bear in mind that it has been obvious, while talking about the OECD, that the G7 countries, the group all-tolled are in constant contact, because some of the countries are part of both G7 and OECD. After they met and talked and had all kinds of discussions, they came to certain conclusions.

Under the section, “Financial Crime,” they concluded that **“the fight against financial crime is one of the major challenges of our time. “We emphasise that as both financial services and crime become increasingly globalised, this challenge can only be met if all major financial centres work together. Effective co-operation between financial regulators and law enforcement authorities at the international level is an essential element of this. A G7 expert group was set up by the Denver Summit to consider how this co-operation can be improved with our countries.”** And they agreed to a list of things. Two of those things are **“to take forward a number of practical steps to improve co-operation; disseminate a G7 reference guide to procedures and contact points on information exchange to financial regulators and law enforcement agencies in our countries; and to expand this guide to cover all major financial centre countries.”**

When it comes to tax competition, their first statement under that subheading is, **“We warmly welcome the OECD agreement on action to tackle harmful tax competition. This provides a strong basis for co-ordinated international action to curb harmful tax competition through preferential tax regimes and tax**

havens. And we note the complementary development of the European Union Code of Conduct.” I am not going to get into that this afternoon, but we notice it now extends into the European Union.

In reading those few areas from the documents I have, what has been shown is that almost as a general rule of thumb the larger countries, who are tax-based, because of certain illicit and illegal activities which they have discovered certain people engaging in, are not very fond of territories who do not deal with direct taxation. They view those territories as a threat and an avenue for people to engage in certain types of illegal activities—illegal in their minds.

That being the case, Mr. Speaker—and I am certain we all believe—or know—that the Cayman Islands is not a territory which condones this type of activity. The basic difference we have is that we have developed what they term a financial regime which allows people to take advantage of the fact that we have not developed our source of income based on direct taxation. Because we have been able to do it otherwise should not, in my opinion, cause us to be penalised and put into a big can of worms with others who may be involved in tax evasion.

Our situation does not call for evasion, but I think the term they use is ‘avoidance.’ They would like to believe both are one in the same. We know different. We, as a country, have to move forward in reaching those we have to reach, to make sure that is clearly understood; to send the message right, to stack our deck properly, to ensure we are armed properly, to be able to fight the cause. That is what it is going to boil down to.

I believe whoever the individuals or groups are who are directly involved with this type of activity must not be afraid of laying all their cards on the table. I know it is easy for me to stand here and talk about it, because I have never dealt with these people directly. That is what some will say. But it is my belief that once we know where we are, where we need to go, we have to sit down and decide on the best road to take to get there. There is no one person in here who is capable of achieving that. That is something we all have to work together to achieve.

Let me say this before I close: Our system of government—and by now, I understand it fairly well—does not allow for one or two who in their minds are sure they are right, to expect to close all other doors and move on with that premise. It is said, by one and all at times, that consensus is how this country runs. Let us make sure we prove that, and that is how we move forward with this situation to ensure we get the best result possible.

I commend the motion. I am in total agreement with the mover regarding his presentation. I have extended his line of argument a little bit further. I could have gone on much further, but I realise it is not an exciting topic. It is not one you can drag on too long, but it is an important one. I think we should take the time, each and every one of us, to make sure we understand what we face, what we have to do. Do not listen to the anti-Christ. We need, each and every one of us, to get a full understanding of this thing, and we need to put our minds together,

to move forward with a course of action so we can get the nearest to right result possible. I hope we are able to do this. I know we are capable of doing it. I just hope the players in the game allow it to happen in that fashion. Thank you.

The Speaker: Does any other Member wish to speak?

Mr. Roy Bodden: Mr. Speaker, if you would entertain my suggestion, this may be a good time for us to take the afternoon break.

The Speaker: I was hoping to go a few minutes more, but if that is the wish of the House, we shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.30 PM

PROCEEDINGS RESUMED AT 4.15 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 11/98. Does any other Member wish to speak? The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I rise to offer a few short comments on Private Member's Motion No. 11/98, calling for the appointment of a select committee to take input from the public on the review of the Dependent Territories.

At this stage of our development, we are the envy of the entire world. We can boast of being the fifth largest financial centre in the world, we can boast of having one of the highest standards of living and per capita income of any place in the world. I believe that lends itself to a lot of envy, and petty jealousy. And I believe many of our competitors would like to see us fall. But I am not that concerned about our competitors. I am one of those—and I have voiced this far and wide—who is not comfortable, and who does not have complete faith and confidence that the US or the United Kingdom has our best interests at heart.

I am one who firmly believes that sooner than later we are going to have to address some very serious issues that will affect these Islands. When we look at the overall position, I am told that we are now down to five Dependent Territories with a total population of 388,000. Compared to the Commonwealth, or even to Great Britain, it is not significant. Why should they continue to have to be concerned about these small colonies, the majority of which require handouts? Why not assist them in going their own way, politically and otherwise?

If I were the leadership in the United Kingdom, rather than attempting to undermine and jeopardise economies like the Cayman Islands, I would encourage them to continue to survive. I am aware that since early 1960, the Cayman Islands disqualified itself from aid from the United Kingdom. So we are not costing them anything. It means they have more funds available to

deal with those territories that do pose a problem, like Montserrat and some of the other Dependent Territories.

I believe the right approach regarding anything seriously affecting these Islands is for all Members of this House to be aware of whatever reports are put together, whatever comments are made, and whatever issues a decision has to be made on.

I did not go to England for the Dependent Territory meetings. It is my understanding that a report is being put together with certain recommendations. We may be jumping the gun a bit in anticipating, but it makes sense for us to have the machinery in place so that when the report arrives we can say, *'Here is the report. Let us take input from members of the public as well as comments from the Honourable Members of this House.'*

There is no one who can better represent you or me than the Members of this House. I cannot speak for the First Elected Member for George Town. He knows his District. I certainly would not want him to speak for me regarding West Bay. So I believe it makes sense for us to gather and accept input from all areas, from people of all walks of life, because so much sacrifice and commitment has taken place over the years in building the financial empire we have in the Cayman Islands. It is only right for us to allow members of the general public, and well as representatives in this House, to make their views known on any issue that negatively affects this country.

I believe the more involved the United Kingdom becomes in the European Common Market and its allies, the more pressure will be brought on places like the Cayman Islands. I firmly believe that, Mr. Speaker, to protect and promote their interests—and I would not blame them. If I had to make a decision between the future of this country and some other territory, my natural choice would be to look out for myself first. I am concerned about some of the issues I see coming down the pipeline that affect us in a very negative manner.

I believe if there is going to be a partnership—and apparently the Honourable Foreign Minister, Mr. Cook, emphasised that they were interested in establishing a greater partnership between ourselves and the Mother Country—there must be mutual respect between the parties. I believe more pressure is going to be brought on the United Kingdom regarding territories such as the Cayman Islands—not places like Turks & Caicos and Montserrat, because no one wants those places, and anyone who gets involved is going to have to be prepared to give financial assistance. But the Cayman Islands is a very attractive destination and jurisdiction. I believe the powers that be, many of them, would rejoice at seeing these Islands collapse, financially and otherwise.

I see nothing wrong with the request put forward in this motion. I believe we have to be pro-active, in other words, prepared. Let us put in place the machinery we need to deal with a report of this nature. I believe the fairest way of doing that is by establishing a select committee of the whole House, with the general public having an opportunity to come in, sit before us and express

their views on whatever issues we are called upon to address in this country.

So I do offer the mover and seconder of this motion my support. Thank you, Sir.

The Speaker: We have only two minutes until the hour of adjournment. I suggest we take the adjournment at this time. I would entertain a motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow morning.

The Speaker: The question is that this House do adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 AM tomorrow.

AT 4.29 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 25 JUNE 1998.

**EDITED
THURSDAY
25 JUNE 1998
10.06 AM**

The Speaker: Prayers by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

PRAYERS

Hon. Anthony S. Eden: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Presentation of Papers and Reports. The Honourable Minister of Education, Aviation and Planning.

**PRESENTATION OF
PAPERS AND REPORTS**

**CENTRAL PLANNING AUTHORITY AND
DEVELOPMENT CONTROL BOARD
ANNUAL REPORT 1997**

Hon. Truman M. Bodden: Mr. Speaker, I beg to lay on the Table of this Honourable House the Cayman Islands Government Central Planning Authority and Development Control Board Annual Report 1997.

The Speaker: So ordered. Do you wish to speak to it? The Honourable Minister of Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, Mr. Speaker. This report is in considerable detail, and shows the extra work done by both the Central Planning Authority in Grand Cayman and the Development Control Board in Cayman Brac and Little Cayman. In 1997, almost three hundred million dollars' worth of development was approved by the Authority and the Board. The Central Planning Authority approved 849 development applications valued at \$290.95 million in 40 meetings. The 849 applications represented a 5.7% decline from 1996; however, the value was up 35.3% to \$300 million, compared to the 1996 value of \$215 million.

The Development Control Board also had a busy year with 163 approvals valued at \$8.6 million. This represented an increase of 15.6% in the number of approvals, but a decrease of 17% in value.

There has been little change in the distribution, in terms of the numbers by sector. The four sectors that continually receive the majority of applications are houses, apartments, condominiums, commercial and others. The distribution of applications according to district has also been constant, with George Town, Bodden Town and West Bay having the most development activity. Cayman Brac, for the second consecutive year also had more than one hundred approvals.

The District of George Town has historically had the majority of approvals, and in 1997 this trend continued. The number of approvals in each sector did not change significantly, and this shows stability and continuity of the economy in these areas. The Central Planning Authority also attended a seminar which gave them the opportunity to deal with up to date matters relating to planning.

I would like to take this opportunity to thank the Chairman and members of the Central Planning Authority, and the Chairperson and members of the Development Control Board; also the staff in both departments for their untiring work. Applications for approval before the Central Planning Authority have now reached a considerably short period, compared to the normal three-week mandatory notices that have to be given. That is in the area of 40 days with about 28 days being taken out for the notices under the law.

Further, there is now delegation of simple uncontroversial matters such as houses, television dishes, signs, fences, and matters such as that, to the Director of Planning, and, in certain instances, the Director of Planning and the Chairman of the Central Planning Authority. That delegation will reduce the usual period of

30-odd days to perhaps only a few days for minor applications. It will also relieve the burden of work the Central Planning Authority now does. This is, once again, in line with the Governor's reinvention scheme now in place, and is one of the several things at the Planning Department in which they have increased service to the public. It should now be possible, within a matter of a few days, to get simple plans relating to houses and things like signs approved.

I would like to thank all Members of this Honourable House for supporting the Planning Department, Planning Authority and Development Control Board, and also for supporting the development plan which went through last year. I look forward to your support in the upcoming matters coming to this Honourable House from the Central Planning Authority, Development Control Board, the Department of Planning, and the Ministry. Thank you.

The Speaker: Item number 3 on today's Order Paper, Questions to Honourable Official Members/Ministers, deferred Question 60, standing in the name of the Second Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

DEFERRED QUESTION 60

No. 60: Miss Heather D. Bodden asked the Honourable First Official Member with responsibility for Internal and External Affairs what procedure is followed by the Traffic Department after an accident has occurred, that is, who is responsible for: (1) clearing away debris; and (2) the removal of damaged vehicles.

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

Hon. James M. Ryan: The procedure followed by the Traffic Department after an accident has occurred is as follows: (1) the police are responsible for clearing up traffic accident debris in cases where it can be done using a broom. Brooms are carried in all traffic patrol cars. In some cases where there is oil or other fluids on the road, the Fire Department assists by pressure hosing the fluids and debris off the road. There are times when an officer may have to leave an accident scene to attend another accident before he has cleaned the scene properly. In these cases, some debris may be left behind. When complaints of this nature are received, either a traffic constable is despatched to have the debris cleaned; or, in some cases, the Public Works Department is contacted. They will always assist when asked.

(2) Whenever an accident occurs involving one or more vehicles, it is the responsibility of the police to remove the vehicles from the carriageway if they are causing an obstruction. The owners of the vehicles are responsible thereafter for removing the wrecked vehicles from the scene. Usually, insurance companies will ar-

range for this to be done. Whenever there is a motor vehicle accident which involves fatalities, the vehicles involved are removed by the police to the police station for investigation purposes. After the police have completed their investigation, the respective insurance companies are informed and the vehicles are removed from the police station by private wrecker.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. Could the Honourable First Official Member say if there is a cost related to the removal of such vehicles, and who is responsible for that payment?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. Perhaps I could ask the Member to be a little more specific. Is she referring to cost when a fatality has occurred? Because I said in the substantive answer that the police simply have the vehicles moved off the carriageway, and it is the owner's responsibility to have the vehicles removed.

The Speaker: Are there any further supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Member say if, when the vehicles are removed from the carriageway and sometimes placed along the sides of the road, there are any regulations which determine how long the vehicle must remain there before it has to be moved?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. That Member is always very sharp and on the ball. I am afraid I cannot give that answer here. I would have to undertake to give that in writing.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I appreciate the Honourable Member's undertaking to do that and to also use his good offices to see that the relevant authorities are more conscientious. I notice quite frequently at the scenes of accidents that the vehicles stay along the side of the road literally for days. Not only is it unsightly, but it also is an obstruction to the regular traffic flow. So any efforts in this request would be greatly appreciated.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. Yes, I will certainly deal with that. I too have observed that, and

I thank the Member for that. I will certainly ask the police to be vigilant in this regard.

The Speaker: If there are no further supplementaries, we will move to question 80, standing in the name of the First Elected Member for West Bay.

Mr. W. McKeever Bush: Before I ask question number 80, I would just like to point out how scant the Order Paper is with questions, and there are a lot of questions in this meeting that are not getting answered. I would like to draw your attention to that, Mr. Speaker. I know it is the business of the Business Committee and not the Speaker, but maybe you can draw their attention to the answering of questions. Thank you, Mr. Speaker.

QUESTION 80

No. 80: Mr. W. McKeever Bush asked the Honourable Minister responsible for Tourism if the Department of Tourism has any of its reservation systems on the Internet and if so, (a) was it contracted locally, or is it overseas-based; (b) what was the cost of the contract; and (c) what are the conditions of the contract?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. The Department of Tourism does not have its reservations system on the Internet.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you, Mr. Speaker. I wonder if the Minister could say whether they have any systems on the Internet recently?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I am not aware of anything on the Internet by the Department of Tourism. We have a Cayman Islands reservations system in Miami, but that is really not on the Internet.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister say if the Department of Tourism has any plans to use the World Wide Web, as it is called, for a reservations system, or any other system that may help it in promoting the Islands?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, obviously, the way to go today is the World Wide Web, and all of us are looking at that possibility.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: The Minister said they are looking at it—how far his Ministry has reached? Is it just preliminary, or have investigations been made into the cost and a base site to which enquiries may be routed, or what is the extent of his description, 'looking at it'?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, looking at it in my terminology means we are examining the possibility of going onto the Internet, but we are not talking about reservations.

The Speaker: If there are no further supplementaries, we will move to Question 81, standing in the name of the First Elected Member for West Bay.

QUESTION 81 (Deferred)

No. 81: Mr. W. McKeever Bush asked the Honourable Minister responsible for Transport: Is the Port Authority considering the purchase of any large equipment for use on the dock and at the distribution centre?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I think it would be appropriate to apologise. I think there was some mix-up this morning. My understanding is that I was responsible for answering three questions. When I got to the House, I determined it was four questions. I do not have a prepared answer for Question 81 yet. I would kindly ask the House to defer this question until either Friday or Monday.

The Speaker: I shall put the question that under Standing Order 23(5), Question 81 be deferred to a later sitting. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Question 81 has been deferred.

AGREED: QUESTION NUMBER 81 DEFERRED TO A LATER SITTING.

The Speaker: Moving to question 82, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 82

No. 82: Miss Heather D. Bodden asked the Honourable Minister with responsibility for Tourism, Commerce and Transport how many visitors have visited Pedro St. James Castle since the soft opening in January of this year.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. Pedro St. James is not yet fully operational, although we allow visitors to view the completed Castle and grounds. This is what is referred to as the 'soft opening.' We have only recently begun to seriously market the project. Shortly we will be discussing tours with the cruise lines. A total of 5,000 visitors visited Pedro St. James between January and May 1998.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Could the Honourable Minister say if the official opening is still set for July or the first part of August?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Only recently, I think it was in the last ten days, we revisited this date as to when the project should open, and we thought that in construction of a project of this magnitude we would defer the opening from July to a date which we are fairly certain the project will be opened and functional, and have some time to, as they say, remove the teething problems. We have preliminarily set the date as 17 October.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. If a total of 5,000 people visited Pedro Castle between January and May, can the Minister say what income was derived from those people?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, about \$39,000.

The Speaker: If there are no further supplementaries, we will move to Question 83, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 83

No. 83: Miss Heather D. Bodden asked the Honourable Minister for Tourism, Commerce and Transport: Will the grounds of the Pedro St. James Castle be available for private and public functions?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. Yes, the Pedro St. James grounds and facilities are available for private and public functions. Since January 1998, five private functions were held at the site. Income from the rental of the facilities will be a major revenue factor.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Can the Minister say whether they have estimates of costs for public or private functions?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I say again that the project itself is not fully operational yet, but we are attracting some private functions to be held on the grounds of Pedro St. James. It depends on the number of persons who form the private function. It may be \$100 or \$1000 per event. We have had so far this year about five significant functions at Pedro St. James, and there are a number of bookings already made, taking us into May 1999.

The Speaker: If there are no further supplementaries, we will move to Question 84, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 84

No. 84: Mr. Roy Bodden asked the Honourable Minister with responsibility for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation whether any discussions with the Medical and Dental Society were held prior to the circulation of the white paper on the Health Practitioners Law.

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

Hon. Anthony S. Eden: Thank you, Mr. Speaker. No discussions took place between the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation and the Cayman Islands Medical and Dental Society prior to the circulation of the draft Health Practitioners Bill, 1998. As I stated on 27 March this year when I tabled the draft bill in this Honourable House, it is a draft

for discussion purposes. I went on to say that I would publicise the draft Bill and give the professional associations concerned an opportunity to comment and provide feedback on the contents. I have now done this, and I am awaiting feedback from the CIMDS. Incidentally, I have also received written feedback from the Cayman Islands Nurses' Association.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would like to thank the Minister for his answer, and I would like to ask him if he contemplates any major changes in the Health Practitioners Bill.

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

Hon. Anthony S. Eden: Mr. Speaker, we had a brief meeting with them within the Ministry and the Health Services Department some time ago, and they asked for an extension until 30 June for their submissions. I do not really anticipate any major changes, but we will be looking at feedback from them. I know they are having a meeting this evening, and I am sure after that we will get together and go forward, because the only way this Bill will be successful is with the support of the Medical Society.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I would like to find out if the Minister has yet recognised the need to change the powers of the Chief Medical Officer as Chairman of the Health Practitioners Board. I am asking whether he can say if there will be any alterations in those powers.

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

Hon. Anthony S. Eden: Mr. Speaker, we have not made a final decision on this. It is my understanding that concerns have been expressed by some of the people, but this will be based on laws existent in other countries, and we will try to stay within the boundaries of similar laws in other places.

The Speaker: If there are no further supplementaries, we will move to Question 85, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 85

No. 85: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation whether any medical supplies are

being purchased from a company in which one of the principals is a pharmacist who worked in the Cayman Islands.

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

Hon. Anthony S. Eden: Thank you, Mr. Speaker. Yes, the company in question, called "Masters Medical," has been a vendor to the Hospital since 1991. The pharmacist who formally worked at the George Town Hospital commenced employment with the company in 1994.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House if this is a contractual arrangement, and if so, did this process go through competitive bids? Can he explain to the House the advantages of purchasing from this company as against competition?

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

Hon. Anthony S. Eden: Thank you, Mr. Speaker. The procurement of medical supplies follows guidelines established by Government and Financial and Stores Regulations. Bids are evaluated based on quality, price and reliability of service. Masters Medical scores very highly on all three criteria. There is absolutely no reason that the Health Services Department should not deal with Masters Medical, given they follow the same tendering process as other companies supplying pharmaceuticals.

There are many reasons we use them. Their prices are very competitive; their products are of a very high quality; their service is excellent; they provide drugs in an emergency situation; they extend credit up to 90 days; they find difficult-to-find items quite speedily; they deliver on time, and have stepped in to supply drugs when other suppliers have failed to deliver on time. As a matter of fact, their staff will take drugs to the Miami Airport when our patients urgently require drugs not available on the Island. Delivery time can be as short as twelve hours.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Minister say whether or not this company is the exclusive provider of drugs, or does the Cayman Islands Hospital and Government service also procure drugs from other companies?

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

Hon. Anthony S. Eden: No, as a matter of fact, Masters Medical supplies approximately 38% of our supplies.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister name the principals of this company for the records of the Parliament?

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

Hon. Anthony S. Eden: Mr. Speaker, the only name I have here, was the former pharmacist between 1987 and 1990, Miss Chabnam Alibai. The other ones I would check with the Director and supply to the Member. This is one of the people in the company.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

Item number 4 on today's Order Paper, Other Business, Private Member's Motion, continuation of debate on Private Member's Motion 11/98, The Appointment of a Select Committee to take Input from the Public on the Review of the Dependent Territories. Does any other Member wish to speak? The Third Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/98

THE APPOINTMENT OF A SELECT COMMITTEE TO TAKE INPUT FROM THE PUBLIC ON THE REVIEW OF THE DEPENDENT TERRITORIES

(Continuation of debate thereon)

Mr. Linford A. Pierson: Mr. Speaker, I rise in support of Private Member's Motion No. 11/98. I regard this motion as one of the most important ones coming to this Honourable House in recent years.

By the time I have concluded my presentation, I trust I will have shown beyond any doubt the good sense and timeliness of this motion. I am, however, disappointed that thus far the Honourable Official Member responsible for Finance, the Third Official Member (a good friend of mine), has not seen fit to speak on this very important motion, which really applies directly or indirectly to his Portfolio.

To get the proper continuity on the presentations made thus far on this motion, I wish to read its contents:

"WHEREAS the United Kingdom Government, through the Secretary of State for Foreign and

Commonwealth Affairs, announced a review of its Dependent Territories;

"AND WHEREAS this review affects citizenship, change of name, international obligations and other possible matters affecting these Islands;

"AND WHEREAS there has been no public discussion on the review;

"BE IT RESOLVED that a select committee of all Members of this Honourable House be set up to take input from the public on the review, make the findings public by a report being tabled in the Legislative Assembly, sent to the Secretary of State for Foreign and Commonwealth Affairs through His Excellency the Governor, and included in the Vision 2008 exercise.

"AND BE IT FURTHER RESOLVED that the select committee elect a chairman and deputy chairman."

I wish to thank the mover, the First Elected Member for West Bay, Mr. W. McKeeva Bush, and the seconder, the First Elected Member for George Town, Mr. Kurt Tibbetts, for this timely motion.

I hope I will be able to demonstrate why I regard this motion as so important and timely. There are several questions that arise under this motion. One such question—and perhaps most important—is, Why is this motion necessary? A previous speaker attempted to downplay the importance of opening this matter up for discussion. In his usual manner he injected his scare tactics into the matter, when a better course of action would be for all Honourable Members to discuss this matter openly, intelligently, dispassionately, and in the interests of all our people, because it deals with our very survival.

Let me say right up front that the motion before this House is not—and I repeat is not—seeking any form of constitutional advancement. If or when the necessity for constitutional change arises, we, as a group of intelligent legislators, will have to address that problem. But the question before us at this time is without doubt too serious for any Member of this House to attempt to understate or minimise its importance. I want to reiterate that this motion does not even contemplate the question of significant constitutional changes, as I heard mentioned in this House yesterday. It is true that it speaks about the review affecting citizenship and change of name, but I will comment on that and explain what would be entailed in that exercise.

Yesterday, the First Elected Member for George Town rightly included in the report from the Organisation for Economic Co-operation and Development (OECD) the group known as the G7 countries. The G7 countries, as we know, include the United States of America, the United Kingdom, France, Germany, Italy, Japan and Canada. These, with the possible exception of perhaps

one, were all founding members of the Organisation for Economic Co-operation and Development, OECD.

The fact that this motion has already been accepted, at least in principle by the Government Bench, would suggest to me the high importance they have placed on the issues contained in this motion. May I therefore remind them of what they have accepted? They have accepted that a select committee of all Members of this Honourable House will be set up to take input from the public on the review being called for; and that these findings will be made public by a report tabled in this Honourable House, and sent to the Secretary of State for Foreign and Commonwealth Affairs through His Excellency the Governor. Further, that this will be included in the Vision 2008 exercise.

Against the background of this undertaking by the Government Bench, I find it somewhat strange that the Honourable Minister of Education would attempt to play politics with this serious matter. I will explain what I mean by that statement. When I say 'play politics' I am trying not to say this in a very derogatory manner, but I think it is time that Honourable Member realises that the scare tactics are no longer working or having an effect on this side of the House. I believe the people of this country would be better served if they were given the basic facts emanating from this motion, rather than being told it could result in constitutional changes. I wonder whether that sort of an attempt is not with the view of minimising the impact of this important issue. By the gist of the comments made by that Member yesterday, I wonder whether we will ever see a meeting of that select committee called during the tenure of this Government. Or is this motion being accepted to appease the mover and seconder and other Members supporting the motion?

Too often, important issues, important motions, are brought to this Honourable House and end up in 'file thirteen,' so to speak, or some political archive. I would hate, because of the importance of this motion, to see it pushed in some drawer and not attended to.

A previous speaker said, "The question of consulting the public on major issues is one that will obviously happen." My question again to that Honourable Member is, when? When will it happen? I accept that no instructions or anything may yet have been received from the United Kingdom saying the Cayman Islands must cooperate with tax investigations, or indeed the requirements of the OECD, of which the United Kingdom is a founding member. But similarly, we have not received any instructions saying we will not have to comply. Indications suggest, from articles I have seen coming through the Foreign and Commonwealth Office, and indeed the OECD report and a later report from the G7 countries, that in the same way member countries will have to comply with the recommendations and report of OECD, their dependencies will also have to comply. I will highlight this as I continue.

While this motion basically seeks to take input from the public on the review of Dependent Territories, perhaps our most important consideration at this time is our

international obligations through our constitutional affiliation as a dependent, or if you care to have it, an Overseas Territory, of the United Kingdom. I will point out some of these international obligations. Before doing so, I want to make it very clear that any attempt to try to divert the importance of this motion into the area of constitutional change would be ill-advised, because it would not be doing justice to this important motion and the underlying principles and precepts it addresses.

So my contribution will focus mainly on the international obligations that will affect these Islands and not, as was mentioned earlier by one Member, possible constitutional change. As I said, constitutional changes that might be affected from the review, affects of citizenship or change of name, would be minimal. Of course, the constitution would have to be changed if you have to change the wording 'Dependent Territories' to 'Overseas Territories,' and things such as that. I want to make it abundantly clear that my understanding is that no major constitutional changes are being asked for under this motion.

The Foreign and Commonwealth Office has been discussing this whole issue, or the issue of fiscal inclusion, which is central to the whole review. They have been discussing this whole issue with Bermuda for quite some time now, and we as a Government should have been aware of that. I believe we are aware that the Foreign and Commonwealth Office has been openly discussing, because the whole question of fiscal inclusion has been reported in the *Bermuda Royal Gazette*. What is the meaning of fiscal inclusion? Basically it means that these countries will not regard any area of taxes as being excluded from this exercise. Under the MLAT (the Mutual Legal Assistance Treaty), provision was made for taxes to be excluded. But the OECD report, which has been accepted by the United Kingdom on behalf of the United Kingdom and its dependencies, will not exclude fiscal matters. There will be no fiscal exclusion.

What baffles and concerns me is that I have been reliably informed that this information has been made known to our Government and to our Government Ministers, yet it does not seem to be taken seriously. It is being underplayed. It is like an ostrich that covers its head with the sand and hopes the problem will go away. Why are they burying their heads in the sand? Why are they treating the OECD report as if it is so unimportant, when in fact this is one of the most important matters to affect these Islands? Tax havens!

I have been corrected that we are not a tax haven, but that is our own personal, local definition. As far as the major countries are concerned we are grouped as a tax haven with all other tax havens, whether or not we want to call ourselves a financial centre. We are a tax haven! Pure and simple—tax haven, just like Luxembourg, Switzerland, the Channel Islands, Bermuda, Turks and Caicos, British Virgin Islands. We are all tax havens! So let us not get into semantics and talk about how we regard ourselves as a financial centre. It is immaterial to the OECD countries what we want to regard ourselves as. We can call ourselves whatever we want!

It is what they see us as. And even the United Kingdom—our Mother Country—regards us as a tax haven.

Mr. Speaker, as we speak, a committee is in the process of considering legislation that will extend to fiscal matters in the tax havens around the world. They have made it very clear that for their proposed money laundering legislation to be fully effective, it needs to cover all serious offences, including fiscal matters, and be based on the principle of dual criminality. Dual criminality is basically the same as fiscal inclusion. It will mean that what is regarded as a criminal offence in the United States or the United Kingdom regarding fiscal or other matters, will also be considered, as far as they are concerned, a criminal offence in the Cayman Islands.

Her Majesty's Government and the OECD countries consider fiscal offences to include tax evasion, and also tax avoidance. Many say there is a very thin line, but there is a distinct line. Tax evasion has always been considered and defined as a criminal offence. Tax avoidance takes a softer position. We call it in these Islands Tax Planning; but as far as the United States, the United Kingdom, and other members of OECD are concerned, it is a criminal offence. They are committed to destroying tax havens. Let us call it by its right name, and not play around with this issue. Call a spade a spade! They are committed to getting rid of tax havens because they see us as operating a criminal operation, and that our economy is benefiting from ill-gotten gains. They see tax avoidance or evasion as a criminal offence, and group this whole thing as one offence. They are not prepared to take a soft position on what we want to call tax avoidance.

Because of this, they have all committed themselves to destroying tax havens. I will soon make reference to specific instances in which they plan to take action. First, I would like to refer to an article I found in my post box. It seemed to have been. . . and I am prepared to table this, if necessary, but I am just taking excerpts from it, Mr. Speaker. The discussion was on Bermuda, the financial regulation situation, and it emanated from the Foreign and Commonwealth Office. It states—and I am just taking an extract from this—**“The discussions covered two broad areas: the extent of all-crimes, money laundering legislation, and in particular, whether it should be extended to cover fiscal offences, and the process for taking forward consultations on the Foreign Secretary's proposal for financial regulation to be incorporated in the forthcoming White Paper on the Overseas Territories.”** The writer of this letter, Mr. N. J. Westcott, Economic Relations Department, went on to say, **“I confirmed that Her Majesty's Government's overriding objective was to establish legislation on all overseas territories that would effectively prevent the laundering of the proceeds of serious crime.”** He went on to say, **“We believe that for this money laundering legislation to be fully effective, it needs to cover all serious offences, including fiscal offences.”**

So Mr. Speaker, even as far as the United Kingdom government is concerned, tax evasion and tax avoid-

ance is regarded as a serious offence, and they are committed to getting rid of this and doing whatever is necessary to rid themselves of the problem of tax havens.

It went on to say, **“And that the fiscal offences should be based on the principle of dual criminality.”** I explained that earlier, Mr. Speaker. They are seeing—and I need to make this very clear—they are seeing our tax planning system in the Cayman Islands—tax avoidance, the thing we say is legal for us to do—as an illegal exercise. And they see it as a serious offence.

How, then, Mr. Speaker, can our Government sit back and not even want to discuss this matter? What more important international or national issue has arisen in this country in recent months and years? I am very amazed, Mr. Speaker, that no one has thus far opened up a dialogue on this matter. And when an attempt was made by the Honourable First Elected Member for West Bay to move this motion, and the Honourable First Elected Member for George Town to second it, they were made to look as if they were causing problems. Scare tactics! The constitutional issue was brought out, when in fact that should not have even be mentioned. What is more important is our international obligations regarding these countries.

Mr. Westcott went on to say, **“As well as introducing equivalent legislation in all other Overseas Territories with significant sectors, it was our aim to work with other members of the FATF to build an international consensus to introduce legislation on these lines, representing best practice in all jurisdictions,”** which includes the Cayman Islands. They feel this would establish a level playing field, not only between Overseas Territories, but internationally.

There is no question that the United Kingdom, like other countries, is aware of efforts made by the Cayman Islands. So we cannot just sit back and say we have done everything necessary. The MLAT? Of course the MLAT was signed. But we are going beyond the MLAT, Mr. Speaker. They are not just satisfied with other crimes. They are focusing now on fiscal matters, fiscal inclusion, tax avoidance, tax evasion. This is where they are focusing, on tax havens. This is where the focus of our discussion should be. It should be central to this very issue, because it is our tax haven status that has built these Islands. We are now the fifth largest financial centre, off-shore—and I want to put that in brackets—off-shore financial centre in the world. But this would not have been, had it not been that we built our economy on tax avoidance, tax planning, on encouraging people to come to the Cayman Islands, because we offered no taxation. This is the main reason they came, because we are a tax-free country. How can we survive by being a tax-free country? Because we are encouraging investors to leave their countries and come to the Cayman Islands in a tax-free environment, and this is what the G7 countries and the OECD countries are up in arms against us about. Not just the Cayman Islands, but all tax havens.

The letter said, "**We emphasised that Her Majesty's Government and other governments concerned in setting up the international standards regarded fiscal offences such as tax evasion**"—and I also said tax avoidance—"**or tax fraud as serious crimes.**" So let us not fool ourselves. Our Mother Country will demand that the Cayman Islands, like other Dependent Territories, toe the same line as the one they commit to.

The Foreign and Commonwealth Office feels that including fiscal offences (and they are speaking of Bermuda) in the Bermudan legislation is thus essential so first, the legislation will be fully effective and avoid creating a loophole which may inadvertently or deliberately be used to avoid the provisions applying to the proceeds of certain crimes. Secondly, to avoid setting a bad precedent for other jurisdictions which may then demand an exclusion for fiscal or other offences on the grounds that the United Kingdom was willing to allow territories to pick and choose the areas to which the legislation applied.

It is quite clear. The United Kingdom will not be doing any favours for the Cayman Islands by saying, *'We will allow you to continue the way you are going because you have the Mutual Legal Assistance Treaty in place. You have the Proceeds of Criminal Conduct Law in place. You have done all these nice little things. Therefore we will exempt you from the fiscal inclusion.'* Anyone thinking that way is misconceived. Certainly, I would not expect any of my Honourable enlightened colleagues in this Honourable House to be thinking in that direction.

I wonder if you wish to take a break at this time, Mr. Speaker, because I am going on to another area.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.18 AM

PROCEEDINGS RESUMED AT 11.58 AM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 11/98. The Third Elected Member for George Town, continuing.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

On the question of tax avoidance, I wish to comment further, to clarify what is meant by the benefits that have been received by the Cayman Islands providing protection for investors wishing to avoid unnecessary taxes—and I make the distinction here between tax evasion as opposed to tax avoidance. As I said earlier, tax evasion is a criminal offence. Tax avoidance takes a different position within our system.

Before continuing I wish to make the point that as far as the economy of the Cayman Islands is concerned, the turning point for us (as far as I am concerned) was back in 1966 when through the foresight of our former Financial Secretary (or it could have been Treasurer at the time), the Bank and Trust Companies Law came into

effect. That was the turning point for the development of our economy notwithstanding that the economy is also divided with tourism forming perhaps 50% of our economy. But I have always been of the view that tourism came as a result of the interest in the financial sector, and that the economy was driven by the need for services we provide as a financial centre.

Equally important was the Confidential Relationship Preservation Law of 1976. The basic reason for this Law was to provide certain protection to investors coming into the Cayman Islands. Why did they come to the Cayman Islands? I think it is for one basic reason: To utilise the facilities that we offered through the tax haven. The basic facility that we offered was tax avoidance and tax planning facilities. So let us understand that there is very little distinction between tax avoidance and tax planning and that the Confidential Relationship Preservation Law was to protect investors coming into our banks and trust companies, etc., from the watchful eyes and probing fingers of the inland revenue and other such bodies.

We want to do whatever we can to preserve our present status quo. It won't be easy. Nobody should attempt to minimise the problems we have ahead; neither should this situation be blown out of context. What we are dealing with here is the situation that we know about. We have in our possession a copy of the OECD Report captioned "HARMFUL TAX COMPETITION—An Emerging Global Issue." In addition to this we have seen correspondence to Bermuda from the Foreign Commonwealth Office addressing this same issue. The whole question that this motion speaks to is the question of fiscal inclusion. Regardless of what we want to put to this motion, this is the main issue where the Cayman Islands is concerned.

I don't think that we are as concerned about the UK calling us an Overseas Territory. That is not important to us. And there are very few of us who want to go to the UK to live. So, there again, that is not an important issue. The major issue central to this motion is the whole question of fiscal inclusion and that is why we have brought into our discussion the OECD Report.

As far back as May 1996 the OECD Committee on Fiscal Affairs launched its project to develop measures to counter the effects of harmful tax competition, etc., and to report back to OECD in 1998, this year. The report was submitted to the OECD Council on 9 April 1998. As promised in May 1996 they were true to their word—in the same way that they will be true to their threat to get rid of tax havens!

The Governments of the OECD countries, including the United Kingdom, which is a founding member of OECD, adopted the report and instructed the Committee to pursue its work. But, happily, Mr. Speaker, both Luxembourg and Switzerland abstained in Council on the approval of report and the adoption of its recommendations.

The Organisation for Economic Co-operation and Development has chosen to caption their report as a Dependent or Overseas Territory of the United Kingdom

it will apply to the Cayman Islands as to those other tax havens the caption of their report is "Harmful Tax Competition." Just for the record I wish to mention the original and other member countries of OECD. This can be checked by anyone. The original member countries of the OECD are: Austria, Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the United Kingdom, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and the United States. The following countries became members subsequently through a session at the dates indicated hereafter: Japan, 1964; Finland, 1969; Australia, 1971; New Zealand, 1973; Mexico, 1994; The Czech Republic, 1995; Hungary, 1996; Poland, 1996; Korea, 1996. Included in this is the list of the G7 countries. I mentioned them earlier, namely, the United States, the United Kingdom, Germany, France, Canada, Italy, and Japan.

The reason I read this out was to show that whatever is agreed upon, this issue by the OECD also includes representatives of the G7 countries, so they are all involved in this process. You cannot find a stronger body than the G7 countries. If they are opposed to tax havens, then I feel the sooner we start talking to one of those members—which is our Mother Country, the United Kingdom—the better it will be for our position. Remember, Mr. Speaker, the United Kingdom is a member of both the OECD and the G7 countries. I cannot over-emphasise that point. It is most important.

Should we be concerned about the OECD Report? My answer would be that we should be very concerned about it. I want to support my reason for saying that by reading excerpts from this booklet. If it hasn't been tabled, I will be happy to do it, but I believe that copies were circulated to Honourable Members.

What are the factors, as far as they are concerned, that identify places like the Cayman Islands and put them into a category as a tax haven? On page 22 of this Report, section 52 states: "**The necessary starting point to identify a tax haven is to ask: (a) whether a jurisdiction imposes no or only nominal taxes (generally or in special circumstances) and offers itself, or is perceived to offer itself, as a place to be used by non-residents to escape tax in their country of residence.**" That would seem to define the operation that we have in the Cayman Islands.

"Other key factors which can confirm the existence of a tax haven and which are referred to in Box 1 are: (b) laws or administrative practices which prevent the effective exchange of relevant information with other governments on taxpayers benefiting from the low or no tax jurisdiction; (c) lack of transparency; and (d) the absence of a requirement that the activity be substantial, since it would suggest that a jurisdiction may be attempting to attract investment or transactions that are purely tax driven (transactions may be booked there without the requirement of adding value so that there is little real activity. . .)" And we have a lot of that kind of activity occurring in the Cayman Islands where some of the B

Banks just book transactions without any real activity occurring locally.

What are the key factors, so that when we are talking about the system that the United Kingdom and other OECD member countries are putting in place, we will know exactly that it is intended to focus on the Cayman Islands and other tax haven countries? What are the key factors in identifying tax havens for the purpose of this report? The key factors are basically "no or only nominal taxes." "The lack of effective exchange of information." Our Confidentiality Law prevents that. "Lack of transparency." No country is allowed at this time to get information on tax matters or on clients from their own countries unless they go through a certain process through the courts to the satisfaction of the courts. I think it is without doubt that the Cayman Islands falls under that broad definition of a tax haven.

As I mentioned earlier, these countries are aware of the good things we have done in the Cayman Islands, they are aware that we have entered into the Mutual Legal Assistance Treaty for many years now. They are also aware that we have entered into the Proceeds of Criminal Conduct Law. They are aware of these things. They are not just interested in the good things we have done, their main interest is what still remains to be done, and that is to open ourselves up, to get away from fiscal exclusion and become involved in the fiscal inclusion within the principle of dual criminality.

The report continues [on page 24], "**Some progress has been made in the area of access to information, in that certain tax haven jurisdictions have entered into mutual legal assistance treaties in criminal matters** [They are referring to the Cayman Islands because this is what we did] **with non-tax havens that permit exchange of information on criminal tax matters related to certain other crimes (e.g. narcotics trafficking) or to exchange information on criminal tax fraud is at issue. Nevertheless, these tax jurisdictions do not allow tax administrators access to bank information for the critical purpose of detecting and preventing tax avoidance"**

It is quite clear that this whole motion is central to this whole issue of tax inclusion. This is why it is necessary to have this review. Otherwise this motion would be redundant. I did say before that this is a very important motion, and I will temper what I said about it being the most important motion (if that offends any Member). It is, in my opinion, one of the most important motions I have seen come to this Honourable House. It will be interesting to hear any Member who speaks after me prove me wrong or tell me what they see as a more important motion.

To point out the seriousness of this situation and to further emphasise the importance of member countries and their dependencies having to comply with this report, I will point out that two members of the OECD Council felt that this would so negatively impact upon their economies that they abstained from voting on the report. I would like to refer to Annex II of the report, statements that were made by two of the OECD member

countries, namely, Luxembourg and Switzerland. The statement from Luxembourg said: **“The Council, which met at the Ministerial level in May 1996, gave a mandate ‘to develop measures to counter the distorting effects introduced by harmful tax competition on investment and financing decisions and the consequences for national tax bases.’ Considering that tax competition—beyond its positive effects—can also present certain harmful aspects, Luxembourg approved this mandate and participated in the subsequent work.**

“In parallel with the work undertaken at the OECD, Luxembourg has co-operated actively in elaborating a comprehensive approach to this issue within the European Union, where an agreement was reached on 1 December 1997 on a code of conduct with respect to business taxation and on the issues to consider in the context of taxation of savings in order to guarantee a minimum level of taxation.

“The EU agreement is the result of co-ordinated action, reflecting a balanced approach, based on:

“(1) recognition of the existence of inherently legitimate differences between national legal and fiscal frameworks;”

I would like to read that again because it is very important. One of the basis for Luxembourg’s objection was that they felt the European Union, the OECD, should recognise **“the existence of inherently legitimate differences between national legal and fiscal frameworks [within member countries].”** And further, **“that these differences should not be at the origin of harmful tax competition.”** I will not read all of the report, but I will just take the salient points.

One of the points they made was that Luxembourg cannot accept that the underlying philosophy of the report be extended to taxation of savings. Luxembourg made that very clear. So why, in the name of good common sense, and in the name of our national interest should we sit with our heads buried in the sand and say nothing about it? Our competition, even Bermuda, is now in active dialogue with the Foreign and Commonwealth Office in this matter. They went on to say **“Accordingly, Luxembourg shall not be bound by the Report nor by the Recommendation to counteract harmful tax competition.”** They did that in the interest of the economies of their countries. As a dependency of the UK we expect that when we open up active dialogue with the UK that they will mediate on our behalf.

Switzerland took a similar position and said [page 78], **“After having seriously considered the possibility of exercising its veto, Switzerland has finally decided to abstain when the Report and its Recommendations are adopted, in order not to prevent their adoption by other OECD Member countries wishing to do so.”** The only reason that Switzerland did not veto this report is that it would have destroyed the whole report. But they decided to abstain from voting.

That is how seriously Switzerland took this. It says, **“As far as Switzerland is concerned, it shall not be bound in any manner by the Report or its Recommendations.”**

Regardless of what any Member may want to say on this he may say so. It is a democracy. The important thing is that whatever is said in this Honourable House is said in the best interests of these Islands.

Further, during this month an article came out in a Bulletin called *The Money Laundering Bulletin*, published in London. The article was captioned ‘A Quiet but Taxing Revolution.’ I will be happy to table this Mr. Speaker. It states **“At the recent meeting of the group of G7 finance ministers in London an initiative aimed at tracking the problem of tax competition was agreed upon. The G7 members are the United States, Japan, Germany, Italy, France, Canada and the United Kingdom. The initiative has ramifications that go far beyond the usually worthy but terminally dull attempts to address tax competition.”** Then they went on to outline the three major aspects where they are in support of the OECD Report on Harmful Tax Competition. So there is no doubt that the G7 countries even at the level of their Finance Ministers have fully endorsed the recommendations of the OECD Report. That is why this is so important.

But listen to this, Mr. Speaker, it says, **“Following on from the G7 meeting the UK’s Financial Secretary, Dawn Primarolo has been appointed as the first Chairperson of the new European Union Code of Conduct group. The role of the group is to assess the business taxation regimes of EU member states and to examine the extent to which they contain elements which represent harmful tax competition. The objectives are to reduce distortion in a single market to prevent damage to the tax base and excessive losses of tax revenue and to develop more employment friendly tax structures.”** That is the Financial Secretary of the United Kingdom that is going to be looking into these matters.

I trust that I have pointed out the importance of this matter. I commend the mover and seconder for recommending to this Honourable House the appointment of a Select Committee that will take input from the public on the view of Dependent Territories. We know that recently an unprecedented move was made when the Secretary of State made a direct statement on the Dependent Territories, or Overseas Territories. This is a serious situation.

The Resolve section calls for a Select Committee of all Members of this Honourable House to be set up and to take input from the public on the review. I personally give this motion my full support and trust that other Members of this House will do similarly. Thank you.

The Speaker: Does any other Member wish to speak?
The Fourth Elected Member for George Town.

Dr. Frank McField: I had not planned to debate this motion for the very simple reason that I felt the motion was an attempt to establish a Select Committee that would deal with the review that was carried out by the Secretary of State for Foreign and Commonwealth Affairs with regard to the Dependent Territories. But as the discussion has become more to do with the OECD Report which has to do with the harmful tax competition, I felt it was necessary for me to offer what I consider to be a synopsis of this situation.

The question of the naming of the British Territories has not really figured in very much in this debate. I think the reason for this is because this issue was brought before Members of the Legislative Assembly before the review was completed. It was quite obvious that the British Foreign Secretary was not interested in the public's opinion but in the Elected Members' opinions in regard to the review they were doing. They were ascertaining the views of the Elected Members in order to assist them in coming to a more meaningful review but those were not to influence the outcome of the review.

As the review has been carried out I feel it is quite obvious that the basis for the review was that there was a new Government coming into power, namely, the Labour Government under the Hon. Mr. Tony Blair. I think also that understanding the internal politics of Britain, having lived there and studied there, and having been involved in politics there at least on a community level, I think it is quite obvious that British politics are a lot more internally complex than we will see expressed externally. For this particular reason I am saying that the review was a necessary exercise carried out by a new Government with a new mandate that had not been in power for quite some time, and it was to refresh them and to give them an opportunity to see if there were any major issues that might need changing. Especially when we look at that review being made with the situation in Montserrat and St. Helena Islands. There were differences in the ability of these territories to sustain themselves. As a matter of fact, I do not believe there was one conclusion made, but they did decide to treat each territory separately as individual entities.

I have no doubt that this is the position and I like to work with what I can really see, rather than making speculations about other people's motives and intentions. I like to try to believe that somehow I can use my faith to deal with what they say until they are in breach of their defined motives.

My contribution to this debate will be based more on what has been said, rather than what we believe to be the intention of what has been said. It is my position that the review carried out speaks for itself. Input is not necessary at this particular point. If there were to be input, it would have been before, but not after; if there were a need to go to the public (which is what we should have done as politicians) it should have been before not after. The review has been done, and what we have been able to ascertain from the review is that there is really nothing harmful in here towards the status quo.

The question of citizenship can be dramatised to a certain extent, but I do not believe it is the intention of the United Kingdom to give people citizenship if they do not want it. I do not believe that the name change is really important here. But what can be suggested by this particular motion is that there are other areas to become concerned about. Members have taken that up to mean the question of tax legislation or to do with what they consider the Dual Criminality Act, or the Fiscal Inclusion.

Let us look at where this all comes from. The issue of the review and the issue of the report from the OECD are two different issues. Perhaps if we had not gotten this book we would not have gotten the two together. But because somebody was kind enough to let us have this we have now combined the two issues. I think it is absolutely necessary to keep them as separate and distinct issues. The review was not called for by the Foreign Secretary because of the publication of this booklet by the OECD. The review was called for because the new Government needed a clear perspective as to what the organisational apparatus should be like in dealing with diversified nature of its Dependent Territories and to allow the Foreign Secretary to be able to understand and carry out his international obligations more effectively.

Regarding the global situation. It is quite obvious that if we are set up as a tax haven or a financial centre that we will come into competition with other parts of the world. Especially if we understand that, according to this particular report, they need to develop measures to counter the distorting effects of harmful tax competition on investment and financing decisions and the consequences of national tax bases.

If we look at this report, we understand that it is made by a group of nations. The previous speaker outlined quite a bit about the report and the countries involved. What is important is that this report addressed harmful tax competition. Harmful tax competition is not just tax havens. It is talking about preferential tax regimes. It is important for us to understand that all of the countries involved in making these recommendations have, themselves, preferential tax regimes. The United Kingdom is one of the countries that had established preferential tax regimes or areas. London, from the period of the establishment of the Bank of England, has played a very important role in international financial development. I believe that Frankfurt has played a significant role as well.

When talking about globalisation and the need to address how people take advantage of one another's tax regimes, basically we have a group of nations coming together saying, *'If you take advantage of my tax regime it is going to cause me to set up a preferential tax regime to offset the fact that you established one.'* If we all keep on doing this, we won't have a tax regime in our individual countries, and it will cause unemployment and other kinds of destructive things to happen. So we can understand the logic and lack of hysteria to a certain extent of the forward planning of these people when they get up and say, *'If you are going to establish a preferential tax regime, I have to establish one as well.'* And we will all

have one at the end of the day and we will defeat the purpose we are here for which is to solve human problems. We are not going to solve human problems if we are in a situation where the Governments of the world do not have money to solve these problems.

From a political point and also from a practical point we can understand why they take this position. It is not as if they are looking down at the Cayman Islands and everybody in Europe and all over the world is taking up a position to go down to destroy these nice beautiful islands that everyone envies. It is not that way at all. I think it is to our benefit to believe that it is not that way and to be a little bit more optimistic about the situation rather than pessimistic. If you have no control over a situation, you have absolutely no control over a situation, it is better to wish for the best than for the worst.

The point that I am trying to make is that the United Kingdom is, in fact, a member of the OECD. The United Kingdom does have a tax system that is, perhaps, one of the most extreme in the world. It is equal to that of Germany or France or Canada or the United States. And the United States has an interest in seeing that preferential tax regimes in the world are not carried to an extent that the tax system of developed countries are subverted. So the United Kingdom has an obligation to the people of the United Kingdom in looking into this and finding some equitable solution to this particular problem that all the major countries in the world are faced with in the emergence of global economies.

This issue is related to globalisation and related to the way in which financing is done in a global type of environment. It is not a simple issue. It is not an issue that is basically related to us and although I understand that we want to discuss how it affects us, we have to understand that we are an international entity as well, we are also involved in globalisation.

This review, these recommendations, actually recognise the role which tax havens have played in assisting the ability of finances. It has had a useful purpose. So it is not that this place has just been assisting people to avoid and evade taxes, we have been a very important part of the whole globalisation process and we are, as a financial centre, a very important institution. I think it is important for us to make the distinction between us being a tax haven and a financial centre. There is a difference. A financial centre is where neutrality is possible in order to conduct business that is not necessarily subjected to national legislation and boundaries; a place where you can conduct business that is global, not limited by geography, constitutions, political or tax regimes of a particular country.

So in the whole question of whether or not financial centres can be destroyed, and whether or not financial centres have any useful purpose, one needs to know a little bit more about economic development through the ages; to understand what we call financial capitalism is something that evolved at a stage of industrialisation and the British society has been very much the mover of this type of industry, because it is an industry in itself. It is an essential part of the whole capitalist regime and

process. Therefore, as long as you have production in the exchange of goods and services, you will need the financial institutions to make this all possible.

Why would rational countries want to destroy that? They would not! Some people in this world think more of their interests than they think of petty jealousies. I believe that the world would never have gotten to the stage it is at today if people had been enslaved to petty jealousies; if they had not been able to come to the level where they could see common good in a kind of commonality. The point I am making is that I do not find that we should be giving anybody inside or outside this country the impression that somehow there is a force coming against this very small place to destroy the basis of our financial community.

If this force is coming, and if this force is the world, and if this force is the G7 countries, in addition to a lot of other countries, how would you stop it anyway? So the pessimism is ill served in that if we are to be that pessimistic then we need to be asking, *'What are we going to do to manage resources we have in the country that we have control of? What are we going to do to better improve our sea, the use of that? What are we going to do to legislate better control of our lands and to see that our lands are not wasted, that our marine environment is not destroyed and wasted?'* If this is going to be inevitable, then it is necessary for us to begin to look towards finding internal economic solutions rather than developing political rhetoric.

The Speaker: We shall suspend proceedings until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12:48 PM

PROCEEDINGS RESUMED AT 2.27 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues with the Fourth Elected Member for George Town.

Dr. Frank McField: Thank you, Mr. Speaker. Before I go on with my debate, I would like to assure Members of this Honourable House that I am in agreement with the motion as it is laid out. I do not have a problem. I have had to query what I consider some of the interpretation of the relevant information supplied, and I know the mover of this motion, the First Elected Member for West Bay, will probably have a few things to say regarding my position here. In defence of my position, let me say that in cases of motions of this nature coming from the Back Bench, in which the political ramifications can be considered as pretty serious, it is necessary for us to communicate the content of some of the discussions beforehand, and if this is not done, it must be expected, in all fairness, for Members to have to debate and put forward their positions on the possible implications of the motion had started more to say that I felt this debate dealt more with the possible effects of tax legislation, rather than with the Dependent Territory review itself on the

expected White Paper. I also tried to suggest that there seems to be an interpretation of the relevant material that runs along the lines that something serious is planned, something serious will happen, and therefore we should prepare ourselves to address this, by way of dialogue with the United Kingdom. I think, if something serious is to happen, and if it is inevitable that legislation will be brought that will erode the principles upon which our financial industry has been based, then I think it is time we form ourselves into a committee to look at what can and should be done to begin the diversification of our economy.

It has been prevalent in the minds of persons before, at least in the period of the 80s in the Cayman Islands, that this was always a very relevant consideration, at least until the point of the 1992 election, when the economy seemed thereafter to have changed. The concept of diversification of the economy was very important.

I am stressing that rather than developing political dialogue, we need to examine the resources which we are truly in control of; and we need to find ways of using those resources in such a way that they create the kind of stability and security for the Cayman Islands, the type that we ourselves can determine. But as long as we continue to play on the international level, we will be influenced by factors that are beyond our control.

I say this because if it is true that the intention of the OECD nations is to limit development of tax havens, to curtail the further spread of preferential tax regimes, if they are to come to some type of co-operation on this, if they can find some way to enforce their recommendations in this case, when they have not found ways of enforcing them in areas that have to do with much more dangerous factors, like the arms race. We just noticed that both Pakistan and India have lit up their atomic bombs. Who knows who will do this next. So what we note is that historically there has been a weakness of international organisations to be able to enforce their recommendations or their conventions on all the members who are signatories to them.

Already in the recommendations on harmful tax competition in the book, we find that Luxembourg and Switzerland rejected the recommendation of the organisation. In rejecting it, it goes to show that there is a possibility to believe that there is no unified philosophy, and therefore although they are recommended approaches to mending what they consider to be their problem with preferential tax regimes, there is still a weakness to be seen. That we can see when we use comparative history.

I like to make it clear that philosophy and an understanding of history are two distinct things. I am not talking philosophically, I am talking from the point of view of my comparative knowledge when it comes to history and historical development of those countries and the political systems. In fact, the inability of these countries to enter into alliances with one another, and to effectively carry out the aims and objectives of these alliances is quite clear when one notes what goes on in the United

Nations, and one notes the very difficult problems which a united Europe continue to pose to those persons in Europe who are desirous of a union, and the benefits of a union.

Any position taken internationally, just like any position taken locally, depends upon more than talk. It needs action, and for there to be action, there needs to be a tremendous amount of means to enforce these actions, and a tremendous amount of possibilities for agreement. These possibilities for agreement are limited by the fact that we are dealing with countries with very different economic and political systems. The recommendations made by the OECD do not have to do only with tax havens. They have to do with those very countries making the recommendations, or agreeing to the recommendations, with the preferential tax regimes in those individual countries.

So they would first have to do something to change their situation before I believe they could come out and begin to effect changes that would change situations in other areas of the world.

I would like to point out that Luxembourg said in this context, "It appears essential that countries with dependencies contribute actively so these territories do not in fact remain exempt from the fight against harmful tax competition." In that sense, Luxembourg is convinced that the countries with dependencies have not done all they could do to see that these dependencies comply. Luxembourg rejects the recommendation of the OECD. It is a part of the OECD, and then it turns around and says that the countries with dependencies should actively contribute more to bring these countries in line. We know this is what we are saying. But the mere fact that Luxembourg, which is against the recommendation, is saying that the United Kingdom needs to do more too—because it does not name the United Kingdom, but the United Kingdom is one of those countries with dependencies that "actively contribute" to harmful tax competition—and they are talking about the special ties these dependencies have with the Mother Countries.

So if the United Kingdom has, until now, been lax in its move toward correcting what the people in Luxembourg have identified as necessary, it goes to show a positive motive on the part of the United Kingdom. Because if the United Kingdom's motives were less sincere or less beneficial to us, it would mean that the United Kingdom would have acted to do exactly what Luxembourg, which has rejected these recommendations, is suggesting they do. We have to look at the countries individually, not just as a group of countries, not just as the OECD. We have to look at them individually, as is brought to our attention by the fact that Luxembourg and Switzerland reject the recommendations.

We have to look at these countries and know these countries individually, the history of these countries, and the economics of these countries, to begin to see that what will happen is one would be saying, We have agreed to do this, but you haven't done this, and then the other one will say, Well, I'm not going to do that until you do this, which is a typical organisational difficulty

that big, international organisations generally experience. It is for this reason I am suggesting that a degree of optimism is still possible, and I believe it is good to be optimistic.

I think the stress should be a trust in those persons handling the situation. We cannot override the protocol, and we cannot jump to handle the situation ourselves. There is a structured protocol here in dealing with an international issue like this one. What can we do then as Backbenchers, as Members of the Legislative Assembly? What can we do? We can inform the public that the type of business we are operating in this country is one viewed by the international community as an industry detrimental to their tax regimes, as has been described in this report. In that sense, we do not have to believe there are going to be other tax havens established tomorrow to compete with us. It is not going to be all that easy, because if it is difficult for us at this point, with our dependence on this means for our survival, if it is difficult for us with our development of infrastructure and our telecommunications, and the type of stability and confidence our country offers investors; if it is difficult for us, then how much more difficult will it be for countries which have not created the infrastructure and the sense of political consistency? How much more difficult it would be for these countries to now enter into this business and compete with us, especially if the world out there is organised against such behaviour.

So let us look at the positive side. The positive side is, if it is difficult to go into a business, then we who are in the business should begin to benefit a little bit more, and should have a little bit more confidence in our business, and we should say to those persons benefiting so tremendously, that they have to contribute a little bit more, simply because of the uniqueness of the position we now inherit. That is what it tells me. It tells me that what I want to discuss and contemplate is how to approach the financial community in this country with the urgency of preserving the situation, not from external negotiation, but from internal dynamics.

In other words, I want to see how we can get money to lend Caymanians for small businesses, and mortgages, in particular, at very cheap interest rates. I borrowed \$125,000 to buy a house, and I paid \$18,000 interest in the first thirteen months. That was just interest! And the principle I affected on this was only \$1,040, out of close to \$20,000. Now if banks are going to make those types of super-profits in this country, it appears that not just the OECD needs to be concerned. We need to be concerned. We need to internally examine the whole morality of this particular financial arrangement we have. We need to begin to say whether it is fair for investors to make super profits and not turn anything back into the native, local economy. Although the tax system here might be of an advantage to people in other countries, we are slowly getting to a point whereby we are paying more than what we are getting out of it.

Ten years ago, this was not so, but the cost of operating a country is becoming more expensive, and those benefiting most from the country are contributing

still less and less toward the fuelling of the machinery. Those are the considerations we seriously need to get involved with, and those are the considerations I would definitely want to get involved with. If we are not capable of confronting the financial community here with logic and saying, *'Look, guys, we are all in this together. If we lose, you lose.'* You lose, we lose. We understand that. But the time has come now for us to understand that we are in this canoe together, and we have to paddle it together for the best of both sides. The partnership depends upon the success of both individuals.

I believe the considerations being made in Europe are not disruptive to the Cayman Islands. I believe the considerations being contemplated there will take a long time to become truly effective. I believe in the meantime, that preoccupation they have will detract from other people being able to successfully achieve the same type of economic stability we have established and achieved; and I therefore believe that is good grounds for us to begin to evolve a new relationship with the financial community here. My concern again is, in looking and concentrating on things and issues we can solve, and not concentrating on issues that are more difficult to affect. I still say we have a long way to go in terms of making our local situation workable. And this cannot be political. It cannot deal with rhetoric. It has to deal with actions. If we as a tax haven or financial institution are now a threat to the world, then that is a reality that once we know this, we can begin to use it for our own advantage. It does not necessarily follow that it has to be used against us. We have seen that competition usually means someone may be, at the end of the day, at a disadvantage.

So this is new knowledge we have before us, and we can use it to get excited and to try to do things we can maybe not affect too much, or we can take this knowledge and define the unique position in which we find ourselves today, going into the twenty-first century, at a time when we are wondering where we are going to get the tax dollars to do the things we need to do in the country. We can also, in this sense, sympathise to a certain extent with the difficulties these countries have, that want to keep their tax money within their countries to manage unemployment, create pensions and social security and different things for their people. We can understand that position, but we do not necessarily have to affect our country in such a way as to co-operate with them, but a certain amount of understanding of their position, I think, is fair.

We need to preserve the principle of confidentiality of personal data. This should become a pillar of our Constitution. We should now be saying that all the things we have done through common sense should become a new sense, in other words, it should become enshrined in our Constitution. The fact that we will not tax should become enshrined in our Constitution now, because it will make it more difficult for anyone to ideologically attack us, as long as it is in contradiction with our legal system and moral principles.

The financial activities of the world will continue to become mobile. There is nothing any country can do to stop that. Globalisation is a reality. Areas like the Cayman Islands, believe it or not, are very essential. This is one reason when they say, Well, if you ask the banks to contribute a little bit more, they are going to leave and they are going to go. As if they are not benefiting. They are not going to leave and go if people are reasonable, but if you do not tell someone you should review the relationship in a way that it might benefit you a little more, they are obviously not going to do it for you.

You have to be sensible and willing enough and politically brave enough to review that. But we cannot be politically brave in our own country—and this is no criticism of anyone—but we are going to talk on a particular level. I like to talk on a level that I can act at. I can act on a level of saying that the banks in this country are over-charging people with interest, whether it is the credit card interest or what kind of interest. And that they are hiding behind us and they would like us today to go out there and start telling the world that everything is perfect here and everything is great, because they are such nice people. Well, we are nice people! We are nice people! But they are not perfect themselves. This is one reason we have evolved in terms of what we are willing to do to make them more honest and make our country more credible internationally.

I think the Cayman Islands, as the Honourable Financial Secretary has said on many occasions, have led—and when I was first elected, I went to the conference seminar they did regarding money and how the whole concept is put together, how dirty money tends to follow good money, so the more good money you have, the more possibility you are going to have of having bad money. So it follows that international countries will say, Yes, there is a certain amount of laundering that continues to go along, and that the bank secrecy law tends to protect this, and they will continue to knock at our doors, but it does not mean we have to open it up and give them the whole house and everything in it. We are human beings, and they are human beings, and the dialogue will continue. But for us to credit ourselves as having a weakness because of our partner having a weakness is for us to sign our own destruction.

We must continue to say our partner has no weakness, that there is no weakness in this relationship. Publicly we need to say there is no weakness in this relationship, because this relationship has been the strength of the foundation of the industry we have. We must continue to say this relationship has no weaknesses. That does not mean we cannot review, revisit and strengthen it, but the basic principles and premises of the relationship are correct. And if my partner has to have relationships with other people because of my partner's individual interests and commitment to its people, does not necessarily mean the partner cannot still be loyal to me, as I am loyal to that partner.

If I show weakness in my loyalty to the partner, it means that partner will most likely feel no obligation to show loyalty to me. I cannot but accept what the Gover-

nor has said so far regarding this particular situation. If I get to the point where I have to become so paranoid about the political environment in which I live, I might as well get out of politics, because if you cannot be guaranteed a few things, then you might as well not bother. You have to build whatever you do upon some assumptions. You have to build whatever you do upon some points of view. And sometimes it is necessary to trust, even if it means you become vulnerable at the end of the day.

I believe we need to find ways of benefiting more from what we have. We need to find ways of benefiting more from what we have, not just from having more. The more we have, the less it seems our people have, and we have to consider the reforms that have to be made in this country for the trickling-down economics to work here. The trickling-down economics will work here, because we are looking at that as being the great danger, how these countries look at us, or what these countries do as being the great danger when I believe the great danger is the social disintegration of the country. It has to do with the social problems and the ability to get the money and expertise to solve these problems.

One of the real considerations I have—and since this is about the considerations of the tax questions and the banking questions, let me say—my contemplation, my preoccupation is with housing in this country. Every time people come to me and tell me about all the high rents they have to pay, and the fact they have no rights, and all of these things, and you know the reason is that there is no money to borrow at a rate that would allow you to lend it to the people to be able to repay it. It is not whether the house costs \$125,000 or \$150,000 or \$100, it is the monthly payment you have to make to the banks, and that monthly payment is a result of the interest. These are some of the real serious considerations we need to form ourselves into committees to deal with. I say, let us deal with securing this part, because this is the part we are in charge of. Let us deal with securing the Cayman Islands internationally.

I will finish by saying that it has not been my attempt to question at all the motives of the First Elected Member for West Bay, my good friend. I believe the motion is well supported by the Government and by the Back Bench, but I do not believe we spoke completely to the motion, so what I have added is nothing to say this committee should not be established. I have added a dimension to the debate that I hope will assist persons in the public, if not in this House, with having a much more rounded concept of what it is we are dealing with. Mr. Speaker, we do not want to jump the gun. We do not want to pre-empt the problem, if it is inevitable. Because if it is inevitable, it will come anyway, and there is no point in starting it, because it will come. So let us work with those things that glare us most in the fact, and let us find the political solutions to them. Thank you.

The Speaker: Does any other Member wish to speak?
The Honourable Third Official Member.

Hon. George A. McCarthy: Mr. Speaker, thank you very much. I should say it is very good when we can have issues of significance raised in this manner, and also when the opportunity presents itself to hear a wide range of views on this very important subject. This motion, from what has been heard so far, is supported by every Member of this Legislative Assembly. I will say this is very good and heartening.

This motion is attempting to force, I would say in summary, national dialogue. When we look at the “whereases” of the motion, it starts,

“WHEREAS the United Kingdom Government, through the Secretary of State for Foreign and Commonwealth Affairs, announced a review of its Dependent Territories; and

“WHEREAS this review affects citizenship, change of name, international obligations and other possible matters affecting these Islands; and

“WHEREAS there has been no public discussion on the review;

“BE IT RESOLVED that a select committee of all Members of this Honourable House be set up to take input from the public on the review;”—and the motion continues. What is known is that from this review will emerge a White Paper, to be produced by the United Kingdom Government. As mentioned in the first “Whereas” the thrust of it will be a review of its Dependent Territories, which takes into account the policies governing the relationship between the United Kingdom and the Dependent Territories.

Although mention has been made that the range of subjects falls under the Portfolio of Finance and Development, this is not one that I will rush to say will be the best description. We see from the range of subjects involved—“citizenship, change of name, international obligations and other matters affecting these Islands”—this is at the very pinnacle of Government. It is not one that can be put against a particular portfolio or ministry.

What has been extrapolated, especially under the section, ‘International obligations and other possible matters affecting these Islands,’ we are aware of the report published by the OECD on “HARMFUL TAX COMPETITION—An Emerging Global Issue,” and also the European Union Tax Harmonisation Code of Conduct.

This report in question, the OECD report, became available on the market toward the end of May. Although from around March of this year it was known this report would be published, the specifics of the report were not known within the international community. Various summaries were offered, but the complete report was not available until the end of May, less than a month ago. During that time, I was in the United Kingdom, as I mentioned previously, while sharing my views in Cayman Brac at the opening of the Legislative Assembly there two Fridays ago, that this was such an important docu-

ment, that I felt a copy should be made available to every Member of this Legislative Assembly.

The reason that approach was taken was that given the fact that we have a report looking at international global financial activities, and the fact that the report could have certain implications for the Cayman Islands and other financial centres, I thought the best thing would be to share this report with Members of the Legislative Assembly, because it is more important, when decisions are made and dialogue takes place against an informed background, rather than to rely on the various interpretations that can be given.

In connection with the report, we have had the assurance from the United Kingdom—this has been communicated through the Governor’s office—that the United Kingdom government has considered the implications of the report for its Overseas Dependent Territories, and the fundamental interests of the Overseas Territories were not ignored.

I cannot say conclusively what that means, but given the relationship between the United Kingdom and the Cayman Islands, one will have to assume a good faith posture in this regard. It is important at this stage—and I think the Fourth Elected Member for George Town mentioned—is that a goodwill assumption will have to be made in terms of the relationship as it now stands. It is important, at this time—and I do not think the Government could have, up to now, come up with a conclusive position as to what the impact of this report will be on the Cayman Islands. We can read, and we can draw certain conclusions, but in terms of arriving at a definite conclusion, this will require further research. It will mean every Member of the Legislative Assembly, and that includes the Members of Executive Council, forming themselves together into a committee, reading this report very carefully, looking at other related materials, trying to draw certain conclusions, and create a preparation stage, so that whenever the White Paper emerges from the United Kingdom, if it would embrace considerations that should be allowed in relationship to this report, we would be in a state of preparedness.

I would say the way forward would be to take this approach, because it is the most constructive one to take. Importantly, based on the fact that the United Kingdom has taken the initiative of communicating, through the Governor’s office, that they did not ignore the concerns of the Overseas Dependent Territories, this will have to be followed up, to see exactly what it means. As I mentioned earlier, the good faith interpretation of this intent or undertaking that has been given, will require certain dialogue. We recognise that the United Kingdom has certain obligations. First of all, it is a member of the G7 countries; it is a member of the OECD; it is a member of the European Community. But what is important is that, as far as the Cayman Islands is concerned, recognition must be given to the fact that we are a country with a relationship with the United Kingdom, and the role the Cayman Islands plays within the world stage and the international financial community must be given consideration, too. It is not one that can be ignored.

At this time, I am fully aware that the Government is giving consideration to the OECD's report, giving consideration to the wider international issues. But when a problem is introduced or extrapolated from a report, or put forward for consideration, it will be useful to say at that time, what are the likely solutions, or what the position of the Cayman Islands will be, taking this forward.

It was mentioned in Cayman Brac that we have a window in time to address this, and we have just commenced with this address. In fact, this morning there was a meeting between His Excellency the Governor, the Acting Attorney General, the Assistant Financial Secretary, and myself, by way of going back to the United Kingdom to follow up specifically as to the meaning of recommendations 15 and 16 of this report. That will be shared with Executive Council, and at this point, a paper is being produced by the Portfolio of Finance and Development, setting out its views and interpretation up to this point, and this will go through for Executive Council's consideration.

As I said, we are in the formative stages of this. Before any conclusion can be drawn, it is important that we commence a dialogue with the United Kingdom. The United Kingdom will need assistance in arguing the Cayman Islands' position within the OECD. We will have to determine what assistance can be rendered from the Cayman Islands. This is not likely to be done by the five Ministers of Executive Council and the three Official Members. It is likely, given the importance of this, that the views of every Member of the Legislative Assembly will be taken on board. This is what gives relevance and substance to this motion at this time. I am sure, in time, as this matter develops and progresses, information will be shared with the public; necessary consultation will be done within the financial community and among the Members of the Legislative Assembly to derive a position.

On the subject of fiscal inclusion, we are aware of a letter sent to the Bermudan government. In fact, I raised that letter with the Foreign and Commonwealth Office when I was in London. It is unfortunate that it was leaked. That was not intended for our eyes. It is known among this Government and Members of the Legislative Assembly that the Government has been asked to consider an amendment to the Proceeds of Criminal Conduct legislation. This is being dealt with at this time through the Attorney General's office. This will eventually be brought to the Legislative Assembly by way of an amending bill. Clarity is now being sought, and dialogue is taking place as to its effect.

The United Kingdom has said, because of the concept of dual criminality, that provision obtains within the legislation itself, the removal of this section should not affect us adversely. The experts in law are looking into this area, and I am aware that the Government has sought a legal opinion on this, and this legal opinion has been rendered. This has informed the discussion presently taking place. Therefore, when that is brought to the Legislative Assembly, a very clear position can be set out concerning it.

At this time, we are aware that as we move forward and discussion takes place between the Government and the United Kingdom, and the Government and the private sector, and the Government and the Members of the Legislative Assembly, there will be a need for the public to be informed as to what is taking place, what is the understanding emerging from this dialogue. When we look at our financial industry and what it represents, it represents our strategic interests. The financial industry, together with the tourism industry, and all other related industries, are very important for these Islands.

The Government has not lost sight of the fact that we need to look at a policy of diversification. This has been set out in Vision 2008, so we can see a forward thrust taking place. It is important—and I believe this can be attained—that if the position of the OECD commission, as it now views the Cayman Islands, is not properly informed, or based on accurate information, by the time it comes around to a list being developed of countries regarded as "harmful tax regimes," a proper position paper, setting out the Cayman Islands' position, would have been submitted to the commission, and hopefully they will be better informed.

When it comes to the Cayman Islands being described as a tax haven as against an international financial centre, I am not going to go into an extended debate on this, but my preference is for us to regard ourselves as an international financial centre. The reason for this is that when we look at the global community, and the connotations of what can be construed from tax havens, we know what the so-called 'on-shore' countries mean by such a description. I am not going to go within the international community, and if they are ascribing a less than acceptable label to us, that I am going to join them and agree to that; not that I am saying—this again is subjective. It is not an objective description. But I know that the Honourable Third Elected Member for George Town, in making this differentiation, has taken a view on it that I will not differ with, in terms of what it means.

But it is important that we see ourselves at the highest level of the plateau. I believe when it is looked again to say that a lot of business comes to the Cayman Islands because of the fiscal regime we have in place, we know that is so. But what differentiates us as an international financial centre is that the tax regime put in place accommodates international business benefiting from this regime in the Cayman Islands, was not put here specifically to attract international business. We, since the dawn of history, have a zero-base tax regime. International business has benefited from this. Therefore we have a right to maintain that as our fiscal regime until a decision is taken to change it.

The motion, as I mentioned, Mr. Speaker, is very timely. There is no place for complacency in today's world. We are the fifth largest financial centre, and I will bet, when we have addressed the issue of the OECD report, and the implications of the EU harmonisation policies, we are going to find that there are going to be other issues on the horizon again. We have to be on the forefront. We have to be out there, being pre-emptive.

This is why the report has been presented to the Members of the Legislative Assembly, and just as we are looking at the reform initiative for the fiscal activities of the Government at this time, we are looking at this in terms of what needs to be done to protect, and to present a very clear understanding.

This was said to me, interestingly, Mr. Speaker, when the team of legislators visited the Cayman Islands from the United Kingdom, one of them said to me, "You know, I can applaud the Cayman Islands for what it has done, what it has accomplished to this point." The gentleman went on to say, "I find nothing at all wrong with what is being done here, by way of your financial industry and what you have, but you need to make sure the international community is properly informed and has a very good understanding."

It is amazing, Mr. Speaker, what human beings choose to believe. I have seen, when the documentary 'Dirty Money' was done, to make the point, the gentleman who came here and did that documentary, if anyone takes the film they can see planes flying in between mountains to land. Apparently, money laundering was supposed to be taking place through that process in the Cayman Islands. Mr. Speaker, this mountain must be in the New World, but it does not exist at this point in time. I was very perturbed when I saw that, and on one occasion, I was in my office and a senior banker from another jurisdiction came into the office. I outlined what took place to him. He said, "Mr. McCarthy, you have to differentiate between things you should be concerned about," because an approach like that was taken in his country some time ago, and the country in question was Bermuda. He said when they refused to co-operate, actors were flown in from the outside to play the roles of the various individuals.

We have complex issues in front of us. We have issues we should be very cautious about. We have the OECD's report, the EU harmonisation code, and there are other issues on the horizon. When those issues are brought up in the Legislative Assembly, and to be commented upon by the Government, the necessary research should be carried out to make sure the most accurate and informative position is shared and set out with Members of the Legislative Assembly. This is what is being done. The Government is not playing a role of complacency in this. It is right in front of the Government, it is topical, and it is being handled. Every attention is being given to make sure that whatever comes out of this, the interests of the Cayman Islands will always be protected.

Thank you, Mr. Speaker.

[applause]

The Speaker: Does any other Member wish to speak? If no other Member wishes to speak, does the mover wish to exercise his right of reply? The First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you, Mr. Speaker. I could just get up and say, 'Thank you,' to the Financial Secretary, because he did an extremely good job in putting things in perspective after it was taken out of place by some Members. I want to thank all those persons who spoke in this debate. I want to thank the Minister of Education for agreeing to it, and for his debate on the motion on Monday. If he recalls, this is one of the motions I asked them to bring early last year, when the review was being aired in high places.

I also wish to thank all those who debated the motion, but especially my colleagues, the First Elected Member for George Town, the seconder, the Third Elected Member for George Town, the Third Elected Member for Bodden Town, and the Fourth Elected Member for George Town, for their very informative input into this matter. One thing is evident, Mr. Speaker: Even though this is a complex issue, there are those of us on this side of the House, capable and prepared to deal with the issues when they come.

All of us agree that what we are discussing—all the issues: citizenship, international obligations—as pertains to our financial industry, are most important to the future existence of our country as a tax haven. Anyone—believe me, after I have sat on Executive Council for five years, anyone believes this is a joke, they are not really honest with themselves, and they are not honest to the country. One thing I have always been prepared to be in my life is, To thine own self be true. At least be true to yourself.

The United Kingdom is deemed to enter the European Union next year. We cannot get away from the fact that the larger countries are putting pressure on tax havens and the international business centres, as we are. Other dependent territories consider the changes contemplated in Mr. Cook's speech, and they say, it is much more than is asked of the G7 countries. To read from a speech of the premier of one of the dependent territories—in fact, I think it was Gordon of Bermuda who said, "**The onerous responsibility (being requested of the UK's overseas territories) is more than is being asked of any of the G7 countries at the moment. We are not prepared to play watchdogs, nor are we prepared to allow fishing expeditions.**" She went on to say that, "**What we are saying is that if you can prove that a company has done something illegal we are more than prepared to let you go through the books.**"

From the discussion with the Foreign Office themselves, they say "**The overseas territories must have a clear understanding of what the United Kingdom's overall international obligations are. It is essential that the territories conform to these obligations.**" All I have been saying, Mr. Speaker, time and time again, is that we do not know what these obligations are, and no one has said so. It is these international obligations that we must be concerned about, and it is those obligations which the Minister has not said what it is the United Kingdom wants us to do.

That is what I expected my friend, the Minister of Education, to come to this House and say, 'a, b, c, d, e thus far. We do not know what else, but this is what we know.' That is an obligation they must come to the House with!

The Third Elected Member for Bodden Town spoke and read at length of some meeting of which I am not aware, but it was a document, if I recall correctly, from the House of Commons. From what he said, it bears out what I am saying. It certainly must raise warning bells. There are policies that certainly cannot be said to be on all fours with the thinking behind the cause of this motion. That is, we want to be pro-active and ready when the United Kingdom comes with their recommendations. And my good friend, the Fourth Elected Member for George Town, is way out in left field if he believes this review is over. It is not yet started.

All I would like—I beg the Government, if they are committed to this motion, if they know now what international obligations the United Kingdom is talking about, come to us now and let us know what we are facing, as a Government, as Members of the House, and let us work with them to come to a conclusion which is satisfactory to all, because all of us have to live in this country. All of us are mindful of our set-up here as a tax haven, not just Executive Council. Not just Executive Council, but every one of us has obligations to the people of this country who, at the end of the day, will be the people who suffer.

While the Minister talked at length about Cayman's obligation to adhere to strict rules, to keep out money laundering—we are on all fours with that—I completely support him. All of us do. He did not talk about the obligations which the United Kingdom wants us to amend our laws to conform to. That is what we need to be told.

It would have been good if Government had said very clearly what part of our confidentiality laws they are expecting us to amend, to enforce the fiscal laws and policies of other countries. This is what this Legislative Assembly is about!

In recent times, laws have been put in place to stop money laundering, and we have co-operated with the United Kingdom on all these matters. When we went to London, I think it was some time in mid-1996, when the Minister of Education led the delegation, it was just one of those pieces of legislation he was instrumental in putting in place, that was co-operating with the United Kingdom. And I, in particular, can say they did a good job at it. He did a good job! We know that sometimes you plug loopholes, and you plug them, but they find ways of opening them elsewhere. So yes, we have to be mindful; yes, we have to be vigilant and conservative, as some Members of the Government are; we have to be all that. But it would seem that the Foreign Secretary is expecting us to do more. But by what was said by some Members on this side, it would seem, without any doubt, that what is being talked about is the fiscal laws of other countries, although the Minister of Education did not say that. The Minister of Education outlined the path that any requests would go to the Financial Secretary, the Attor-

ney General, and then to the private sector consultative committee, then, he said, to us, the House, to amend the law.

But this is just what this motion is asking them not to happen. We are saying, the financial industry is of such significant importance that any policy, change, or laws to amend our laws, should be discussed with us before a bill to amend is brought to this House. Bring it to the committee, and deal with it in committee. It might not be something that has to go to the public at that point, but you can bring it to the committee. That is what the motion is seeking, for when and if the Government brings a bill to the House, support is already lined up, discussed at the level the Minister of Education outlined, leaving out the House in those discussions, the guts of the discussions. And I happen to know about them, because I sat on Executive Council. That is where you get a good gleaning of information as to the whole makeup of the financial industry.

Let us inform the Members. We are prepared to do all we can to assist the United Kingdom as far as votes are concerned in this Legislative Assembly, in combating money laundering. And if changes in the company laws can assist, then no doubt, we would. We also would assist in combating computer fraud and look at the cyber-money on the Internet, if wrongs or crimes are being committed.

But we have a duty to send a clear and strong warning to the United Kingdom: Leave our confidentiality laws alone!

[Applause]

Mr. W. McKeever Bush: If we are not prepared to do so, then we are not concerned about continuing to exist as a viable tax haven. Just apply it. For three hundred years, Mr. Speaker—for three hundred years!—and you see, some people are scared to speak about the Mother Country, but I am not, because they are the same as I. They have a little bit more power, but they are humans just like we are. For three hundred years, while Britain colonised the rest of the world, they seemed to have little regard for these unidentified international obligations, until the United Kingdom decided to enter the European Union, to form a big trading bloc to compete with the U.S. Now poor little Cayman must be like a pawn, moved for the sake of one and moved for the sake of the next one, and Mr. Speaker, let me tell you, I have no regard for anyone who stands up here telling me we cannot say something about it! Why? Because we are a colony? Nonsense!

When it comes to money laundering and other criminality, we have not been afraid to agree to credible sanctions, as I have said before. With our \$500 billion in deposits, we certainly are not desperate to attract foreign investment that is not of the highest credibility. However, neither should anyone believe that to extend our reporting and information exchange regimes to pure fiscal offences, is not an unacceptable violation of our

bank secrecy and will destroy us. If anyone believes otherwise, they are living in a fool's paradise.

I know my friend, the Minister of Education, would pick up on any mention of the Constitution, because he holds that sacred to our makeup here. However, no one talked about constitutional changes *per se*, except to say where the United Kingdom might override our laws through an order in council. My argument is that when that happens, we should take action to stop it. Why should any Government Minister or any of us on this side of the House be satisfied with unilateral action by the United Kingdom government, especially when it affects our financial industry or, for that matter, when it affects anything else. Anything which we need, or a moral issue such as removing in Council our laws against homosexuality. Surely, on such an issue, we would want to find a means of dealing with the United Kingdom in the strongest possible terms. Why not?

If that means to call for constitutional discussion, then it will have to be so! That is my point of view! That is mine, for if the United Kingdom government is serious about a new partnership, then they should respect laws this country feels are important to our social and moral way of life. I would be prepared to say to our people what the choices are. It is not good hiding our heads in the sand like an ostrich and say, 'Well, they can do it by order in council, so let them go and do it!' We need to tell the people what the choices are. This is what the motion is all about, in setting up the committee, so there can be dialogue with the people we represent. Why should we be afraid of that?

We should not be afraid to tell them. I will give you a good example. Many of us, because of our strong sense of human rights, do not really support capital punishment. The United Kingdom government unilaterally took it away from us, and today this country is a hundred percent worse off because of the threat, at least in my opinion, of being able to use capital punishment. They are shooting up the place, running into gas stations, robbing banks, doing this, doing the next thing, and we are going to sit down in this House and say, '*Give it to us, boy, we are happy. Just give it to us! We can take it!*'

The Speaker: Would this be a convenient time to take the afternoon break?

Mr. W. McKeeva Bush: Thank you, Mr. Speaker.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.40 PM

PROCEEDINGS RESUMED AT 4.05 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion 11/98 with the First Elected Member for West Bay, continuing.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. When we took the break, I was dealing with the matter of letting the United Kingdom know, or having discussions with them as to how we feel about unilateral action that takes away rights existing in the country. As I said, we should not be afraid to invoke discussion with them regarding any matter, when it comes to them taking unilateral action by order in council. As I said, my personal belief is that when they took away the threat of capital punishment, they did this country a grave disservice, in that we have seen, since that, numerous attempted murders. No one seems to be afraid. Anyone now seems like, has a gun, and can—like in my constituency this past week, a man in his place of business gets shot. So it does not seem like anyone is scared. And while we cannot say the blame is there, they certainly, I believe, removed something that frightened people into better behaviour. But that is my view.

We should not be afraid of entering into dialogue, and putting our case to them in the strongest possible terms. If we have to look at something in the Constitution that does not allow them to do this, then why not? Why not? We are not talking about changing the Constitution to change the system of government, or change the country, or carry us into independence. We are not talking about that. We are talking about them having such a hold on us that they change laws here from up there, to put it simply. Who wants to continue this way?

In the same vein, the Minister spoke about citizenship. The aspect I dealt with was the British Nationality Act and our local Law, where we are not Caymanian citizens, but citizens of a Dependent Territory. The Minister of Education said he—I believe these were his words—did not know if any dependent territory that had their own citizenship. Well, the United Kingdom is placing much emphasis on partnership. The Foreign Secretary, Mr. Robin Cook, said in his speech at the Dependent Territories meeting in London, which the Minister of Education and the Minister of Agriculture, I believe, attended, "**The Dependent Territories are a source of pride to Britain. We are proud because we have ties of history that stretch back hundreds of years, from 1609 when Bermuda became a British territory, or from the turn of the eighteenth century when Gibraltar became British. We are proud because there is a family bond between the Dependent Territories and Britain that is unique and matters to both sides. And we are proud because Britain's relationship to the Dependent Territories is a clear example of how a modern and effective partnership can be forged on the basis of these historical and family ties.**"

I would hope that my friend, the Minister of Education, is listening. Then if this is really true, if they really mean to have a modern and effective partnership on the basis of historical and—what do they call it?—family ties, and if it is true that there is all this pride in the UK's halls of power for these little islands, then why would they not want us to be able to say, '*I am a citizen of the Cayman Islands, the country I was born in, the country I was naturalised in, or the country I was registered in.*' Why

should we have to say or write that we are a Dependent Territory, which only means that is differentiating between being a citizen of Anguilla or Montserrat and a citizen of the Cayman Islands? Why?

If they really mean to have a modern and effective partnership, and if they really mean that we are a family, and if they really have pride in us, then give us that right! It is not independence we are talking about! And no one should be so naive or so evil, put it the other way, to say it is independence we are talking about! It is not independence we are talking about! We are—that's right—this is the Cayman Islands! Is this not the sort of thinking that should be in the new millennium? Then look at it the other way. Is this not the sort of thinking that goes back to the Dark Ages, when Britain started colonising the world? It is of the Dark Ages! And as far as I am concerned, it is derogatory to us as a country. And it should be corrected in this partnership! And my friend, the Minister of Education, when he goes back to talk to them, should tell them that is what we are saying down here. It should be corrected, Mr. Speaker, because the fact is, when the United Kingdom changed the 1948 British Nationality Act in 1981 or 1983, to what it is today, it was about exclusion and protection of themselves! And why not? Because any country with pride in itself and its people will protect itself. That is what the United Kingdom did back then.

It is time that this change be made, and now is the time, when we are entering this new partnership, when we are going into this new millennium. It is time to be set down in law and defined properly this matter of Caymanian citizenship. And no one should try to say that is not possible unless we are independent. No one should say that! I am saying, let us be real partners. Let us be real partners!

No democracy can be healthy unless we have differences of opinion, but I believe that my friend, the Fourth Elected Member for George Town was completely out in left field, because from what I gathered from him, he gave the impression that the review was long gone by, because he said input was not necessary now, but should have been done before the review. The review is just beginning. It is not just speculation—and I believe the Honourable Financial Secretary has put that in proper perspective. We are not here just speculating. Documents exist! The news media continues to have articles on what they are talking about. The only thing that has not been done, is it has not been clearly said or defined what the international obligations are.

It is quite correct, in my opinion, to say, as he did (that is, the Fourth Elected Member for George Town) that the United Kingdom has an obligation to the United Kingdom. That is so. And yes, we here in the Cayman Islands are globalised. But we have to remember that because of this globalisation, and the urge and steps taken to dismantle tax havens by the larger countries—and surely the Member must have heard of this—these are the reasons for us to want to have discussions. We cannot go directly to the OECD organisation of countries. That is why we have to have meaningful discus-

sions with the United Kingdom government. That is why this motion, in my opinion, is so important. Without this kind of avenue opened to us as legislators, even the country, the discussion would be held with a few on Executive Council. And why would we not want to take part and be party to such important matters? That is why the motion is important.

Should we just sit down and say, '*Come and take it from us*'? No, Mr. Speaker. I have not lived in England, nor Europe, but I hear, and I study what they say about us. When I say 'about us,' regarding government. That is what I am concerned about. It is no secret that there is tremendous pressure for a softening of confidentiality. That is no secret. All of us must pay attention to this. That is why this motion is important for us.

I think—and I will be generous to say—that anyone thinking today that the review planned will not be harmful to our status as a tax haven is foolhardy. I disagree with my friend, the Fourth Elected Member for George Town, strongly, when he says Europe will not try to put us out of business, when they are saying that is what they will do. My question is, where will it be so easy to replace what we have now? When it is so difficult—because I listened closely to his arguments—where will it be so easy to replace what we have now, when it is so difficult to put our budget of some \$200 million together? Where this dollar, that he calls the tax dollar, will come from in the quantity it comes, is the financial industry! In the vast majority of it.

The Member talked about trickling-down economics. You allow them to kill the tax haven, and nothing will trickle down, because nothing can trickle down if nothing exists. I do not believe the Member really believes that when the United Kingdom government talks about international obligations, the Foreign Secretary is talking about interest rates! He is not talking about interest rates! No, no, no! He is not talking about what Cayman can get out of it! Or what Caymanians can get out of it, or what residents in this country can get out of it! He is telling us that as far as they are concerned, and for the United Kingdom's own welfare as connected to the European Community, they must bring us in line with what the European Community desires. Blind Bartimaeus could see that!

And, Mr. Speaker, I can understand the Member's desire to see more out of this sector. However, that is now what the Foreign Secretary is talking about. That is not the role of the Foreign Office. Their role, in relation to us and this review, is, in my opinion, those international obligations, and our status as a tax haven, and bringing us in line with them. That is what they say in every article I have read, whether by putting the Queen's English in a different context, or whatever. But that is what they said.

The Overseas Territories—and I quote it again—the Foreign Office spokesman said, "**must have a clear understanding of what the UK's overall international obligations are. It is essential that the Territories conform to those international obligations.**" Clear! Concise! And we have to understand what they are all about! All the Dependent Territories are having mean-

ingful discussions, and making their thoughts known. Have we not read? Have we not heard the news?

This motion is not a waste of time, by any stretch of the imagination. It is not! I am glad the Financial Secretary spoke in this debate, because he talked about being pre-emptive. I like to say these are the reasons that I have a lot of respect, because I have sat in Council with him, and I know, and I know. I know how he feels about how we can allow our financial sector to grow, and protecting it. I am glad he spoke, because he mentioned an issue that is presently under discussion. All we are saying is that these matters must be brought to the committee. They, in Executive Council, will have some discussions with the committee and among themselves, but allow us to discuss and hear the details, before you come to a bill.

It took thirty years to build up this country as a tax haven. When I use the term 'tax haven,' I use it interchangeably with 'international financial centre.' It took us many years, much hard work by many people, to get us where we are today. We would be doggone fools to sit down and believe there are not steps taken to erode our position as a tax haven. All I am saying to the United Kingdom—and I would hope the whole House says that—is that if this partnership is going to be real, then let it be a true partnership. We all understand what a partner means. Partner means a person sharing with another, or others, in an activity, put together as partners. That is what a partnership is all about. If they want to see us continue to exist, as we need to, then they need to understand what we are all about.

I would like this House to agree to appoint the Honourable Financial Secretary as Chairman of the select committee. It is his Ministry, or Portfolio, that we will be mostly dealing with, and no one can say it is in the hands of a politician. It would be in the hands of a senior civil servant. And he is a very capable person to deal with it.

I would think we would write to all associations—that is, Chamber of Commerce, the Young Caymanian Businessmen Association, Watersports, bankers, fund managers, lawyers, insurance managers, accountants and other professional associations, to invite them to make representations to that committee.

That would be in addition to all those persons on the outside who have an interest in this review. The 'Resolved' section says, **"a select committee of all Members of this House be set up to take input from the public on the review, make the findings public by a report being tabled in the Legislative Assembly, sent to the Secretary of State for Foreign and Commonwealth Affairs through His Excellency the Governor, and included in the Vision 2008 exercise."** I believe the Vision 2008 exercise is at the right point for it to happen, because it is now going to the districts in a written form. It is right now, sort of recommendations. Or at least other issues in relation to the partnership would be outlined in it as soon as they come. I would implore the Government that as soon as they know of an issue, call the committee, let us start to deal with it. This is the most

important issue right now facing the entire Cayman Islands.

This has been a tedious debate, but it has been an important debate as far as I am concerned. There has been a lot of important input from Members, and let no one feel that anyone has been spoken about derogatorily, or shunned in any way, because we have discussed it among ourselves time and time again. We know what the motion is all about.

I would certainly like to thank the Government for accepting it, and like I said, ask them to bring the issues to us as quickly as possible. Mr. Speaker, I would like to thank all Members, especially the seconder of this motion, the First Elected Member for George Town, and all others who spoke in the debate. Thank you very much, Mr. Speaker. I hope it was not too boring for you.

The Speaker: I would entertain a motion for the adjournment of this Honourable House.

Mr. W. McKeever Bush: Mr. Speaker, you better put the motion to a vote.

The Speaker: Oh yes. I shall put the question. Those in favour of Private Member's Motion No. 11/98, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The motion passed. I would now entertain a motion for the adjournment.

AGREED: PRIVATE MEMBER'S MOTION 11/98 APPROVED.

ADJOURNMENT

Hon. Truman M. Boddan: Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: The question is that this Honourable House do adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 AM tomorrow.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 26 JUNE 1998.

**EDITED
FRIDAY
26 JUNE 1998
10.15 AM**

The Speaker: Prayers by the First Elected Member for West Bay.

PRAYERS

Mr. W. McKeeva Bush: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Questions to Honourable Official Members/Ministers of Government, Deferred Question 81, standing in the name of the First Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MEMBERS AND MINISTERS**

DEFERRED QUESTION 81

No. 81: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Tourism, Commerce and Transport whether the Port Authority is considering the purchase of any large equipment for use on the dock and at the distribution centre.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. The Authority purchased one large Taylor container lift for use at the George Town dock.

The lift was needed as additional support to one of the present lifts which has been operational for 21 years, is unable to handle containers that weigh in excess of 7.5 tons and lacks the capability of stacking containers more than two high. To keep pace with the increase in imported cargo at the Port, and to make the most efficient use of the available space, it is necessary for the containers to be stacked four high. The new lift has this capacity.

In addition to the above, the Authority has approved the purchase of a second crane to work along with its present crane. Since the acquisition of the Port Authority's crane in 1995, the number of containers being handled at the Port has increased by 26%, or approximately 460 more container moves per month.

The efficient daily operation of the Port is critical to the success of the Cayman Islands economy and the continuity of the various business services. The Port Authority has taken many decisions to ensure its ability to provide quality service now and in the future.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Can the Minister say what the cost of each piece of equipment is?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I do not have an exact figure on the purchase of the Taylor lift at the present time, but it is several hundred thousand dollars.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, that question would have included the second crane.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: There are a number of proposals before the Port Authority for the purchase of a crane. One that is presently being considered is around \$500,000.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. When we purchased the present crane, which was in the region of \$2 million, that was supposed to have taken us several years ahead. I see that the Minister has said that work has increased by 26%, but the purpose of buying that crane was to handle this kind of increase. What has caused the need, seeing we have a crane just three years old?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I believe the better way of answering this question is to say that no matter how good the equipment, or how efficiently it is maintained, there will be a day when it will become non-operational for one reason or another. In addition to the increase in number of containers and cargo coming into the Island—and the present crane will probably be around for twenty or more years—there is also a need expressed by the business community that the Port Authority should consider having a backup to its one crane, which the Port Authority considered, and it seems to us it makes sense to have a second crane. We examined, within the country, other owners of cranes, to see whether those cranes would be able to supply the need of the port, and to do it perhaps in a lease basis. It turned out that alternative was just not available. There are cranes operating on the Island, but they are unable to lift a 40-ton container with a boom at an angle of 45 degrees.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, in getting rid of Thompson Shipping, it was my understanding that the crane in use, the one purchased some three years ago, was supposed to have been the best crane available. I do not follow the change, since there is only a 26% increase in business, and in purchasing that crane we would have taken cognisance of increases for several years. Did they approach Thompson Shipping in assisting them in this last effort for a backup since they had two cranes in operation, which had carried us since 1976?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I think it is fair to say that Thompson Shipping was approached from April of 1996 as to whether they were willing to sell any of their cranes, and we did not get any reply from them at all. When we started thinking about this particular exercise, we were actually unaware of where these Thompson Shipping cranes are. Information came to us that they were going to be relocated to the British Virgin Islands, so I am unable to say what the position is with Thompson Shipping.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Honourable Minister state if, when the new crane was purchased in 1995, the thought was that there would be a need for a backup crane?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I think I said earlier that any piece of equipment can break down, and obviously we thought of that possibility in the future. We did not explore in great detail what was available locally for leasing purposes to form that backup. In recent times, we did, only to discover that there is really none here in operation at the moment that can provide that service.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House the advantage of purchasing, maintaining and paying someone to drive their own equipment, over contracting the services, as was provided by Thompson Shipping?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I am sure there are a variety of reasons for the Port Authority, dealing with cargo coming into the country—in which you have contraband material and all sorts of security matters—would lend itself to the Port Authority taking on its own property its own crane, to make its own income, and to distribute some of that income back into the Government in terms of a contribution, so that income can help provide service to people of this country. The crane we bought is providing that service, operating profitably. Although there was some gloom and doom for many months about it, it is operating efficiently, offloading the ships in accordance with any comparison anyone wants to make with the loading in Miami or Port Everglades or anywhere else.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House whether the Port Authority's decision to purchase and operate its own equipment emanated from any dissatisfaction with the service Thompson Shipping provided? Is the Port Authority owning and operating its own equipment more cost effective than the contractual arrangement in place when Thompson Shipping provided the service?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I thought I would answer the second part of that question. The crane is owned by the Port Authority. Its operational cost is being paid by the Port Authority. It is making an income over and above that expense and it is also moving on to be able to repay a part of the loan, or monthly instalments for the loan. So I believe, yes, if that is what is factual, it was a good decision and I have no regrets in the Port Authority taking it.

The Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. With the understanding that cost effectiveness is a ratio of expenses to revenue, I do not believe the question posed by the Third Elected Member for Bodden Town was answered. I will get to the supplementary, Mr. Speaker, but so the Minister knows what I am driving at, I think the supplementary question asked by the Third Elected Member for Bodden Town was whether the new arrangement with the Port Authority's new equipment is a better arrangement—cheaper, and more cost effective. By cost effective I mean whether or not the expense of purchasing and the revenue and other benefits being derived exceed what was being obtained from the rental arrangement from Thompson Shipping.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I must say, I spent many days in the classroom dealing with cost benefit analysis and cost effectiveness, so I understand what it is. I am saying that as far as Thompson Shipping is concerned, the Port Authority earned nothing from it, versus what it is now, where the Port Authority is earning income!

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, in light of the Minister's answer, can he say whether or not there has been an increase in cost to the public?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, every three, four or seven years, there are increases put to the public by the Government, whether it is an increase in the registration fees of cars or otherwise. To keep in place the purchasing power of the dollar earned by the Government there is an inflation factor. If you are earning \$50 in 1990, what that could buy in 1990 is far different from what it can buy today. What it is buying today may be equivalent to \$40 or \$45. So there is a need, from time to time, to upgrade the fees being earned by any organisation—including the Port Authority—to maintain the dollar value in relation to the inflation factor. Increases

made in recent times by the Port Authority were 5%, and that is certainly not even equal to the cost of living increases since last it was made.

The Speaker: I shall allow two additional supplementaries. The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker. With all due respect, I believe the Honourable Minister is really waffling on the question. We are really not getting the answer. We are not asking the Minister to give us a lesson in economics. It was a straightforward question: Is it costing the public more money as a result of the Port Authority having bought that equipment, as compared with the arrangement formerly put in place with Thompson Shipping? It is a straightforward question, Mr. Speaker.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, every one of us in this House is entitled to our own opinion, and so is the Third Elected Member for George Town. I am trying to answer the question—not to give him what he wants to hear, but what is the truth!

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I will ask my supplementary but, again, as the Third Elected Member for George Town said, with the greatest of respect, his question has not been answered! If the Minister cannot answer, then let him say so. But the question has not been answered!

That is not my supplementary, Mr. Speaker, I am just asking for you to please direct the Minister to answer the question because he has not answered it!

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, perhaps what the Ministers are trying to determine—

Mr. Roy Bodden: Ministers!

Hon. Thomas C. Jefferson: Well, maybe one day you'll get promoted!

Mr. D. Kurt Tibbetts: That's not our ambition. Let's hear the answer now!

Hon. Thomas C. Jefferson: You just hold on, I'll give you the answer in a minute.

When you put any money into a project, you have to carry out a feasibility study to ensure that—and let me back up by saying the reason we have statutory authorities, which are taking off from the Government a certain amount of income that previously was coming to the

Government, you put it into a statutory authority and give them the mission to operate as a business entity; meaning that whatever you do, you try to ensure that there is a profit orientation in the way you carry out your exercise.

Having spent—

[inaudible interjections]

Hon. Thomas C. Jefferson: Hold on, hold on! Having carried out the exercise of purchasing its own crane, I am sure the Members sitting and asking questions today would love for me to be in the position where that decision would be that the crane is making a loss.

[Some Members: No, no, no, no!]

Hon. Thomas C. Jefferson: I am glad to hear that you are saying no.

Mr. D. Kurt Tibbetts: Mr. Speaker, on a point of order, sir.

POINT OF ORDER

The Speaker: Let me hear your point of order.

Mr. Roy Bodden: We can't allow the Member to get away this!

The Speaker: He is only expressing an opinion.

Mr. D. Kurt Tibbetts: Mr. Speaker, he did not say he was expressing an opinion. He said, "I am sure." That is what he said!

Mr. Roy Bodden: True, true!

The Speaker: Could you reword it please?

Hon. Thomas C. Jefferson: Thank you. Mr. Speaker, I am happy to reword what I said. My intentions in what I said are that I am sure the Members sitting across the floor asking questions would love perhaps for me to be in a different position than I am, where the crane is making a profit. I am not casting any aspirations [sic] at them at all. What I am saying is that having taken the decision to purchase a crane with a mission given to the Port Authority by the Government they must operate in a business way, they are then oriented to making profit.

When you spend \$2 million on a crane, you have to ensure that there is a feasibility study, and there is revenue to be earned by the crane that exceeds the expenditure on an operational basis. The charge that was made by Thompson Shipping for offloading equipment or containers from the ship, we are still unable to determine how much that was. So I am unable to say whether the arrangement with the Government, which is charging \$30 to offload a 40-ton container, is more or less than what Thompson Shipping was charging. We have tried

to determine the amount of money Thompson Shipping was charging for that service, and we were not given the information.

The Speaker: First Elected Member for George Town with the last supplementary on this question.

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, contrary to what the Minister just said—and he told us he was not casting any aspirations, I trust he meant aspersions, because all of us have aspirations. But, anyway, contrary to what the Minister just said, we, asking substantive and supplementary questions, are not asking the questions because we want the answers to be in a situation where the country is in a bad position. So let the Minister not even give that impression to himself, much less to anyone else. That is not the case! We understand our responsibility, sir.

But my supplementary, understanding what he has said, is to ask if in fact the increase to the public in the tariffs by the Port Authority was a direct result of the increased cost to the Port Authority in operating their own crane; or was it simply a natural situation where it was time to levy an increase in the charge? The question is simple. Was it as a result of increased cost to the Port Authority for their own operations, or was it simply a matter that it was time to do so?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I think the answer is simple: It was both.

The Speaker: Moving to Question 86, standing in the name of the First Elected Member for West Bay.

Mr. W. McKeeva Bush: It would have been good to have gotten another supplementary in—

The Speaker: Next time.

Mr. W. McKeeva Bush: —since we talked about costs, because as I understand it, a 40-foot container was \$250 before, now it is over \$384. That does not seem like a 5% increase. But the next question, Mr. Speaker—*[inaudible comments]* Ah, that is what people are paying now, but anyway.

QUESTION 86

No. 86: Mr. W. McKeeva Bush asked the Honourable Minister responsible for Tourism, Commerce and Transport what the profit and/or loss projections for the first five years of operation of the Pedro St. James Castle are.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The profit and loss projections for the first five years of operation at the Pedro St. James Castle are conservatively estimated, based on actuals for the first five months of 1998, and does not include revenue from cruise ship passengers.

	1998	1999	2000	2001	2002
Revenue	\$ 85,498	\$ 360,111	\$ 415,197	\$ 477,476	\$620,718
Operating costs	550,112	561,114	533,058	538,388	549,155
Net	-464,614	201,033	-117,861	-60,912	+71,563

Hon. Thomas C. Jefferson: We have a revenue estimation, Mr. Speaker, of \$85,498 for 1998; \$360,111 for 1999; \$415,197 for the year 2000; and \$477,476 for the year 2001; and 2002, \$620,718. The operational costs, reading from 1998 forward: \$550,112, \$561,114, \$533,058; \$538,388, and \$549,155. It shows the net loss of \$464,614 estimated for 1998; \$201,033 in 1999; \$117,861 for the year 2000; \$60,912 for the year 2001; and a small profit estimated for the year 2002 of \$71,563.

The Speaker: Supplementaries?

Hon. Thomas C. Jefferson: Mr. Speaker, may I add, I think a lot more work needs to be done to this exercise in order for me to be one hundred percent comfortable with it.

The Speaker: Are there any supplementaries? The First Elected Member for George Town.

SUPPLEMENTARIES

Mr. D. Kurt Tibbetts: Thank you. Can the Minister state how these projections were arrived at? What method was used, and by whom, to get to these final figures?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, the figures were put together using the first five months of operation in 1998, charging admission at the Pedro St. James. At the moment the charge is US\$6 for adults and \$3 for children. As we know, the project did have a 'soft' opening, and is not really catering to many visitors at the present time. Actually, we are not promoting it at this time in a great way, because we are waiting for the project to be fully operational, so the figure in 1998 is going to be small. I think yesterday I answered a question from the First Elected Member for George Town which indicated that for the first five months of operation, the income was about \$40,000 for this year.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, just a gentle reminder, sir, the second part of my question was by whom, if the Minister will answer that please.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Thank you, Mr. Speaker. I am sorry I did not follow through with that answer. This projection was done by the General Manager of the Tourism Attraction Board.

The Speaker: Third Elected Member for George Town.

Mr. Linford A. Pierson: I know this perhaps asks for a little more detail than the Member may have, but I wonder if he is able to give an indication of what percentage of fixed costs will be included in the operating costs? The reasoning is that I note in 1998 the operating cost was \$550,000. It has decreased to \$549,000 in 2002; yet the income keeps going up. On the basis that the expenses usually move in proportion to the increased revenue, I wonder if he could explain that difference.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I have to apologise. The General Manager of the Tourism Attraction Board is not on the Island at the moment. I did not have access to some data which I am sure he has, and I would undertake, if the Member wishes, to provide the information to him in writing.

The Speaker: If there are no further supplementaries, we will move to Question 87, standing in the name of the First Elected Member for George Town.

QUESTION 87

No. 87: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Commerce and Transport if there are any plans by the Port Authority to develop the public open space at the Safe-Haven site for use by local boat operators.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The Port Authority does have plans to develop the Public Open Space at Safe-Haven. Presently, the property is owned by Government, and it will be necessary for the property to be vested in the Port Authority before any development is considered, or significant funds expended.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Minister state if there has been any request to Government by the Port Authority or by the Minister himself for the property to be vested in the Port Authority?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, the answer to that is yes.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state, since he just said the answer to the supplementary is yes, if Government was in agreement with the request; and if not, what was the reason for not agreeing with the request?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I do not think the Government was in agreement with vesting this in the Port Authority. They thought the property was very valuable. I think they perhaps will reconsider it, but at that time, they did not.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Can the Minister state, since Government's thinking was that the property was very valuable, did Government itself have plans for use of the property?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I am not aware of any plans by the Government to develop it. It may be, but I am not aware of it.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

In a previous answer to a supplementary, the Minister said perhaps Government would reconsider it. Can the Minister state if the Port Authority intends, either through him or whatever other channels are necessary, to request again for Government to vest the property with the Port Authority?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I intend to ask the Port Authority to reconsider doing so.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Thank you, Mr. Speaker.

Can the Honourable Minister state whether he is in possession of an offer or some form of application from the private sector to develop a similar facility in the North Sound, the George Town Barcadere area, that will also provide proper sewage facilities, similar to what would be considered under this question?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: My Ministry has not received an application. Perhaps it went to a different Ministry.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Perhaps I could be a bit more specific, and ask the Honourable Minister if he has received—or maybe the Minister for Agriculture Environment, Communications and Works has received an application from Scott's Industries to develop a similar facility near the Mike Simmons property in the North Sound?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, at the present time, I am unable to give any further information on this one.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Following up on what the Third Elected Member for George Town asked, may I ask the Minister if he is aware of such an application? In fact, I will go a bit further: Is the Minister aware of such an application, and such a paper being brought to Executive Council?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I do not think I can talk about what is before Executive Council. I am reluctant to do that.

Mr. D. Kurt Tibbetts: Mr. Speaker, I am not asking for details, and we have gotten into this argument before. I am asking the Minister if he is aware. I am simply asking him if he knows of the application. I am asking him nothing more about the application. I am simply asking him.

The Speaker: I think he said he—

Mr. D. Kurt Tibbetts: In fact, if he wishes me to forget about Executive Council, let me rephrase it, Sir. Is the Minister aware of any such application?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I said earlier that I was unaware of an application, and there was no application in my Ministry. Maybe it appeared in some other Ministry. This supplementary question triggered from what I know the plans to be down at the Port Authority. I am conversant with those details. I really do not know what this application is about that the First Elected Member for George Town is referring to.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

Is the Minister saying that he has never seen or heard of such application?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I believe it is fair to say that I am answering questions related to the Port Authority. I really cannot deal with George Town Barcadere questions. It is not my responsibility.

The Speaker: First Elected Member for George Town.

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

I understand that this supplementary may be straying from the original question, but the reason for this supplementary regarding a situation at the George Town Barcadere is that the facility we are arguing about at the SafeHaven site which is public open space vested with the Government, I think—anyway, it is zoned public open space—the same facility being argued about down there, we understand that in recent times a private facility was being offered if permission was granted.

The relevance to the situation is that if that were to occur, we may not be pressing for Government or the Port Authority to expend funds to deal with a situation like that. So, while it may seem to be straying, we think it is very relevant; and if the Speaker would allow, if the Minister seems ignorant of any of the facts, perhaps the Minister who is directly responsible would be able to answer the question. That is, the Minister for Agriculture, Environment, Communications and Works.

The Speaker: I really think you should put down a substantive question if you want this information. But if the Minister for Agriculture wishes to speak on it, he may.

[inaudible interjections]

The Speaker: At this time, I would entertain a motion for the suspension of Standing Order 23(7) and (8) so Question Time can go beyond 11.00.

Mr. D. Kurt Tibbetts: Mr. Speaker, I so move, with the hope that I might get an answer.

Mr. W. McKeeva Bush: I second, Mr. Speaker.

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

The Speaker: The question is that we suspend Standing Order 23 (7) and (8). I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Question Time will continue.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE.

The Speaker: Does the Honourable Minister for Agriculture wish to answer? *(Pause)* Are there any further supplementaries?

Mr. D. Kurt Tibbetts: He na' gon' answer or wha'?

The Speaker: He does not wish to answer.

Mr. D. Kurt Tibbetts: What a charm he is!

The Speaker: If there are no further supplementaries, we will move to Question 88, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 88

No. 88: Miss Heather D. Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to give a progress report emanating from recent district meetings which were held at the Bodden Town Civic Centre and Savannah Primary School, between the new Commissioner of Police, his Officers and the residents.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The following is the progress report:

Speeding:

There were one hundred and twenty-nine (129) motorists prosecuted in the first quarter of 1998
Forty-seven (47) in Savannah
Eighty-two (82) other prosecutions in the neighbouring community of Bodden Town.

Speed Limit Signs, Savannah Meadows:

The erection of repeater signs was referred to the Public Works Department, which is presently conducting a survey as to where these signs should be positioned.

Juveniles Riding Go-Carts, Newlands/Savannah Acres:

The parents of the juveniles were spoken to concerning this problem.

Spot checks are being made by police patrols. No further complaints have been made to the police.

Overtaking on soft shoulder onto Eden Crescent (in the vicinity Domino's Pizza):

Two "No Left Turn Signs" were erected by Public Works Department on the eastern approach to Eden Crescent. These, along with police checks, have reduced some of this activity.

A police officer has been posted at the junction on some mornings.

Derelict Vehicles, Old Monument Road:

Satellite dishes and derelict vehicles were placed on the roadside for collection by the Department of Environmental Health.

The roadside debris was removed; however, the vehicles have not been removed because of mechanical problems with the vehicle owned by the Department of Environmental Health.

Vandalism, Savannah Playing Field:

Increased police patrol checks are being conducted to prevent further acts of vandalism.

Environmental Hazard, Newlands:

Two persons were formally charged, but the charges were withdrawn by the Court because of a deficiency in the Law.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker.

I wonder if the Honourable Member would say what deficiencies in the Law caused the charges to be withdrawn for environmental hazard in Newlands, and if there is an amendment being prepared to come before the Parliament.

The Speaker: The Honourable First Official Member.

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

I am not in a position to say what the deficiencies were in the Law. As the Member will appreciate, it is a matter for my colleague the Second Official Member. I am not sure even what law is referred to. This is purely a report, an update that was being given.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, I would like to thank the Honourable Member for that reply, but I would assume that these two people were taken before the Court and charged by the police. I wonder if he could converse

with the police officer and give us an idea what the deficiencies are.

The Speaker: The Honourable First Official Member.

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

For the benefit of that Member, I did converse with the police officer, but we are not in a position to say.

If the Member so wishes, I will get that in writing.

The Speaker: Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker.

I look forward to receiving that information.

My other supplementary is on juveniles riding go-carts. Is the riding of go-carts against any law in these Islands?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I wonder if the Member would repeat her question.

The Speaker: Elected Member for North Side.

Mrs. Edna M. Moyle: My question is, is the riding of go-carts against any laws in these Islands?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Mr. Speaker. The riding of go-carts on public roads is against the law.

The Speaker: Second Elected Member for Boddan Town.

Miss Heather D. Boddan: Thank you, Mr. Speaker.

I would like to take this opportunity to publicly thank the Commissioner of Police and his officers for these most important district meetings. Can the Honourable First Official Member say if these district police community meetings will continue throughout the districts quarterly or every six months?

The Speaker: The Honourable First Official Member.

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

It is my understanding that they will be held every six months.

The Speaker: If there are no further supplementaries, we will move to Question 89, standing in the name of the Second Elected Member for Boddan Town.

QUESTION 89

No 89: Miss Heather D. Bodden asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, since the new Community Development Officer has been assigned to Bodden Town, what programmes have been put in place since 1 January 1998.

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

Hon. Anthony S. Eden: Thank you, Mr. Speaker. The Community Development Officer for Bodden Town has been involved in the following programmes since 1 January 1998:

- Continued working with the Bodden Town district Youth Band, which was formed in November 1997 by the officer and Mrs. Penny Thompson. The band now has 38 children ranging in age from 8 to 14 years. The group continues to perform at a variety of functions, including recently concluded Child Month Activities and the Bodden Town Primary School graduation. A fund-raiser was held to raise money for additional equipment. The group raised \$1,700. This was organised by the Community Development Officer, along with the parents of the children.
- Re-activation of the Bodden Town CODAC group, which had been dormant for the past two years. The group's first project is to mount a display at the Bodden Town Civic Centre to include photographs and written summaries on the history of Bodden Town.
- An Easter programme for Bodden Town's senior citizens was held on 6 April 1998.
- Assistance in the form of transportation every fourth Monday in the month for the "Fun for the Young at Heart" group organised and run by Reverend Menko of the Webster Memorial United Church and Ms. Josie Solomon.
- Continued to be involved in the Police Community meetings.
- Organised Child Month activity for 100 children at the Bodden Town Civic Centre on 11 May.
- Summer Programme organised for 3 to 14 August 1998 for 90 children, to be held at the James Manoh Civic Centre.
- Two new community groups are in the process of being formed, one in Breakers and one for Cumber Avenue.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. It is obvious from this answer that things are happening in the District. Could the Minister say if there is any communication between the various community development officers? The reason for the question is that perhaps there are ideas which could emanate into other districts, and if communication is going back and forth, there could be an exchange of information which would enhance operations within the districts.

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, this is but the start. I am made to understand that the different community development officers meet every two weeks to exchange ideas and go forward.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I wonder if the Honourable Minister could say if there are any programmes along these lines in the District of North Side.

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

Hon. Anthony S. Eden: Mr. Speaker, I am informed that a survey, primarily to establish needs, has been done. They are working closely with the North Side PTA, and also with the youth group of the North Side United Church.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Minister would say if the need is now where the District of North Side should have its own community officer. I believe there is one officer for East End and North Side, and I believe this is too much for one officer to handle, if we are to achieve and bring forward programmes like this.

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

Hon. Anthony S. Eden: Yes, Mr. Speaker, I support the Member in that. I think for these programmes to be effective, we need the dedicated people in each district, and we will submit this in the next budget.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. Can the Honourable Minister say where the community development officer can be contacted when someone

from the District of Bodden Town needs to get in touch with him?

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

Hon. Anthony S. Eden: There is a number at the community development headquarters, which is 949-3885, but we will be endeavouring to find a location in Bodden Town. As a matter of fact, I shared this with my support officers behind me. We have looked at the health centres. There are some openings there. I know specifically in Bodden Town we will be looking at another area, where I think it is a good idea for the public to have access to these officers, to go in, sit down and talk with them, and where they can sit down and do their work.

The Speaker: If there are no further supplementaries, we move to Question 90, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 90

No. 90: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Commerce and Transport what the limit of taxis allowed to operate in these Islands is.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The limit imposed by Government in 1992 for Taxi Operator permits is 250. This quota is currently being reviewed by the Public Transport Board.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House when any new licences were last issued; and what the current position is regarding this quota, whether we have 250, or whether we are currently above or below this number?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, we are still at the 250 taxi operator permits. I know there are many people in the Island lining up to obtain taxi operator permits, and we are hopeful that the review being carried out by the Public Transport Board will put us in a position to inform Members of the Legislative Assembly about what that entails.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister tell the House the last time any new licences were granted?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I would assume it was back in 1991 or 1992. At that time the police were dealing with taxi licences. It is only since September of last year that we took it over, so if something happened prior to our taking it over, I am not going to be able to answer the question honestly.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. I would sincerely request if the Minister, when it is convenient, would undertake to provide that answer in writing to the Honourable Members of the House as we deem it very important.

My next supplementary has to do with the review, and my question is, Is the Minister in a position to provide some information on the extent of this review? I ask this question, particularly after ascertaining that many of my colleagues that have been approached by Caymanian people complaining of their difficulty in being able to obtain taxi licences. Some of them claim they are excluded because the quota is taken up by persons who do not have Caymanian status, who are not Caymanian, or have Caymanian connections.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, first, I am willing to give an undertaking to provide the information in writing as requested to Members.

It is also appropriate to say that in 1992 this quota, moratorium or limit, was put on before we took office. So the exercise being carried out by the Public Transport Board is looking at the marketplace, the services being provided, by whom, and whether or not the marketplace can sustain additional taxis operating, or whether adding new taxis to the present fleet of taxis would cause the majority of taxis to earn less rather than more. I think we have to look at this in great depth, because there is a down side to it as well as realising that in anything, we probably have taxi operators who are not toeing the line or living up to the standards. The Port Authority's exercise is also taking that into account.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Minister say if, in the review, the Public Transport Board will be giving any attention to providing courses in training, appearance and general deportment among the taxi drivers?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, the answer to that is yes. Maybe to enhance what the Member is saying, there will be training, putting the taxi driver in a position to give accurate historical or current event data. I am certain that part of the exercise is just about in place. It is a matter of deciding when to do it.

The Speaker: If there are no further supplementaries, we will move to Question 91, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 91

No. 91: Miss Heather D. Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works, Are there any future plans to erect a traffic light or install a four-way stop sign at the junction of Tall Tree and Newlands Road?

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

Hon. John B. McLean: Thank you, Mr. Speaker. Public Works Department currently has no plans to erect a traffic signal or install a four-way stop system at the intersection of Poinciana Drive and Hirst Road. However, now that there is concern by Members of the Legislative Assembly, we will, through Public Works Department, take the necessary action to do a study on this junction, and will implement the necessary controls to assist safe motoring. However, this will have to be done in conjunction with the police, and we will have their input.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. Would the Honourable Minister give an undertaking to keep me and my two colleagues, the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, and the Third Elected Member for Bodden Town, fully updated on the progress of the Public Works Department report?

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

Hon. John B. McLean: I have no problem giving that undertaking. As a matter of fact, I am sure we will have to work together on this to make it a reality.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. Could the Honourable Minister perhaps request a complete study of the traffic flow in this area, if it has not already been done?

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

Hon. John B. McLean: Thank you, Mr. Speaker. Some traffic flow [studies] have been done in that area, but for us to have a proper four-way junction, or to install traffic lights, we will have to do a full study of the area, and it would probably include the junction that runs toward Pedro Castle also.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. We are all aware that this intersection has become a very busy and dangerous one. Would the Honourable Minister also give an undertaking to include in this study the impact on the increase of traffic with regard to tour buses and taxis now with the coming on line of the Pedro St. James Castle?

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

Hon. John B. McLean: I would be most happy to work along with the Department of Traffic which falls under my colleague here, and whatever we do, we will definitely keep the lady Member informed, along with her other two colleagues.

The Speaker: If there are no further supplementaries, we will move to Question 92, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 92

No. 92: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works, What has happened to the manual microscopes and other such instruments that were left by Dr. Giglioli at the Mosquito Research and Control Unit?

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

Hon. John B. McLean: Thank you, Mr. Speaker. It is my understanding that any microscopes, instruments or other items left by Dr. Giglioli at the Mosquito Research Unit were acquired by the Department. These items were utilised or stored by MRCU as part of the Department's equipment and resources.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Is the Minister in a position to say which of these instruments are currently utilised, and which are stored?

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

Hon. John B. McLean: Mr. Speaker, I would endeavour to get that information, but I certainly do not have it with me at this time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, the reason I ask the question—and I am going to ask the Minister to give an undertaking—is to ensure that any of the instruments not being used or not needed at this time, be given to the Museum as one would consider these items to be of historical and other interest to the community.

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

Hon. John B. McLean: Mr. Speaker, I do not have a problem with that, and I will definitely make that suggestion. If anything has been under-utilised or cannot be used any more, I am sure all Members here appreciate that Dr. Giglioli has been something special in this [tape inaudible].

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. [Tape inaudible]...question was because there are some rumours that some of these instruments have disappeared. We do not know this to be a fact, but we would simply ask that he undertake to investigate any that are missing, to try to determine [Tape inaudible]. We are not saying that is the case. We just wish to clear up the matter. As the Third Elected Member for Bodden Town just requested of the Minister, should any of these items not be in use presently, to ensure their safety and longevity could they be passed on to the Museum? I think it is important, and we would like the Minister to undertake to give us an answer in writing regarding the whereabouts of the existing instruments, and to ensure that all of them are still there.

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

Hon. John B. McLean: Mr. Speaker, that is more or less what I said a while ago. I would give that undertaking. However, my question was answered after having research done by the Department, and it is my understanding that whatever was left is still intact. If it is not, I will make a report back to the House.

The Speaker: If there are no further supplementaries, we will move to Question 93, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 93

No. 93: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works whether there have been any reports that the chemicals and insecticides used by the Mosquito Research and Control Unit are posing any health hazard to the people of these Islands.

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

Hon. John B. McLean: The answer is no. I am not aware of any reports that the chemicals and insecticides used by the Mosquito Research and Control Unit are posing any health hazard to the people of the Cayman Islands.

SUPPLEMENTARIES

The Speaker: Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. As I understand it, there have been some four or five Members of staff of Mosquito Research & Control Unit who have died over the years from cancer. I wonder if the Honourable Minister would say if this is any concern of the Department, and whether or not they are doing any research into this matter.

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

Hon. John B. McLean: Mr. Speaker, it certainly has been a concern of mine and others, that we have lost several people from cancer. But I can only repeat what I said—and I have to base it on what I have been told from the medical side. There should be no concern for the people of the Cayman Islands regarding the insecticides used there.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister say if any research has been done into the effects these chemicals and insecticides have as a result of settling into the water table, or being ingested by persons who may be still be drinking water from catchments in cisterns?

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

Hon. John B. McLean: Mr. Speaker, I think I was asked something like that. I do not recall if it came up in a Throne Speech or Budget Address, but we talked about the insecticides used. It is my understanding that the reason we have changed from the type of insecticides we were using is to put it beyond a shadow of a doubt that we have no problem with the insecticides used. The first ones, as I understood it, were. . . as you know, we utilised a lot of the spray with liquids, and we have even cut that down now to where we use pellets in certain areas where the mosquitoes are to try to control them. So it is my understanding—and I can only repeat what I have been told by the technical people—that what we have used has no effect on human beings.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Boddén: Thank you, Mr. Speaker. I would request that the Minister give an undertaking to have this investigated further. Recently, in an informal conversation with a medical practitioner off-Island who is very familiar with Caymanian patients, the question was raised to me as to the high incidence of certain cancers among Caymanian patients. The specific question was raised regarding aerial spraying as, in the absence of any empirical information, that party said it would have to be suspect in his opinion.

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

Hon. John B. McLean: Mr. Speaker, whatever will be beneficial to the people of the country, I will be happy to do. I am sure my colleague, the Honourable Minister for Health, will work along with me on it. But it is my understanding that what we have been using here for mosquitoes is the same thing used in Florida. As a matter of fact, our last Director had worked many years in Florida. That is as much as I can say on it. But the undertaking is definitely there. We will continue to do whatever we can to make sure that whatever is done there to prevent mosquitoes is something that is safe for the people of the country.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. As the Minister just said that he is concerned over the loss of some four or five members of staff from that department, I wonder if the Honourable Minister would say if there are any procedures put in place to monitor the present staff working with these insecticides, such as annual medical check-ups, or whatever, so we can find out if it is these insecticides, pesticides or whatever?

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

Hon. John B. McLean: Mr. Speaker, it is my understanding that all necessary check-ups are in place for members who utilise such insecticides. As a matter of fact, I understand there is something in place whereby those handling it have to use certain equipment when they are actually doing it, so I would think everything is in place. But again, I will make sure we do another check, and whatever is necessary will be done.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I thank the Honourable Minister for that, but as I notice when the fog truck is passing through my District and the wind is blowing strongly the driver uses no protection. Maybe the drivers of these trucks should be included in that procedure also.

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

Hon. John B. McLean: Mr. Speaker, it is my understanding that whatever is in place for one is in place for the other. If the lady Member has seen something like that, I appreciate her bringing it to my attention, and I will definitely speak to the Director and see that everyone is treated the same way.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning. At this time, we shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.36 AM

PROCEEDINGS RESUMED AT 1.07 PM

The Speaker: Proceedings are resumed. Other Business, Private Members' Motions.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

The Speaker: It appears there is a desire to change the Private Members' Motions as set down on today's Order Paper. In view of this, additional discussions are necessary, and I am going to suspend proceedings until 2.45 PM.

PROCEEDINGS SUSPENDED AT 1.08 PM

PROCEEDINGS RESUMED AT 3.12 PM

The Speaker: Proceedings are resumed. Private Members' Motions, Private Member's Motion No. 14/98,

standing in the name of the Third Elected Member for Bodden Town.

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 14/98

STATUTORY AUTHORITY MEETINGS TO BE HELD IN PUBLIC

Mr. Roy Bodden: Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 14/98, entitled, "Statutory Authority Meetings to be held in Public," which stands in my name and reads as follows:

"BE IT RESOLVED that the deliberations of the statutory authorities be held in public except in those cases in which the business to be discussed involves matters of national security, or any other such matters which would divulge sensitive information detrimental to the public good;

"AND BE IT FURTHER RESOLVED that the necessary laws and regulations governing the conduct of such meetings be amended to reflect such changes."

The Speaker: Do we have a seconder? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I beg to second that motion.

The Speaker: Private Member's Motion No. 14/98 has been duly moved and seconded. Does the mover wish to speak to it?

Mr. Roy Bodden: Thank you, Mr. Speaker. It was necessary for us to waive the rules and indulge in a little boiler-room deal-making. As a result of that, I wish to withdraw this motion, and I crave the indulgence of the Chair and the Honourable House to so do.

WITHDRAWAL OF MOTION [SO 24(14)]

The Speaker: I shall put the question that under Standing Order 24(14) this motion be withdrawn. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Private Member's Motion 14/98 is hereby withdrawn.

**AGREED: PRIVATE MEMBERS MOTION NO. 14/98
WITHDRAWN.**

The Speaker: Moving on, Private Member's Motion No. 12/98, entitled "Freedom of Information and Official In-

formation Act," the Third Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 12/98

FREEDOM OF INFORMATION AND OFFICIAL INFORMATION ACT

Mr. Roy Bodden: Thank you, Mr. Speaker. I beg to move Private Member's Motion 12/98, entitled, "Freedom of Information and Official Information Act," standing in my name, which reads as follows:

"BE IT RESOLVED that the Cayman Islands Legislative Assembly enact a Freedom of Information Law similar to that proposed in the United Kingdom's Freedom of Information White Paper;

"AND BE IT FURTHER RESOLVED that a select committee of the whole House be convened to determine the parameters of such legislation, after public input."

The Speaker: Do we have a seconder? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I beg to second that motion.

The Speaker: Private Member's Motion No. 12/98 has been duly moved and seconded. Does the mover wish to speak to it?

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 12/98

Mr. Roy Bodden: Mr. Speaker, before I speak to the motion, I crave the indulgence of the Chair and the House to move the following amendment:

"In accordance with the provisions of Standing Order 25(2) I, the Third Elected Member for Bodden Town, seek to move that Private Member's Motion No. 12/98 be amended as follows: by inserting the words 'and such matters relating to Statutory Boards' after the word 'legislation' as it appears in the last line of the last resolve."

The Speaker: Do we have a seconder?
The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I beg to second the amendment.

The Speaker: The amendment has been duly moved and seconded. It is open to debate. Does the mover wish to speak to it?

Mr. Roy Bodden: Thank you, Mr. Speaker.

There is no need for me to speak on the amendment. I would crave the Chair's indulgence to let us put the amendment to the vote, and I will then speak on both combined.

The Speaker: The question is that Private Member's Motion 12/98 be amended, as per the notice provided to Members.

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

AYES.

The Speaker: The Ayes have it. The amendment has been accepted.

AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 12/98 APPROVED.

The Speaker: I shall put the question on Private Member's Motion No. 12/98 as amended.

Does the mover wish to speak to that?

Mr. Roy Bodden: Thank you, Mr. Speaker, I certainly wish to.

I begin by being gracious and extending my appreciation to all Honourable Members for allowing us to conduct the business of the House in this way at such relatively short notice. It shows there is still hope, and that we can do a lot of things when we approach them with open minds and sincere hearts.

The reason the House has seen fit to support—and I am happy for the indulgence of the Chair, Mr. Speaker. I do not by any means wish to diminish the Chair's role in facilitating all of this. The reason we have decided to go this route, although it took us a little time to get started, is that we will save the House a considerable amount of time, seeing that the two motions (the one withdrawn and the one currently being debated) were so similar.

I am happy on this occasion, because usually when the Government is so co-operative it also means it will be more than likely supporting the motion. I certainly would not expect complete and unadulterated support, and I suppose the nature of politics being what it is, the Government may wish to express some minor concerns and reservations. We on this side have no problem with that, and I am sure the Government's position will serve to spice up our debate and add a little variety. I would hate to know that our Parliament became the chamber where the Government echoed the Opposition, and the Opposition echoed the Government, with no variation or differentiation. It would certainly be very boring.

Having said that, let me begin by saying that this motion calling for a Freedom of Information Act is timely in terms of the world-wide move toward making government more open. We have, on both sides, latched on to the phrases 'transparency' and 'openness.' Certainly, Honourable Members in the Chamber will know

that the Government has undertaken a big exercise—reinvention and re-engineering of Government. And now, under the auspices of the Department of Finance, the Honourable Ruth Richardson is advising the Cayman Islands Government on some major reforms which are in keeping with the reinvention and re-engineering of Government.

But equally important, the United Kingdom itself—the metropolitan or Mother Country, as some people term it—is also in the process of making some reforms. Indeed, their Freedom of Information Act entitled "Your Right to Know" is the model I have chosen as one we can use here in embarking upon our own Freedom of Information and Official Information Acts. It would be a good time to lay a copy of this on the Table, as well as to provide a copy for the Chair. I had circulated some copies previously with page six missing.

These copies are now complete, so I will lay one copy on the Table and make one copy available to the Chair.

In his brand new book entitled *The Transparent Society*, author David Brin convinces the reader that transparency and accountability are the best defences against abuses. In this book, David Brin suggests that openness is essential if we are to progress and to have the type of government that will be most effective in taking countries and societies into the twenty-first century. The United Kingdom Freedom of Information Act, "Your Right to Know," begins by making this observation: "**Unnecessary secrecy in government leads to arrogance in governance and defective decision-making.**"

That indeed is a proven fact. I notice in paragraph 1.3 of the United Kingdom Freedom of Information Act, "**This right to know has existed in Sweden since the eighteenth century, in the United States since 1966, in France since 1978, in Canada, Australia and New Zealand since 1982, and in the Netherlands since 1991. The United Kingdom can learn from the experience of these mature fellow democracies.**"

So we see that freedom of information, or official information acts as some people call them, have been around in some countries for quite some time, in Sweden since the eighteenth century.

Relations between public authorities and the wider society, I am positing, need to rest on two-way openness and trust. Certainly, in the case of the Cayman Islands and the move we are attempting to make, this is no less important and significant. There will, of course, be sensitive information, but we believe that freedom of information is an important element and should be an important cog in our effort to modernise government and government bureaucracy, and that this freedom should have wide application.

But of course there have to be some limits to the parameters. To begin with, let us briefly discuss where some of these limits may come in. For example, sensitive intellectual property, trade secrets, information that could affect share prices, etc. When I discussed this with some people, they asked me what this would do to

the secrecy involved in our development as an international financial centre. Well, Mr. Speaker, let me allay any fears people may have regarding this. We have a law entitled "The Confidential Relationships (Preservation) Law." This Law, as I understand it, is a very important Law in our development as an international financial centre. I certainly would not be so foolhardy and irresponsible as to come here and try to introduce any legislation or any Private Member's Motion which would nullify and negate the effects of that Law.

Let me be unequivocally clear to say that what is proposed here has nothing to do with confidentiality, as it relates to our business as an international financial centre. And it has nothing to do with the Confidential Relationships (Preservation) Law. It is not my intention to impinge on that Law. Indeed, as I develop my argument, I will make it crystal clear that I regard certain kinds of information as off limits. For example, information about private parties which, if made public, could seriously affect an individual's standing in the community, such as medical records, sensitive information about the person like the person's financial records.

These kinds of information would be off limits. Commercial confidentiality, another important point, would be off limits. There is no way this kind of information or this kind of access could be given. Anyone seeking this kind of information would have to take it up in other forums, and would have to take their request through a court of law, which would then rule on the admissibility or availability of this kind of notice.

The above notwithstanding, we believe that a certain amount of openness should be the guiding principle, especially in the functioning of statutory boards. It is my belief that making some of the meetings of the boards, like the Immigration Board, the Planning Board, or the Trade and Business Licensing Board, open to members of the public, would certainly expedite the processes, and also serve to educate and inform people who may be interested.

I say 'people who may be interested' because the fact that a meeting is open to the public does not mean it will necessarily be attended by members of the public.

It may well be the case that if I had a matter before a board and I knew the board was meeting to decide upon that matter at a certain time and venue, out of interest I suppose I would go. But I want to make it plain that attending the meetings would be the extent of it. Such persons would not be able to participate, and would not be able to interact in any way, unless they were specifically asked to appear formally as a, let me put it this way, witness or resource person. Their attendance at these meetings would be limited as the attendance of visitors in the gallery of the Parliament.

They would merely be passive spectators, and could be ruled out of order and asked to leave, the same way the Chair can ask visitors in the gallery who are determined to be conducting themselves inappropriately to leave. The extent of public participation at these board meetings would be that they come in, sit down and con-

duct themselves with the greatest of decorum. And whether they abided by a decision or objected to a decision, they would have to keep their sentiments to themselves.

I want to say something else—the board reserves the right and discretion, if the matters are sensitive, to close the meeting off.

As far as freedom of information is concerned, I would expect that decisions would be relatively easy to acquire after the board has met to decide on a matter. Let me explain. If, for example, an application is in, I would expect that shortly after the meeting one could get a decision as to whether the board approved or disapproved the application. But I do not see it necessary, nor in the best interests, to provide verbatim minutes of the proceedings of the board. I would shy away from advocating that this be available cursorily. As I have said, if there are objections or grouses, or appeals of decisions, and people want this kind of information, they would have to go through the normal channels which, as I understand it, would be the courts.

In all jurisdictions I researched, freedom of information would entail basically information as to whether a decision had been granted or not. It may extend to explain why the decision was not granted, or recommend what needs to be done to meet favourable approval, but it would not carry the verbatim minutes as a normal course.

What would be the scope of such an Act? Well, I consider that this freedom of information would extend to all Government departments dealing with routine matters, their executive agencies, and the various statutory boards. It quite conceivably could extend to private entities with which the Government does business. For example, the Government does business with two utility companies, the telephone company and the electric company. This freedom of information quite conceivably could extend to cover some of the Government's relationships with these entities.

Are there any limitations? Yes, there are limitations. What would not be covered? Any matters emanating from a Government department or ministry dealing with national security, police matters other than routine police matters. For example, it would not cover police matters investigating crimes, whether crimes against an individual or against the State. This kind of information would not be appropriate. When I say 'routine police matters,' it would cover routine police matters like traffic. Much of the information that comes out now in the police report—we could get traffic statistics, fatalities, information on the various types of crimes, and that kind of information.

It would also not cover matters dealing with certain kinds of confidentiality, even in some civil cases that may deal with financial matters, bankruptcies and so on against companies or individuals.

What would the object be of making information such as this motion calls for available? First of all, it would inform people. It would serve to inform people as

to what is happening, how a government department or ministry functions.

It would empower them. It would teach them. It would instruct them in how to access certain information. It would also let them understand, after accessing this information, their responsibility to use it in a proper and responsible way, to achieve the purposes they set out to achieve, whether that is purely informational or on the basis of using the information to redress some grievance or some questions they may have.

In the second instance, it would place a certain obligation on the bodies allowed in the Act to give out this information, making it publicly available as a matter of course. It will clearly set out the statutory duties and responsibilities of the various Government departments. It would enhance operations, even in this Parliament, because sometimes it is more convenient for Members of the Legislative Assembly to go directly to civil servants involved to get certain kinds of routine information when we are preparing debates; or it may even be as a foundation to some queries or questions we have informally. We may be requested by our constituents to find out certain things on their behalf, not necessarily political matters, which would wind up in a debate in this Legislative Assembly.

Right now, there is some reluctance on our part to do that, and there is a great reluctance on the part of civil servants to dispense some of this information, even though some of it is quite routine and harmless. This Act will enable us to have better relations, and will clearly set out the parameters within we, as the representatives of the people and Members of the Parliament, can approach the civil service and access this information without going through a long, drawn out and circuitous process.

A good example is that we often ask questions about the functioning of the Tenders Committees. We question the amount of bids, who bid, why was the bid awarded, and all that. It would help us, as Members of the Legislative Assembly, to have more ready access to that information. It would also help the tenders. If this Freedom of Information Act comes into place, I see the unsuccessful bidders being helped because perhaps the Tenders Committee can then inform them as to why they were not successful in their tendering, and how they could improve their tendering next time to be successful.

I want to add a point of caution, by saying that this whole business of commercial confidentiality should not be used to deprive anyone of information. This whole business of commercial confidentiality should not be an excuse to keep people from knowing or accessing certain information. Perhaps that will be the great challenge we face.

Who can apply for such information under this Act? Anyone, Mr. Speaker! Anyone can apply. I stress that the application will have to be formal, because records will have to be kept. I would expect that when the select committee meets and takes depositions and hears witnesses, it would set up a system whereby all requests will be considered equally, based on their con-

tents. But for the sake of smooth operation, records will have to be kept, although I would hasten to say that we should operate under the stipulation that people would have to state and demonstrate their need for the information they are requesting. I do not think we should go that far, because for the Act to be effective, the access right should be capable of a broad and flexible application and interpretation, and should cover both records and information. Records, in terms of any decisions made; and information, meaning, reasons surrounding the decisions made or not made.

The United Kingdom Act (and I like this) in section 2.20, says, "**The Freedom of Information Act is not intended as an aspect of public sector employment law. It is not, therefore, intended that the Act should cover access to the personnel records of public authorities by their employees. This will also apply to records held for recruitments and appointments.**"

I want to emphasise this. People should not be able to get personnel records as a result of this Act. This Act should have nothing to do with the dispensing of that kind of information. No one should be able to apply and access the records of any public servant. They should not be able to access the appointment of any public servant, nor the files on anything having to do with recruitment, termination or contract. That is excluded, unavailable.

So the Act should be open, fair, straightforward to operate. I envisage, if this Act is successful and we are as organised as I think we should be in promoting it, before the Act comes into effect that the Government would embark on an extensive public information campaign. Some people talk about propaganda, and when you say propaganda many people have negative connotations.

But there is good propaganda and bad propaganda. I am going to refrain from using the word 'propaganda,' lest people misunderstand and misinterpret and take the negative connotation, and say that the Government should embark on an extensive public information campaign to educate the people as to the purpose and how to use and access this information, and also to tell them what kinds of information will not be available under this Act.

For myself, the mover, I would strongly suggest that we do a special campaign to inform the people that this Freedom of Information or Official Information Act has no bearing and no relationship to our Confidential Relationships (Preservation) Law.

I stress that, and I would crave the indulgence of the Chief Secretary and the Honourable Financial Secretary to work together to ensure that this comes out first and foremost, that this Act will have no bearing on our ability to maintain our financial integrity and Confidential Relationships (Preservation) Law.

The Speaker: Would this be a convenient time to take the break?

Mr. Roy Bodden: Yes, Mr. Speaker.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.50 PM

PROCEEDINGS RESUMED AT 4.22 PM

The Speaker: Please be seated. Proceedings are resumed.

Debate continues on Private Member's Motion No. 12/98 with the Third Elected Member for Bodden Town, continuing.

Mr. Roy Bodden: Thank you, Mr. Speaker.

Prior to the break, I mentioned a point that bears emphasis. Notwithstanding what we were discussing yesterday in that OECD report, "HARMFUL TAX COMPETITION: An Emerging Global Issue." Confidential information regarding our status as an international financial centre will not be had through any Freedom of Information Act, or any Official Information Act. I make that quite clear, both for those who may be listening, and for anyone who is so minded to peruse the *Hansards* of this Honourable House.

That is one of those things that is non-negotiable, and I dealt already with that. Persons or entities requesting that kind of information, provisions are already made for that, and they can make the applications to the courts or those competent and relevant authorities. But such information will not be able to be gleaned through a Freedom of Information Act.

This brings me to a very interesting point in my presentation, because accessing this information will necessitate an organisation or some entity to whom applications can be made, and to whom, if necessary, appeals can be made. Also, it necessitates another point, because one could not reasonably expect the Government to go back into files and records and research information, provide it formatted, and expect that such a service would be gratis. I would not impose such generosity on the Government, because I know ultimately it would have its costs. For this reason, someone must pay and it seems only reasonable that the applicants must be prepared to pay for information requested.

I see this requirement to pay as serving two purposes. In the first instance, it will eliminate frivolous and ill-thought-out requests. In the second instance, it will enable the Government to carry on a well needed service without being out of pocket significantly. I want to make it unequivocally clear that persons requesting such information should be prepared to pay. It is not for me to decide, as the select committee will take input and arrive at the best position.

Suffice it to say, however, that I would expect it would not necessarily be a profit-making venture, but the charge would be one primarily derived to enable the Government to recoup any monies expended in accessing the information, that is, to be able to pay the civil servant's time and take into consideration any electronic

retrieval, etc. So it would be a nominal cost, based ideally on recouping the expense incurred in accessing the material.

The second point, however, is one of a little more technical and complicated concern. It has to do with the organisation of that person or that office, through which such requests would be routed. I note that the United Kingdom White Paper talked about a commissioner. Other jurisdictions call it the ombudsman, and I am aware that in some jurisdictions the parliamentary ombudsman serves the same purpose, plays the same role as the commissioner of information. Well, in our jurisdiction, we have, I think, provision for an ombudsman in our Constitution, but we do not have the office set up yet. We certainly do not have such an officer available in the Parliament who would be able to act as a commissioner.

I think for some time now, Members on both sides of the House have been discussing this whole notion of the development of the office of an ombudsman. It may be well nigh time to enter into more concrete discussions. Perhaps one of the roles and functions of the ombudsman, as it relates in our jurisdiction, could be to serve as the commissioner of information, as such person is called in the United Kingdom, as well as take on certain other responsibilities and broader aspects. I cannot be presumptuous.

Indeed, my role here precludes making any suggestion that is going to impose any financial strain on the Government. I merely bring this out to say that in discussing the business of freedom of information, we must be cognisant of the fact that we have to think about some office or organisation where these applications can be routed, and where appeals can be heard. Preferably, it is someplace where such a business would be the major business.

For example, right now the Clerk of the Legislative Assembly is also the Clerk in charge of the Register of Interests. But it would be a little irksome and very tedious and difficult to impose this further responsibility on such an office. I would see this perhaps emanating out of the Government Information Office, with some special person designated to handle these kinds of requests.

So Mr. Speaker, as far as who pays, I want to emphasise that the public must expect to pay for this information.

It is getting close to the adjournment hour, and I still have some more points to make before I close.

The Speaker: Thank you. I would entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday, 1 July 1998 at 10.00 AM.

The Speaker: The question is that this House do now adjourn until Wednesday, 1 July at 10.00 AM. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until Wednesday, 1 July 1998 at 10.00 AM.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 1 JULY 1998.**

**EDITED
WEDNESDAY
1 JULY 1998
10.23 AM**

The Speaker: Prayers by the Honourable Second Official Member responsible for Legal Affairs.

PRAYERS

Hon. Richard H. Coles: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Questions to Honourable Members/Ministers. Question 94 is standing in the name of the First Elected Member for West Bay.

**QUESTIONS TO HONOURABLE
MINISTERS/MEMBERS**

QUESTION 94

No. 94: Mr. W. McKeever Bush asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation: What provisions are being made by the Government to deal with medical expenses of the elderly, the handicapped and other indigent persons locally, and especially those needing medical treatment overseas?

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

Hon. Anthony S. Eden: The Health Insurance Law and Regulations come into effect on 1st July this year. From that perspective, all persons resident in the Cayman Islands must be covered by a health insurance contract, except those who are uninsurable. It is anticipated that many of those who are uninsurable and even partially uninsurable will be that way due to medical conditions brought about by advancing age or by a particular handicap.

For persons proved uninsurable or partially uninsurable and unable to pay their medical expenses (these are described in the Law as indigent uninsurable and partially uninsurable persons) a segregated fund is being set up in order to meet the medical expenses. Money for this fund is being collected from the insurance companies for every health insurance contract issued under the Health Insurance Law. Five dollars is collected each month for an individual and \$10 for an individual with dependants.

The payment of inpatient benefits for medical treatment overseas is included, provided the person is referred for medical treatment by the Chief Medical Officer.

Persons assessed as indigent but insurable will continue to receive free medical treatment at a Government Health Care facility and will be referred overseas by the Chief Medical Officer for treatment when necessary until such time as the Government decides to take out health insurance or some other form of coverage for them.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Can the Honourable Minister say, in relation to medical treatment overseas, what is the total amount of unpaid bills, as at the most recent date available to him, outstanding under an advance account for medical expenses?

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

Hon. Anthony S. Eden: Mr. Speaker, I would not have that with me at this time, but I will undertake to get it to the Member.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: That is okay, if he can provide it to me in writing.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if he has any idea of the number of people assessed to be indigent or uninsurable at this time?

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

Hon. Anthony S. Eden: Not at this time. The process is ongoing, but once this information is compiled I will share it.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Can the Honourable Minister explain the procedure followed when processing a patient, whether indigent or otherwise, upon arrival at the outpatient department in the hospital?

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

Hon. Anthony S. Eden: If it is deemed they are not in a position to pay, they would be referred to the accounts department. If it is an indigent person, an assessment would be made by the social worker.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: As regards the treatment that would be offered in the case of an emergency, would a doctor be called on the scene to see that patient or would the diagnosis be made by a nurse in the outpatient department?

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

Hon. Anthony S. Eden: It does not matter who the individual is, there is a triage system at the hospital. If that person is deemed in immediate need to be seen by a doctor, the payment is secondary. The primary cause at the hospital is to see that the patient is cared for. Once the person is stabilised we would deal with the monetary side of it.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: May I just perhaps explain to the Hon. Minister more clearly what I am trying to ascertain? If a patient walks into the George Town Hospital saying that he has fallen and believes that his arm or leg may be fractured, would a doctor be called, or would that diagnosis be made by the nurse? The reason I am asking is that it has been brought to my attention that a patient went into the hospital and the nurse told the patient to go back home and put her feet up, when she complained that she had a sprained or broken ankle. That patient

then went to another doctor and found that she had a chipped bone in the ankle. That is the reason I am trying to obtain what proper procedure should be followed in such a case.

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

Hon. Anthony S. Eden: I appreciate the Third Elected Member bringing this to my attention. This is not going to be tolerated at the hospital, and I would appreciate getting the details. The process when the person comes in, and especially in this situation, is that an X-ray should have been ordered and the doctor called in to determine what was there. But I appreciate that.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: This issue has been pressing for some time now and this question affords me the opportunity to bring it to the Minister's attention. Is the Minister in a position to say what was the rationale whereby somebody with dependants is charged \$10 while an individual is charged a \$5 surcharge to go into the fund to assist those who are uninsurable or find it difficult to obtain insurance?

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

Hon. Anthony S. Eden: I think the driving reason behind this is that generally more than one person is referred to as a family, where the premium would be more than for an individual. And to make it more balanced, it would collect that amount from the family.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: The reason I am concerned is that in most jurisdictions these charges would be more lenient on the family, and the individual would be required to pay more by virtue of the fact that the individual would be in a better position. Someone with a family would have perhaps already been burdened with family expenses. So I am asking the Minister for an undertaking that consideration was given in arriving at this ratio. Some people have brought to my attention that this is unfair for persons with families, and individuals with little to no responsibilities are getting off.

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

Hon. Anthony S. Eden: I am willing to take this on board. The only logic I saw was that most families are from three to four people when you do the average. I think that is how they arrived at that. I am willing to undertake and find out.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is the Minister aware that people who are getting free medical here in the Islands are asked for substantial guarantees or collateral when they have to go overseas?

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

Hon. Anthony S. Eden: The main driving force on this is that Government looks forward to having some security or collateral if a person has it available. In the event of a declared indigent (I think it is under the Poor Persons Law) who has no resources, Government is obligated to take care of that person. But if there is a piece of land or a house or something, once there is some security in place when that person dies, Government will have something to hold on to.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I understand what the Minister is saying; however, the rationale behind free medical is that the people, whether they are veterans, or elderly, or handicapped, are people who are not able to pay medical here in the Islands. How, then, if they are not able to pay here, can they be expected to have such collateral for overseas? Maybe the Minister needs to look into it a little bit more and give us an undertaking that he will look at that aspect of the free medical. I would appreciate that.

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

Hon. Anthony S. Eden: Once again, that is a good observation. In the past, the only difference people are required to pay is the difference between the hospital room here and overseas. I have a feeling that once the new Health Insurance Law comes in this will be addressed. But I will talk with the Members about this.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: I wish to thank the Minister. The problem, if I can inform him, is that I know of several elderly people who upon approaching the officers here to go overseas faced that problem. Then they are running to Members of the Legislative Assembly, or somebody else. But that problem does exist with the elderly.

The Speaker: I think that has pretty well completed that question. We move on to question 95, standing in the name of the Elected Member for North Side.

QUESTION 95

No. 95: Mrs. Edna M. Moyle asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works whether Government has had any

discussions with Cable & Wireless (CI) Ltd regarding the reduction of telephone rates subsequent to the concerns being aired by the public in the local newspaper.

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

Hon. John B. McLean: Yes, Government and Cable & Wireless (CI) Ltd have been meeting for the past three years to arrive at a fair and reasonable rate re-balancing plan. It is expected that an announcement will be made later this year. However, as these discussions have involved Executive Council they are confidential as such.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether the Government utilised the services of a telecommunications expert in these discussions, and, if so, can he tell the House what credentials that person has?

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

Hon. John B. McLean: I have the telecommunications officer behind me. It is my understanding that he is a qualified telecommunication officer with the necessary degree which would facilitate what we need.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether these discussions were confined exclusively to rates, or did they carry over into other areas? When I say rates, were they confined to rates relating to telephone and faxes exclusively, or did they carry over into other areas such as the Internet, etc.?

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

Hon. John B. McLean: As is customary, when a company is in discussion we tend to discuss various things. Although we may come in to discuss telephones, it is possible that we might have strayed and discussed the Internet. As I pointed out, these were discussions at Executive Council level and I will make this all available to the House as soon as it is completed.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I am fully aware of the confidentiality that exists in Executive Council. However, in light of Government's undertaking for a more open and trans-

parent Government, I wonder if the Hon. Minister is in a position to state whether or not he is aware of any initiative by Cable & Wireless to bring about a more equitable system, especially for people paying \$50 or less for their telephone bills.

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

Hon. John B. McLean: That has been discussed. I will say that it was a concern during the discussions, but I would prefer not to elaborate on this at this time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say why it has taken three years to arrive at this point? What was so tedious or arduous about the exercise that it had to take three years? Also, in the negotiations, has it been discussed that customers receive retroactive credit since these negotiations took three years?

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

Hon. John B. McLean: If it takes three years, four years or five years for us to come to something that will assist this country—and especially as the Member for George Town mentioned, the poor people—I think we need to do it that way. What we have to realise is that we are dealing with a company that has a franchise. And it is an agreement we must negotiate, and we have been negotiating. I think that from what we know of Cable & Wireless, they have continued to do well for our people here, especially in the line of training. Over the last year or so we have had greater investment. I think if it has taken us a while to negotiate we should just bear with it.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: The Hon. Minister said that during these discussions other matters were covered. I wonder if he could say if any discussion took place as to why, when someone now requests a line from Cable & Wireless, they have to bear the expense of an electrician to do the wiring, whereas before Cable & Wireless did everything. What is the reason behind this?

The Speaker: That is a bit outside the question. Can you answer, Hon. Minister?

Hon. John B. McLean: Mr. Speaker, I think it is far outside the question that was asked. If the lady Member would like me to supply that information to her, I certainly will.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I just wanted to thank the Hon. Minister because I did say that I knew it was outside the question. But he did say that he had other discussions. That is why I was asking. But I thank him very much and I look forward to receiving information.

The Speaker: If there are no further supplementaries, the next question is No. 96, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 96

No. 96: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to provide a list of those persons given 'permanent residence' and 'permanent residence with the right to work,' giving nationality and length of residence in these Islands since January 1993.

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

Hon. James M. Ryan: A total of 325 (plus 313 dependants) were given permanent residence. A total of 256 persons (plus 187 dependants) were given permanent residence with the right to work, from 1993 to 1998.

Attached is a list of persons showing their length of residence in these Islands who have been given "permanent residence" and "permanent residence with the right to work."

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if these residencies are awarded on any quota system?

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

Hon. James M. Ryan: No, Mr. Speaker, there is no quota system for permanent residence.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if the individuals who make up this list is a confidential list?

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

Hon. James M. Ryan: The names are not published and the Member will note that I have marked the list of names "Confidential." If you haven't received it, certainly the Serjeant will be handing it out. I did say that it was being circulated for the benefit of Members of this Honourable

House because a portion of the question asked for the length of time they were resident in the Islands before getting permanent residence. But I ask that we respect the fact that the names are not published. Thank you.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I wonder if the Honourable Member can say what criteria is used in determining who qualifies for permanent residency with the right to work?

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

Hon. James M. Ryan: Normally the Board will look at whether or not the person has family connections, or the length of time the person has been resident in the Cayman Islands.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I wonder if the Honourable Member can say whether or not the person's assets play any role in the decision. That is, land and a house.

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

Hon. James M. Ryan: When dealing with applicants who are applying for permanent residence who are what is referred to of independent means (meaning that they are able to support themselves, they are not seeking to necessarily work here) the Board will look at their assets here in the Cayman Islands, or their ability to support themselves.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I thank the Honourable Member for his answer, but the question I want to ask is whether or not he is aware of any decision being taken in regard to refusing the grant of becoming a resident with the right to work because the person did not have a house and land here of a certain value.

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

Hon. James M. Ryan: I am not aware of the incident which the Honourable Member is asking about, but I will be happy to look into the matter. He, no doubt, can give me the information on another occasion and I will be happy to investigate the matter for him.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if this list with the names of individuals includes both permanent residence and permanent residence with the right to work? If so, how can we differentiate between

permanent residence, or permanent residence with the right to work? Is it simply a matter of how long the person has been here, where beyond a certain length of time that is usually with the right to work, and the shorter period would be ones with the just permanent residence?

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

Hon. James M. Ryan: The list that has been circulated with the answer, regrettably, only includes permanent residence. There is a second list, and I apologise for that. I hope that would have been circulated. It should be available momentarily (it's just an oversight). That is only a section of the total.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: When we do get this list, as the Honourable First Official Member has advised, can he say up to what period of time in 1998 that list includes?

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

Hon. James M. Ryan: I am advised that the information runs down to the day the question was passed over to Immigration. So it would be a couple of days before the start of this meeting.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I would have to see the other list first. I wanted to ask a question because there seems to be someone who is not on the list—an individual I had heard was given permanent residency but is not on the list. If he is on the other list, I will not have to ask my question.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member tell the House what criteria is being used to award permanent residency with the right to work?

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

Hon. James M. Ryan: Normally in considering an application for residence with the right to work, the Board will look at whether the person is already a work permit holder. Quite often a person is here as a work permit holder and then qualifies to apply for permanent residence, or wishes to apply for permanent residence with the right to work. There are times when a person will be granted permanent residence only, and then will come back and ask for permanent residence with the right to

work. Those are the primary criteria used in dealing with this category.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I just wanted to ask the Honourable First Official Member whether any application for the Dart family had been received and whether or not anyone in that family or with that name had been awarded permanent residency?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs said when he submitted the answer that he was not dealing with names. So, if he wishes to answer, he may. He specifically stated that the information was for the years of residence.

Hon. James M. Ryan: I may have to give that information in writing. I don't seem to have that information at my fingertips.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I noticed that a considerable number of persons on this list have been resident in the islands, in one instance 32 years, some 24 years, some 25, 26, and so on—a significant number of years. My question to the Honourable First Official Member is, What is the procedure? Is it that these people have been here for that length of time and have just applied? Or have they had to apply more than once?

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

Hon. James M. Ryan: The Member's question is very difficult to answer. I would hazard a guess to say that some of those who are shown to have been here for a number of years may have applied for Caymanian Status and not been successful and are probably now applying for permanent residence to give them some security of tenure. But I don't have all the information on that.

The Speaker: If there are no further supplementaries, I will entertain a motion for the suspension of Standing Order 23 (7) & (8). The Third Elected Member for George Town.

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

Mr. Linford A. Pierson: Mr. Speaker, I so move.

The Speaker: Do we have a seconder?

Mr. Roy Bodden: I second the motion.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

Agreed. Standing Order 23(7) and (8) suspended.

The Speaker: The next question is No. 97, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 97

No. 97: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation whether Government has any intention of supporting the Canaan Land project.

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

Hon. Anthony S. Eden: The Government has already supported the Canaan Land project with a grant of \$80,000 over two years and also by waiver of import duty. Any further financial support is now dependent upon Canaan Land Home of Grand Cayman submitting to the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation a written proposal accompanied by their financial plan.

I am prepared to put forward a proposal to the Governor-in-Council for further financial assistance to Canaan Land Home of Grand Cayman, once their written proposal is received and is acceptable to both parties.

And for the information of this Honourable House, I do have a meeting scheduled with them on the 16th of this month.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: In view of the reported difficulties the Honourable Minister is now experiencing in establishing a similar home in Breakers, and in the interest of cost-effectiveness could the Minister explain why a greater attempt is not made in trying to combine the project to avoid the extra expense of pushing for the second rehabilitation facility?

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

Hon. Anthony S. Eden: The Ministry has met with the executive committee of Canaan Land on a number of occasions. As I said, I will be meeting with them on the 16th of this month. Until they change their approach as was brought to my attention in a letter from the chairman, which reads, "**We are sure you are acquainted with**

our one year programme to help young men to become responsible citizens again.” As the Ministry responsible for Drug Prevention and Rehabilitation, we have to look at a comprehensive an overall approach to providing rehabilitation not just for a specific age group. In the future we can dovetail this in to where it can be combined with what we want. But until we have the meeting, I would not be able to make a commitment.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if the Government will be giving any consideration to assist the Canaan Land project with their administration? This facility is in my district and there are times I have been confronted by inmates (as they call them) in the public begging. I do not think this is the type of thing that should exist in such a facility.

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

Hon. Anthony S. Eden: I appreciate the Member bringing that to my attention. In my discussions with Canaan Land, I can see a partnership in the future. For us to be successful it has to not only be a Government initiative, it has to be a community initiative. This is what we hope to be able to provide for our people.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: From all accounts it appears that Canaan Land is providing a very admirable service. In view of this I wonder if the Honourable Minister can explain if any practical approach has been made to forge the centralisation of the programme into one at Canaan Land. In other words, has he approached the administration of Canaan Land to try to work out an arrangement whereby the Government could cooperate with the Canaan Land project rather than trying to splinter the efforts now being made in the rehabilitation programme of drug offenders?

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

Hon. Anthony S. Eden: As I said before, in the past we have attempted to form this bond. We asked for certain positions to be put forward. We will now go forward again, as I promised, in this meeting. In our Drug Abuse and Rehabilitation Strategic Plan the collaboration of private and Government sectors is very much advocated and we look forward to forming a partnership with them as this problem is too big for just Government to deal with.

The Speaker: If there are no further supplementaries the next question is No. 98, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 98

No. 98: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and

Rehabilitation whether the Forensic Laboratory at the George Town Hospital is operational at this time.

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

Hon. Anthony S. Eden: The Forensic Laboratory at the George Town Hospital is not operational at this time. Equipment donated by the United Nations International Drug Control Programme (UNDCP) has now been unpacked and installation is expected to be completed this month. In order to make the Laboratory a fully functioning forensic drug testing facility, the Health Services Department has purchased additional equipment. Once this arrives on the Island it too, will be installed, hopefully as early as this month.

Once the necessary equipment is installed and the Forensic Scientist arrives, possibly in September, there will be a short trial period before the Laboratory becomes fully operational.

SUPPLEMENTARY

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say who will assume the administrative and management responsibility for the lab? Will it be the Ministry of Health, or some other Ministry?

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

Hon. Anthony S. Eden: At the present time, and in the foreseeable future, it is the Ministry of Health.

The Speaker: If there are no further supplementaries the next question is No. 99, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 99

No. 99: Miss Heather D. Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works to give a progress report on the Bodden Town Post Office.

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

Hon. John B. McLean: The building is being redesigned to accommodate the requirements of the Department of Licensing and satisfy the public's need in that direction.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say why there is a change in the design?

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

Hon. John B. McLean: The new facility will allow for ease of expansion, as I understand, and will facilitate the wishes of Government and the public to allow various other services to be accommodated.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say what the estimated cost of the facility is?

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

Hon. John B. McLean: It is estimated that it will be between \$450,000 to \$460,000.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if the Department of Licensing is being moved from George Town, or is this a section of the Department that will be moved to the eastern districts?

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

Hon. John B. McLean: The lady Member is aware that for a long time we were trying to give other services in the various districts. We indicated for some time now that the services would have to be done through the post office. So we are talking about licensing of vehicles, collection of other things through, perhaps, private companies, and that sort of thing. So it is the same thing as we discussed a long time ago.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I know that these discussions have taken place since 1993. I am aware of that. But because the answer stated it was "being redesigned to accommodate the requirements of the Department of Licensing and to satisfy the public's need in that direction" (I assume in the direction of the Department of Licensing), that is why I asked my question. Is this going to be provided for the entire eastern district or just for the district of Bodden Town?

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

Hon. John B. McLean: We are hoping, once funds are available, that we can give the services to each district. I have said this before. As a matter of fact, it will not only be here, we are hoping that we can extend all of the services to each district so this one is a post office that is being de-

signed now. The reason we are trying to improve it is the same reason we are trying to upgrade the other ones.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I would like to thank the Honourable Minister for his reply. But I wonder if he could give me some time frame as to when this service will be offered at the North Side Post Office since we have one now built?

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

Hon. John B. McLean: We are hoping that we will be able to put the services in all districts, as I said, with the funds available to me for the Postal Department. We are hoping that we can bring them on line as soon as we have all of the equipment in place. I cannot give the lady Member a specific time, but definitely we are trying to bring all of the services on line in the various districts.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say what the expected commencement date is for the new Bodden Town Post Office?

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

Hon. John B. McLean: It is my understanding that we were hoping to commence the latter part of 1998.

The Speaker: If there are no further supplementaries that concludes Question Time for this morning. I think this will be a convenient time for the morning break.

PROCEEDINGS SUSPENDED AT 11.15 AM

PROCEEDINGS RESUMED 11.53 AM

The Speaker: Please be seated. Proceedings are resumed. Item number 3 on today's Order paper, Other Business, Private Members' Motions, continuation of debate on Private Member's Motion No. 12/98, Freedom of Information Act, the Third Elected Member for Bodden Town continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 12/98

FREEDOM OF INFORMATION/OFFICIAL INFORMATION ACT

(Continuation of debate thereon)

Mr. Roy Bodden: Thank you, Mr. Speaker. When we adjourned, I had been making some points dealing with the administration and organisational structure of how requests could be made, drawing some comparisons on what is the situation in other countries. I wish to move on now to briefly discuss the relevance and necessity of this freedom of information as it affects and impinges upon the workings of the bureaucracy and the society.

I want to start by saying that it is my belief that such freedom of information, access to information, bodes well for the proper functioning of a democracy in that citizens can have knowledge about the structure and contents of the public sector's activities. There can be, perhaps, no more relevant observation than the situation that exists here in these hallowed Chambers. The Minister of Education quite frequently complains about the number of questions asked in Parliament. The reason these questions are asked in such numbers, and why it sometimes seems to be a tedious exercise, is that, unfortunately, the information requested can be had from no other source. I would foresee, when we get this Freedom of Information Act, Question Time in this Honourable Parliament taking an entirely different direction.

For one thing, I will be so bold and presumptuous as to suggest that there would be far fewer questions, and they would very well be limited, not to the policies of the Government (which one would assume would be public for all and sundry), but to actions taken by the Government in certain specific regards. That being the case, no self-respecting Member of Parliament would dare waste the Chamber's time seeking information that could best be procured through other sources. I would hate to be at the other end of your stare if I came to ask a question that was purely rhetorical, given those circumstances. I would expect an immediate and obvious improvement in the functioning of Parliament, and then no Minister would be able to justifiably complain about the numbers of questions, or tedious questions.

I want to use this to get into a slightly more complex area. I want to use this to discuss the relationship between those persons who are requested to provide the information, and those persons requesting the information. As the situation now stands, how does the citizen get information about the runnings of Government? How does the citizen get information about the operations of our bureaucracy? In many cases, the questions we ask—certainly, many of the questions I ask—are as a result of approaches made by constituents or the wider community. They are questions for which I as a representative do not necessarily have the answer. And heaven knows, I am really not interested in some of the questions personally, *per se*; but as a result of requests, and as a result of my role as representative of my people, I have to put forward these questions. It is only through this avenue that the persons I represent and the wider public can gain this knowledge.

The reason that is so is two- or three-fold. First, in many of these instances, the information could be obtained by a simple phone call to the civil servant in the portfolio, department or ministry. Sometimes the relationship is such that this is the route taken. I have certainly always had a good rapport with the First Official Member and his Ministry, and many of these problems and questions are handled through a simple phone call. But that is not the case when the subject or the question takes on a political colour, because the political representatives and the political director-

ate do not feel as secure as perhaps the Official Members, hence the relationship takes a different tinge. I would not expect that any Permanent Secretary or Assistant Secretary would want to put himself in a position in which his Minister thinks he is giving out information that could be used against the Minister, or that may be inimical to the interests of the Minister. So in those cases, the route usually taken to procure that information is through a question to Parliament.

In such dealings, the Member involved, the bureaucrat involved, has to make three considerations. He has to say, if approached with a request for information under the system as it stands now, *'What is my professional responsibility? Will I be endangering myself? Will I be breaching the General Orders? Will I be breaching the Civil Service Regulations if I give this answer to Roy Bodden?'* A hypothetical case. He may not be breaching the Regulations! He may be so secure, knowledgeable or experienced that he is sure he is not breaching the General Orders or any regulations of confidentiality by giving me this answer. So, professionally, he is safe.

Now, politically he has to ask himself another question. *'Politically, is it expedient for me to give this information to the inquirer?'* It may not be! He says, *'Well, while I cannot be charged with any breach of civil service confidentiality, if I give this answer it will not be good for my political health, because the Minister or politician under whom I work may feel I have betrayed his interests by giving his rival, or by giving this answer to the Opposition.'* So professionally he is correct, but personally and politically, he is in a quandary.

The final question he would have to ask himself is personally. *'What is my disposition?'* He may be perfectly secure on the first two. *'Personally, what is my disposition? Do I want to give him this answer? Do I want to provide this information to him? Or am I putting myself in a position in which he can use this information, not only to make my Minister look bad, but also to make me look bad.'* So as it stands now, persons from whom certain information is requested are in a real quandary, and would have to ask themselves a triad of questions, and would have to be satisfied that on all three questions they are safe.

However, a Freedom of Information Act or Law removes this triad of questions and there is a simple solution! The information is there for all who care to access it. It has nothing to do with my professional position. It does not impinge upon any breach of the General Orders I may make. I cannot be victimised or punished by any politician who may take a purely political slant to my providing the answer. And personally, I am relieved of any conscience call or any quandary of how it might eventually affect my position as a civil servant. So it immediately clears up and removes any cloud hanging over any individual, and it makes the functioning of the bureaucracy much more efficient.

I also want to stress that it is a much more efficient system in that it allows the average citizen to access and receive more information than probably is presently available. Mr. Speaker, you will very well realise that even in Question Time we are limited by the number of supplementary questions we can ask. We are limited for more reasons than one. There is a time constraint as well as other Members have questions to ask. Freedom of information removes those limitations.

Also, it is efficient. It allows the inquirer to go right to the information he or she wishes. Sometimes when we ask questions in this House we have to take a circuitous ap-

proach. We ask a substantive question, but that is sometimes nowhere near the information we are seeking. We have to rely on supplementary questions to bring out. It may take four or five—and Mr. Speaker, you well know, depending on the person asking, that sometimes it takes ten or fifteen. It tries your patience and you remind us every so often that you will allow only two or three. Heaven knows I have been caught in that position, when you tell me, ‘*You will ask one more,*’ and I still have not obtained my information!

So, having freedom of information, or direct access to information is certainly a much more efficient system. It enables the mass media—and I am sure that the journalists who sit in the Parliament will greatly appreciate it also, because it gives them a more direct access. It makes their work, for want of a better expression, much easier. Then perhaps the journalists can choose the times they wish to come to the Parliament. When information is available from other sources, they may not need to spend all these hours here listening to tedious and boring speakers, like me, and their time could better be spent accessing the information directly from the relevant offices. It bodes well for the functioning of the bureaucracy, and for the enlightenment and informing of the society and citizens all round.

I realise—and I do not know how many people have thought of this—that one of the problems we may have at the beginning is dealing with frivolous, vexatious or trivial requests. That is why I stressed that one of the things the Government will have to do, one of the approaches the Government will need to take, is to embark upon a campaign to educate and inform the people how best to access this information. That, I suppose, is going to be primarily the responsibility of the ombudsman or commissioner of information. One of the things I know we are going to have to confront early is situations in which the information has already been supplied and there is no more information available; also, the situation in which the information requested is of a trivial nature. I have already stressed the point that certain types of information will be precluded.

I also notice—and this is a matter I have to discuss with my colleagues here on the Backbench—in other jurisdictions, the ultimate protection infringement on people’s privacy is made through what is called the ‘Privacy Act’ or a ‘Data Procurement Act.’ I would suggest that we give this some consideration. When the opportunity avails itself (I hope not too long from now) I am going to discuss with my colleagues whether it may not now be necessary to think of bringing such an Act as the balance to this Act in Parliament. Let me emphasise, freedom of information has nothing to do with personal information. No one should, as a result of this Law, be able to get information personal to me, or to you, Mr. Speaker, or to any other Member of the Parliament. That means they should not be able to access my medical records, my bank records, or any other information personal to me. I believe, from where I sit, the ultimate guardian and absolute guarantee that these kinds of attempts are not made is for us to craft a law saying this kind of information is precluded, and that we have a special law ensuring that this information cannot be had.

When the opportunity avails itself, I shall take that to discuss with my colleagues, because I am one of those people who feels safer when I have on the belt and the bracers. Then I am certain the trousers won’t drop off!

It also, as I have stressed cursorily, removes the probability of bureaucrats and civil servants having to worry

about inappropriate conduct. It also—because we frequently hear about a rumour sprung on the marl road—removes the effect of all these things, leakage of information. This is particularly so during an election year. Sometimes people do these things out of a sense of spitefulness, mischievousness and wilfulness. A Freedom of Information Act will make all these kinds of behaviours unattractive. Obviously, if one hears a rumour pertaining to a certain action on the part of the Government or Opposition, or on the part of any Ministry or Department, under this Freedom of Information one could access it quite easily. It will make certain types of rumours and certain kinds of mischievous behaviour unattractive—not only unattractive, it might make them downright dangerous for persons who insist on this kind of irresponsibility and mischievousness.

I like to be abreast and aware of what has been happening. I have been following the *Caymanian Compass* for quite a long time, and I was particularly interested in the position of the *Caymanian Compass* on freedom of information. I have here five editorials I have selectively saved, going back to 15 December 1997, in which the *Caymanian Compass* spoke about freedom of information. With your indulgence, Mr. Speaker, I want to briefly refer to these. In the opening, the editorial said, **“With the Westminster system of government, Cayman has also inherited officialdom’s pervasive ‘culture of secrecy.’”** It went on to say, **“As Britain is in the process of demolishing that culture . . .”** we in Cayman ought to watch carefully so that we can keep abreast. They suggested we embrace the new concept and put it into effect here.

Then, on 20 January 1998, the *Caymanian Compass*, in the editorial, went on to speak about information to the public. This was in regard to the Dependent Territories Prison Advisors Report. The editorial ended up by saying, **“It is time that government, particularly this one whose members campaigned for more openness before the landslide election of 1992, be bold enough to release reports as soon as they are made.”** Again, on 23 March 1998, the *Caymanian Compass* editorialised freedom of information, and this was in relation to the precarious press freedom in some parts of the Americas and the Caribbean. It went on, in the penultimate paragraph, to say, **“A people cannot be free unless there is a free flow of information, a free press and unfettered freedom of expression.”**

Mr. Speaker, I presume I have your continued indulgence, as on 3 April 1998, the *Caymanian Compass* again editorialised. This time they called it, ‘Public Information.’ This was in relation to the announcement in Finance Committee that the Cayman Islands Government had purchased another aircraft. This is particularly thought-provoking. I must admit that I did not view the announcement with the same level of perception with which the *Compass* viewed it. The *Compass* said, in the second paragraph, **“It was previously known that there were plans to purchase a second aircraft for the national flag carrier, and Finance Committee had approved a government guarantee for funds for the purpose. Yet the fact that this has been accomplished emanated in [the] Legislative Assembly during Question Time when one of the MLAs sought information on the airline’s indebtedness. The MLAs did not immediately hone in onto this matter . . . This is not the only instance where Government has been lagging in its duty to inform the public of significant events.”** The edi-

torial ended by saying, **“Unless the public is well informed on all aspects of life, all these efforts are bound to fall short.”** Mr. Speaker, that is absolutely timely and the truth.

The last editorial to which I wish to refer in this instance is that of Wednesday, 20 May 1998, when the *Caymanian Compass* chose the editorial, ‘Freedom of Information.’ It began by saying, **“When Opposition MLAs will bring a motion for the introduction of a Freedom of Information Law in the next Legislative Assembly meeting, the government members of the House should resist the temptation to automatically reject it just because it comes from the opposition.”** That editorial made reference to the British White Paper, but ended by saying, **“A modern democratic society can function at its optimum level only with a well informed citizenry. It is only in an atmosphere of open government and with a free flow of information that useful public discussion can be held and that relevant input can be offered by the public.”**

Mr. Speaker, those of us in favour of this motion have no less an auspicious ally than the *Caymanian Compass* in our quest for freedom of information and complete openness.

I want to say now that many years before the existence of the *Caymanian Compass*, or indeed, any of us proponents of this motion, a now very famous American, James Madison, had this to say about freedom of information: **“A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps to both.”**

I am not ready to conclude yet, although I am moving in that direction. This call for freedom of information is—and I use this word advisedly—radical, because it will significantly alter the balance between the State and the individual. It will significantly alter the balance between the Government and the public sector; between the Government, the Backbench MLAs and their constituents. It will radically change the way public servants think about the status of official information, about their rights as individuals and public servants, and about their role and responsibility in the performance of their duties.

On the eve of the twenty-first century, I am convinced that this is a good direction in which to move; but I would not be so naive as to think that this attempt may not have its detractors. In the absence of the Government rising to state its disposition, I have to be very cautious. In 1995 when the person speaking got up to move that the Cayman Islands consider the Fiscal Responsibility Act of New Zealand with a view to adopting it, the Minister responding for the Government—the Minister for Education—took the whole debate out of context and came up with all kinds of bunkum about New Zealand being an independent country, and how we were going independent; and that he was not frustrated with the politics of the country, that he wasn’t a loser and he wasn’t defunct.

I have to say that I am proud that I have always taken my responsibilities in this Parliament seriously. One only has to look at my tenure to know that I have always had utmost respect for my colleagues and never, Mr. Speaker, NEVER have I brought anything here which could be described as less than responsible. I am reminded that the first motion calling for an ombudsman was brought by the Member

speaking, Private Member’s Motion No. 5/89. We now have provision for an ombudsman in our Constitution!

I was the foremost—and remain the foremost—advocate in our having a written charter and bill of rights. I do not want to be self-righteous, and I really do not want to embark on any quarrel, but as I was thinking this morning about what I would say at this time I want to use this opportunity to say this: When I came here, I did not come here out of any frustration! And I do not care what opinion the Minister of Education holds, he cannot put me down. I am a success! The mere fact that I am here and he could not stop me from coming here means I am successful!

And Mr. Speaker, let me tell you how I grew up. My paternal grandfather, who was the patriarch of my family, taught me that I would be a failure if I passed through a situation, if I spent time in a position, and did not leave that position better than I found it. I am not ready to sing my swansong yet. But I want to say that when I leave this Parliament the record of the legislation I have tried to introduce . . . anyone who is sensible will realise that I had the intention of leaving my country in a much better position than I found it. And Mr. Speaker, I have no apologies, and no one but no one can put me down!

I hope, for many reasons, that the Government will see fit to accept this motion, because I see it as complementary to other streamlining we are trying to do. I see it as complementary to the direction upon which we have embarked in streamlining the way we regulate, administer and manage our financial affairs. I want to stress that while openness does not begin and end with a Freedom of Information Act, there are many things we can learn, particularly from those countries with more experience in this kind of legislation than we have. I think, even if I have to say so myself, this is a good legacy for us to embark upon.

I thank the seconder, and I would only say that I am pleased and proud to be associated with the Backbenchers, in whose company I find myself now. We would have brought this motion some time ago, but we deferred to the First Elected Member for George Town, who requested we wait until he returned from New Zealand. Mr. Speaker, it is a delay which we have greatly benefited from. I commend the motion to the Honourable House, and hope all Honourable Members, my good friend, the Minister of Education included, will see fit to support the motion. My Honourable colleague—I use ‘friend’ but I wanted to say ‘colleague’—not that he is not a friend, but my Honourable colleague, the Minister of Education. I hope he will see fit as well to support the motion. Thank you, Sir.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I rise to offer my contribution to Private Member’s Motion No. 12/98, entitled, Freedom of Information/Official Information Act.

The original motion is calling upon the Cayman Islands’ Legislative Assembly to enact a Freedom of Information Law similar to that proposed in the United Kingdom’s Freedom of Information White Paper. The second resolve section asks, **“THAT a Select Committee of the whole House be convened to determine the parameters of such legislation, after public input.”** This resolve was amended to include matters relating to statutory boards.

Mr. Speaker, I am pleased to accept this motion on behalf of the Government. I believe that there is a difference

between freedom of information and the preservation of confidentiality where disclosure would not be in the public interest. The mover very ably brought out the fact that there would be some issues which would have to remain confidential in the interest of national security and good governance. I believe for too long the veil of secrecy has surrounded certain matters in Government simply because this is the way it has been done for the past thirty or forty years. However, we have seen a move towards more open Government since the beginning of the 1990s when the proceedings of Finance Committee were made public. Ten years before that time it would have been almost unthinkable for those proceedings to be open to the public or broadcast nationally.

It is a well known fact that when secrecy surrounds an issue—particularly an issue that attracts national attention, and no information or little information is forth coming—the rumour mill starts churning out its own version of misinformation. I believe it is high time that we do something about this problem wherever possible.

Let me hasten to say that a balance will have to be struck as to what information needs to remain confidential, and information that can be immediately made available to the public. But I believe that a lot of information that is confidential initially, can perhaps be released to the public after a period of time has elapsed. In recent times we have seen the United States of America de-classify information that was highly classified originally, but it is no longer necessary for the information to remain in that mode.

When I joined the Civil Service almost 33 years ago, the General Orders were a hallowed document that Civil Servants mostly only heard about but rarely saw. Today it is every civil servant's right to see the General Orders and, indeed, be fully acquainted with them. So I think we have made some small steps toward being more open over time. I expect that as we work through this motion in Select Committee, we will find that there are some matters pertaining to the statutory boards that will have to be dealt with behind closed doors. Again, the mover alluded to this fact. However, these issues can be addressed at that time.

The White Paper put out by the United Kingdom entitled "Your Right to Know—the Government's Proposal for a Freedom of Information Act" is a very comprehensive document. I will only touch on one or two subheadings. It looks at issues such as the scope of the Act and who it will cover, it also looks at who the Act will not cover, what the Freedom of Information Act is intended to do, the right to Access what the Freedom of Information Act is not intended to do, the duties, published information, and so forth. This will be a very useful reference document when we get started, and no doubt all Honourable Members will have a chance to read this through in its entirety before we begin.

So, I believe that this is a good motion. I don't think I need to go any further. There will be ample opportunity for each of us to express our views in Select Committee. Accordingly, I offer the motion my full support.

The Speaker: The motion is open for debate. Does any other Member wish to speak? (Pause) We have approximately nine minutes until the luncheon break. What is the wish of the House? (Pause)

We shall suspend until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.36 PM

PROCEEDINGS RESUMED AT 2.40 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 12/98. Does any other Member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: Thank you, Mr. Speaker. I would like, in voicing my support for this motion calling for an official information law, to say I have certainly advocated the institution of such a law, because if information is power, then access to information must be access to power. In a democracy, the power should be with the people. The power cannot be with the people if the government elected by them continues to monopolise the information it uses to guide the society. This motion calls for openness and trust, which are very necessary in this country, rather than secretive veils. Our strategies should be based on openness and trust. There is too much in this country that has been hidden behind the veil of secrecy for too long, and it is great indeed to know that all Members of this Honourable House have accepted the challenge to come into committee to form a law that will help us give the people a greater ownership of the information that belongs to the people, and the power that belongs to the people. I congratulate the mover and seconder.

I hope it will not be the result here that we pass so many Private Member's Motions that all of them die someplace because of the lack of enthusiasm to see them become an integrated part of the system. As Ms. Ruth Richardson very ably said, there is a need for us to integrate all of the reviews taking place at this moment. We have to come to a systematic understanding of what changes are necessary, what alterations are necessary at this point, and we must have a focus in mind. We must have an overview that enables us to deal, not just with the symptoms of the problems, but with the roots of the problems.

I believe the need for us to be able to provide information freely in this society, at least information not marked as confidential—because this bill is not to affect the very important concept of confidentiality, which is so essential to our economic well-being. No one would ever want to do anything that would adversely affect our financial institutions, but our financial institutions will definitely be threatened later if government is not made more accountable to the people. That is the potential danger in this country, that without information being fed back to the people, without the people being involved in the arrangement of democracy as participants, and to truly be participants they must participate in the decision-making process. To do that, they have to have sensible and reliable information made available to them. It seems almost, at this time, a common-sense principle that an Official Information Act is a necessary ingredient in any democratic society. Too often we tend to think we are neither here nor there. In other words, we are not really a democratic society; that there are other persons and institutions responsible for the decision-making processes, that we as a people are not accountable for our own destiny; that we, as a Legislative Assembly, are not respon-

sible for the job of leading the country; that other persons in other institutions are responsible. For this reason, we tend to pass the buck in such a way that no accountability is possible in this system.

I would like to say it is true that many countries have enacted legislation to make transparency more possible. The United Kingdom is not necessarily the best example of a country where transparency is paramount, because it is a type of system that has not necessarily evolved with the same type of experiments in democracy and freedom as in Switzerland, for instance, and the republics formed in the 1800s, as in the case of the United States where paramount in their Constitution is the concept of freedom of the press, which means, in fact, freedom of information, and the press having access to this type of information.

So it is true that if we are going to really use examples of the directions in which we are now to go, we have to move away from the more, let us say, archaic type of militaristic concept of the State, and the functions of the State. As long as we define the functions of the State as being almost charged with the ruling and control of the people, rather than obeying the will of the people, we will continue to believe the State should have prerogatives that the people themselves have not given the State, or that the people themselves should not have.

Let me conclude by saying it is purposeful, at this point especially, to give the people the idea that decisions of Government can be laid on the Table of this Honourable House; that Government does not have to do anything that should interfere with the basic freedoms of the people; and if individuals and Government conduct themselves in such a manner as not to interfere in the basic freedoms and rights of the people, Government should not have any problem in disclosing records of its decisions to the people, on whose behalf it makes those decisions.

Government should never become so empowered with its own self-importance that it believes it is there without the will of the people, that it should know things that the people themselves are not capable of knowing. That concept, that elitist concept, defeats the very nature of democracy, democracy being a system motivated and propelled by the people, to supply the needs, desires and wishes of the people, and not of any politically established class or groups of people. Bureaucrats should never come to the point to believe that somehow their protection, their security is more important than that of the people. I think we have again done something in this Legislative Assembly that is historical. It is of historic importance, when we come to realise that the people with whom we share power should now be allowed to share the information that is the basis of that power. Thank you very much.

The Speaker: Does any other Member wish to speak? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Mr. Speaker, as the seconder of this most important motion, I do not think I

have to say I rise to lend my support. In fact, from the beginning, I wish to go a little further, because I rise not only to support the motion before us, but also to challenge the Government. The challenge I wish to issue immediately has just been talked about by the previous speaker, but I think sometimes repetition bears emphasis. I am referring to the fact that while the Government has accepted the motion as amended, the timing of the legislation is going to be very important. My challenge to the Government is to get on with it immediately.

If the truth be known—and we can start to practice freedom of information right now as I speak—there are individuals in the Government system who are quite capable of drafting the necessary legislation. Before I start to deal with the merits of the motion, let me say that my wish—and I believe it is safe comment to say it is the wish of the Backbench—is that as soon as a select committee can meet (that is, a select committee of the entire House) . . . I think it is obvious who the chairman should be. I do not think anyone will have a problem with that—but if the Government is so minded, draft legislation could be discussed by that select committee in a very short period of time.

I say that against the background of the reform strategy being put in place presently. We have Mrs. Ruth Richardson with us once again. I think it has been basically agreed that the reform strategy has three parts to it: One is the public service reform strategy; second is the financial reform strategy; and of course, the third and very vital one is the freedom of information strategy. I take the view that all the good things we have been talking about in the recent past, and all the hopes and aspirations of us legislators and the public sector, will not materialise unless we have the legislation of freedom of information in place. I hope and trust that the Government will see fit to act immediately on this motion.

In the first 'Resolved' section of the motion, where it reads, "**Be it resolved that the Cayman Islands Legislative Assembly enact a freedom of information law similar to that proposed in the United Kingdom's Freedom of Information White Paper.**" In that 'Resolved' section, it becomes necessary for me to refer to the White Paper that has been produced in the United Kingdom on freedom of information. One might also be minded to say that since Government has accepted the motion, *Why don't we just get on with it? Why do we have to talk about it?* Not just to be seen to be exercising my jowls, but I firmly believe that there are some important aspects which refer to the motion, which need to be aired. If all of us are not with the same mindset regarding the position we take about freedom of information, perhaps we will have problems seeing it become a reality.

The mover, very eloquently as usual, outlined much of the argument proving the need for such legislation. I am sure in his wind-up he will deal with some other aspects. But while I may seem at some points going down the same road as the mover, I believe we need to paint the picture as crystal clear as possible, so there can be no hang-ups in the minds of anyone regarding the importance of this topic.

In the first part of the introduction of the White Paper, it is said—and I think this is a very powerful statement—“**Unnecessary secrecy in government leads to arrogance in governance and defective decision-making. The perception of excessive secrecy has become a corrosive influence in the decline of public confidence in government. Moreover, the climate of public opinion has changed. People expect much greater openness and accountability from government than they used to.**” If we—and as I trace other documents we will see the correlation—really look at what we are trying to achieve with such legislation, the two key words are used in the statement I just read, and that is ‘openness’ and ‘accountability.’ Let me discuss that for a few minutes.

We are used to—and only God knows how we got used to it—the political power struggle to be engaged on a front whereby, as has been said in this Chamber before, to the victor go the spoils. That has to change. The government of the day should not—and if I have anything to do with it in future, will not—hold a monopoly on information. It has been used in the past, that is information and facts, to seek political advantage. Today, this country is still paying the price for that type of action. Governments have come and governments have gone, and a government still remains which, as far as I am concerned, lives under the principle that if it knows more than the Backbench knows, and it can do without divulging that information to the Backbench, it is two steps ahead in the race. That is the thought process.

It is boiling to the point of being sickening. It must stop. I am glad the Government has accepted the motion. I am not sure if some parts of the Government fully realise what they have done, but thank God for this country that they have taken the course they have. I guess when I am through someone else will be enticed to speak, but that is all right with me. Let me be very clear. At this time, dividing the official arm of Government from the elected arm of Government, I pull no punches. As far as I am concerned, the official arm of Government has the gentlemen in the game. I am only sorry that at this point I cannot single out from the elected arm of Government whom I want to—not because I am afraid to, but because we are out for a peaceful afternoon. But it would take nothing off me to do it, believe you me.

We have a new lady Minister. And I will tell her, you and the world, that I feel sorry for her. I hope she survives. Perhaps with the new legislation she will survive. But not to get personal, let me get on with the meat of my debate.

For too long the government of the day has lived with the thought that having information and being able to hold it for ransom from the rest of us gave them an edge. It is purely the politics that have evolved. Like most people, a lot of them are not prepared to think for themselves and to be innovative, so they just fall in line whenever they get there. There are some of us here who, given the opportunity, will not allow that to happen to us.

If we go back to this White Paper to try to establish and understand the real purpose of calling for this legisla-

tion, we see that it says, “**The purpose of the legislation will be to encourage more open and accountable government by establishing a general statutory right of access to official records and information.**” I like to get back to what I live in. The difference with me nowadays is that while it may be easy to sidestep certain issues, I have found in this Legislative Assembly that the more we sidestep issues to keep the peace, the more they hide it from us. No more of that! If we have to confront it on a daily basis head on, so be it! Something is going to give.

Half of the time spent doing the country’s business—and the Backbench is continually blamed for it—is trying to get information, trying to arrive at the truth, trying to be responsible to the people who elected us so that they may be informed. The mover mentioned that. I wish to reiterate it. So let the Government not even think—much less dare say ever again—that the Backbench with all these questions and all these motions is bogging them down and they cannot get on with the country’s business. Let not that utterance be heard! The real truth is, with this type of legislation having safe passage through this House, much of the business of this country will speed up; many of the people’s requests will be dealt with much quicker. You know why, Mr. Speaker? I will tell you. Because those who deal with the people of this country personally, and who use their positions to hold things up, will not be able to hold them up any more. I do not care what the decision is! And this very day someone stopped me on the road asking me about an application in a certain situation, saying how many months it was and they had not heard a word about it.

I contend, until it is proven different, that much of that is done under a shroud of secrecy because they know they can do it. If I am wrong, anyone can prove me wrong, and I will accept it. But I believe what I am saying—I have seen too much of it not to believe it. You get up on the floor of this House and ask specific questions, and because there is no need to fulfill the request, sometimes they just look you straight in the eye and will not say a word! They look like mummies! Representation of the people must not be in that form. It must not be. The way the system must run—let me stop one second before I get to how the system must run.

You know what else really has to stop? This bunch of people and their extensions outside this House getting together deciding who they do not like, and who they are not going to deal with, and who they will not be able to help in certain situations because they are not on their side. Sickening! And they go further with their extensions, and say, ‘*You know what? That one and you having a little trouble? That’s all right, we are going to fix him good!*’ Sure they say it! And they do it! Of course they do it!

You know, there is an old saying, ‘Nothing before its time.’ God willing, I will be able, wherever I stay, whether here or on the outside, . . . I am so proud that my country is going to be able to see that those perverted minds (because I know they will not fall in line) will fall away. Naturally they will fall away and wither. No longer will this

country have to put up with knowing what is happening and not being able to do anything about it.

Mr. Roy Bodden: Then maybe it will be their turn to be defunct!

Mr. D. Kurt Tibbetts: The way the system should work, as I was about to say a few minutes ago, is that the marriage between the chain of command in the public sector and the movers and shakers and employers and employees in the private sector, the combination of all of that should be what we call 'joint ownership.' Everyone should be happy and willing and wanting to buy into ownership in the country. It cannot happen the way it is working now.

Many people in the private sector refuse to even want to co-operate as community-minded individuals, because they feel oppression through the government system. I live with it daily! I will go to an individual who is a well-meaning individual and say, '*Listen, we want to do such and such in a little area. We know you are able to provide certain things.*' Sometimes it is just time and expertise. '*We would like to get it done. Would you assist us, so we can get this little place fixed up for the children?*'—or something like that.

You know what they tell me? I am going to tell you what they tell me. '*My son, I would love to do it, but when I think of such and such an application I had, and such another application I had, and how I see them holding me down, I don't wan' do nuttin' for nobody!*' That is what they tell me! I am not saying they are right, Mr. Speaker, but the fact of the matter is, we should not give them an excuse to think like that. No government in the world should operate like that—much less us! And we pride ourselves on being so affluent and forward-thinking—the wonderboys of the Caribbean! Yeah? That is what we go about telling people! And then we are so antiquated, biased, vindictive—

Mr. Roy Bodden: Preach, brother!

Mr. D. Kurt Tibbetts: That is how we use the government system, to operate and skin up our teeth, and know we are able to do it.

If I go on further into the White Paper of the United Kingdom that deals with freedom of information, I read, "**The objective of the Act is to help open up public authorities and other organisations which carry out public functions. First, it will empower people, giving everyone a right of access to information that they want to see. Secondly, it will place statutory duties on the bodies covered by the Act to make certain information publicly available as a matter of course.**" That means when John Brown falls out of favour with the government by whatever means (I will not even bother to get into how that can happen, because sometimes they just wake up in the morning and don't like you!), once we have this legislation properly in place, when applications are made through the various boards, and their extensions and cronies who are part and parcel of the boards cannot get a message saying, '*Listen, this is coming. Don't help it.*' . . . because everyone will have access to the information, what the result of the application is, and why the decision was made.

Mr. Speaker, you are looking at me intently because you are on the Central Planning Authority. But I will not say anything more about that. We have been there.

If it seems like I am a bit rough this afternoon, let me explain why. I am 44 years old. I have been in this Honourable House nearly six years. But for a good ten years before that, I was exposed to the way the system works. And while I might be taking shots at the existing Government today, let them understand clearly that it is only because it is they who are here now. There have been others before—some who are here today were part of those others before too and never change. But there were some others who are not here. I do not have any excuse for them either.

But you see, sometimes when you live with things for so long and you really get an opportunity, because you see the possibility of it changing for the better, it is hard to just clap hands and not say anything more about it. It is difficult.

The government we want to see is one that does not make decisions based on personalities, but a government that makes decisions based on the merits of the given circumstances. And while no government will be perfect, and no law will be perfect, it is at least commendable if we can strive to make the least amount of innocents suffer for the guilty. That is another thing that is happening too much now. Not to be misunderstood—and I know we are now going through a review of the Immigration Law, but, Mr. Speaker, I want the First Official Member to understand clearly so there is no misunderstanding that what I am talking about has nothing to do with that good individual or his office.

But there are instances where, with what goes on when it comes to immigration matters, you would throw up if you knew the truth. You would! When people come and. . . . Let me tell you now, I do not know about anyone else, but nine times out of ten I know when someone is telling me the truth. That is a warning to the Government too—don't try it, because most times I know it. When you hear how people have to live with decisions, either because others do not care, or because there is a specific bias, or a certain directive by word of mouth, it is appalling. I am not going to get into that.

But you see, Mr. Speaker, freedom of information to me is freedom for the country. This country has been shackled by a few paltry individuals for so many years. Thank God we see the light at the end of the tunnel.

If we move into another chapter of the importance of freedom of information, we see that everyone basically has the same principle applied when it comes to freedom of information legislation. Some people just use different words to explain. For instance, in the Lords' *Hansard* text for 11 December, in the United Kingdom Parliament's discussion about the Freedom of Information White Paper, it says, "**The government would gain more respect and trust if they were seen to be scrupulous about releasing information openly and in due form and time to Parliament, and not selectively to journalists in their own interests before Parliament has been informed.**" So it extends itself, as the mover said, to the media.

Again, talking about the way our system works and the media, we get so much marl road talk that I would venture to say almost a majority of the country gets their minds poisoned by untruths, half truths, and everything else but the entire truth. Everyone gets so used to the marl road talk and gossip, that by the time the story reaches anyone, if it is the tenth time there are ten more lies added. By the time it gets to fifteen, there are probably twenty more lies added. And we are talking about the people in this country now, you know—and while it may sound like very simple and almost

uneventful thing to talk about, you and I know the way some people are when it comes to the way they talk in this country. They can ruin your life! But I am telling you, that stems from the political directorate and the way it deals with the business of the country.

You know what else the political directorate has, Mr. Speaker? They have their own network. You are not even in a position to challenge them. They decide, when you stand face to face and look them in the eye, and they cannot do anything with you because you are dealing with the truth—they say, *‘Well, there is always a different way to skin the cat.’* So they sit down and get their think-tank to think up something. They say, *‘If we can’t get him one way, get him another way!’* And when they start to put the word out on the street, Mr. Speaker, by the time it is over, your mother has a problem not believing it. You hear me?

I really do not enjoy having to talk about this kind of thing. It kind of makes me sick. But someone has to say it. Someone has to make them know that others know, so maybe they will stop! Because if they do not stop, one of these fine days, someone is going to stop them. I hope the way we are beginning to think, they can go and wash themselves and get rid of all the poison. Maybe we can start over fresh. Maybe we will have this freedom of information legislation in place, and maybe—just maybe—we can spend our time dealing with the people’s business, and the country’s business, rather than each other’s business!

[Some Members: Hear, hear!]

Mr. D. Kurt Tibbetts: Mr. Speaker, I want to spend a few minutes dealing with the second ‘Resolved’ section of the motion, which reads, as amended **“And be it further resolved that a select committee of the whole House be convened to determine the parameters of such legislation and such matters relating to statutory boards after public input.”**

As we all know there were originally two motions, and after consultation with the Leader of Government Business, the Backbench agreed to combine the two motions into one, because we all agreed we could achieve the same purpose with the one motion, once it was amended accordingly.

When it comes to matters relating to statutory boards, some people with a certain amount of reasoning will take the view that we have to be careful about how widely we expect the information to flow from such statutory boards. As is pretty obvious on certain occasions, there are times when in the best interest—not only for good governance, but also to protect individual rights—it really would not be fair to have certain information disclosed publicly.

So as the mover has already said, we are not disputing that there are occasions when information should not be divulged readily, but we believe, and are convinced, that much more often than not the information should be able to be made available. So rather than—because there are times it should not be—simply saying let us not have any of it disclosed publicly, let us create the avenues through which what should be disclosed publicly is disclosed quite readily, and what should not be can be protected. There are ways and means of doing it.

The purpose of that section of the motion is seen by us to encourage more open and accountable government, by establishing a continued right of access to official and statutory records and information. The objective here is to help

statutory authorities, which carry out public functions, to be opened up to public scrutiny. That is the whole purpose of the exercise. Being open to public scrutiny can only serve to increase the checks and balances of the boards in operating in the proper fashion. It can only do that.

In that way it will empower the people, giving everyone a right to access the information they want to see and hear. It will also place statutory duties on these authorities, to make certain information publicly available as a matter of course. In other words, no big thing! By the time the minutes are typed out and approved, a copy is left out front by the desk. Anyone who wants to come and read them. . . they are here. My life is an open book. That is what we are saying.

If and when the occasion arises when certain information should not be part and parcel of such documents, we have the legislation in place to justify such action. As the mover mentioned, an ombudsman can determine any questions or arguments that may arise on the part of both sides, either the persons who have to produce the information or the persons who require the information to be produced.

Of course, there will be cases in which, for obvious reasons, certain types of sittings will not be accessible to the public. I believe in his wind-up, the mover will be explicit in this area and make it very clear. He has alluded to it, but I believe he has other, more dynamic information that will make it much clearer to the listening audience. A quick example is the case in which, for instance, this may undermine the investigation or prosecution or prevention of any crime. Or the bringing of civil or criminal proceedings by public bodies. When matters like that occur, we know what we have to do. No one is saying we must do it in such a way that it is going to affect matters such as that.

The investigation and prosecution of crime involves a number of essential requirements. These requirements include the need to avoid prejudicing effective law enforcement, the need to protect any witnesses or informers, the need to maintain the independence of the judicial and prosecution process, and the need to preserve the role of the court system as the only forum in which a citizen is determined to be guilty of a crime. I was quoting some of that, but the point is, we know the scenarios and cases in which we have to be careful. It is not difficult for legislation to encompass that. I cannot subscribe to the belief that because there are certain instances in which we have to be careful, the only safe way is not to have public access to any of the information. I cannot believe that is the best answer. Again, I think it is easier for us to work on making sure legislation is in place to cover such situations, but by and large, the public should have access to the information I am talking about.

When we talk about freedom of information and look at all the reform strategies we are yearning for and making every attempt possible to put in place, I think it is fair comment for us to say, as we delve into each and every one of those individual strategies, that if any government is not open and accountable and does not have freedom of information legislation in place, first of all, the public is not going to support any regime of that nature any more, by and large. The public today is becoming more and more informed; they are becoming more and more involved. Because of that shroud of secrecy I mentioned before, they are becoming more and more paranoid.

Without going into certain specific examples, let me tell you the mood the country is in from the legislators right down. That is why it is always necessary to ensure that you

have the facts in front of you. Just this morning, because of a slight slip-up with certain types of documentation being provided, it appeared that certain information was purposely being withheld from some of us. Thank God, we were able to discuss it openly. It was actually almost a joke at the end of the day, because both parties realised what had happened. But what also stared us straight in the face was that if we had not taken the time out to get the facts straight, we could have had a problem that would have gone on, and on, and on into next week. Simple little matter! So you see, Mr. Speaker, we have to change the mindset of the people of this country if we are going to move forward. This is one of the very important ways. The more people know they have access to the truth, the more they will cling to the truth, because if they do not tell the truth, someone else who wants to find out the truth will have access to the truth. Sooner or later it is going to stop, because people are going to feel ashamed when they realise you know they are lying!

Again, that sounds simple. But that is what this type of legislation is going to achieve in this country. No longer will an individual have to be chasing after their representative morning, noon and night, and no longer will the representative be holding them off, saying *'I soon get the information for you,'* because in the vast majority of instances they will be able to get the information themselves!

I do not know about anyone else, but I like to talk to the people. I like to engage in conversation with them. But, certainly, we would be able to achieve more, be able to spend our time more wisely if we did not have to spend three or four hours a day dealing with situations like that. But it comes back—and they are going to get plastered with it before I am finished today—it comes back to the old-time principle, To the victor go the spoils. Once we hold the power, once we are wielding that, we are going to do what the First Elected Member for West Bay called 'cornsobble everything' and put it to the use we want, give the benefits to whom we want, and the rest will just have to suffer.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.40 PM

PROCEEDINGS RESUMED AT 4.10 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 12/98. The First Elected Member for George Town, continuing.

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

This motion regarding Freedom of Information, not only can be linked to the White Paper that the UK recently produced, but also in New Zealand there is something called "The Official Information Act of 1982." I am suggesting that we can also draw from this document because I am convinced (while not having read it very carefully) that the principles applied in this Act are much like the ones we need to apply.

When it was reprinted in 1996, the preamble to the Act read as follows (and I will just read this quickly to prove my point). It reads: "**An Act to make official information more freely available; to provide for proper access by each person to official information relating to that per-**

son; to protect official information to the extent consistent with the public interest and the preservation of personal privacy; and to establish procedures for the achievement of those purposes..." and it goes on further. So that, too, emphasises the point that while we wish for information to be made available to the public, we do understand and accept that there will be times when such information needs to be withheld for the protection of individuals and their rights, and also for certain principles and statutes.

The other (and I think final) aspect I will deal with this evening is the link I see with freedom of information and the way the public service operates. Before I get into that, let me just explain my role here: The mover is fondly termed the 'chef of flowery language.' He has the finesse to explain to all and sundry exactly what we are trying to achieve. My role is to take it down to the common man's language so that the world understands what we are dealing with and what we want to make happen.

When we look at the Civil Service, and we look at the Executive Branch of Government, the way that I understand how our system works is simply put as follows: The Elected Executive Branch of Government is elected to establish the policies. The Civil Service is then given the task of implementing these policies. But there is also a check and balance within the system because it is their duty to implement those policies within the framework of the laws and statutes of the land. So, all things being equal, the system should work the way it was envisaged to work, that is, the policy-makers develop the policies, the goals and objectives, and the Civil Service then puts those policies into action using the right tools and the right ways and means to achieve their objectives.

Where we have fallen down on occasion—and so that I am not misunderstood, I am not suggesting that the things that go wrong. . . and I am not taking anything back, I am just making it clear. I am not suggesting that we live in a world where this is the order of the day. Thank God it has not reached to that level. But, as far as I am concerned, it should not happen at all. So any time it happens is once too often. Where I see the present system falling down, and where I believe freedom of information would assist in the process is.... And first let me give a personal example and then I will get back into it.

Very recently, I went to a certain Ministry—not a Portfolio, a Ministry. I went to enquire about a certain situation which involved one of my constituents. I was simply going to ask someone if they could assist me by informing me as to what the position was with this circumstance. Lo and behold, with the fear of God in his eyes, a young man employed in that Ministry said to me, "Mr. Kurt, I have to inform you, sir, regrettably, that I and all of the staff have been instructed that any information being sought by a Member of the Legislative Assembly has to be directed to the Minister before an answer can be given." Mr. Speaker, it didn't end there. Two days later I had occasion to go to a Department under that same Ministry, a simple Department. I won't even expand on the circumstances because we would probably have to stop for the rest of the afternoon just to get a good laugh! Upon going into the Department in my usual manner, and I was simply asking for some information, I was immediately told the same thing.

I mean this sincerely, I could detect in the young lady's tone of voice and in her mannerisms that she was afraid to be near me! What that means to me is that I, as a represen-

tative of the people, do not have the right to basic information unless it is at the whim and fancy of the Minister. That is ludicrous! That is madness! That is unheard of! How paranoid can you get?

Let's turn the situation around—and let me tell you what else I believe. By and large, if whatever is going on is being done in the right fashion, why on God's earth would anyone want to hide it?

Mr. W. McKeeva Bush: Hear, hear!

Mr. D. Kurt Tibbetts: If the logic is, *'I do it as I see fit, and I don't have to let anyone else know why I do it,'* and if that logic is correct, why can't the rest of the world know what I am doing?

The wrong in that, to me, is where the principle is applied. It is only human nature. Because there is this shroud of secrecy, people must become suspicious. They start to wonder what is going on. That is where the gossip starts, Mr. Speaker. That is where people form their opinions—because they don't have the facts to deal with. The people involved in situations like that go away forming the opinion they wish to form because it is human nature. And nine times out of ten—not nine times out of ten, but ten times out of ten—they are dealing with a lack of information and chances are that the opinion they formed is incorrect. Now, if that is the way we are running our country, how do we expect the country to run?

I have heard it said in here about the Civil Service and politicians. I have heard it on the television and on the radio where some of us, including myself, have been literally accused of interfering with the Civil Service. I want to say here and now that as far as I am concerned, if there is any pressure being put on the Civil Service, or if there is any fear of God being put in their hearts, it is from the Elected Government. I say that, and I will say it fifty times and they can come back and tell me what they want to tell me. The civil servants know! But, of course, the way the system works now, mum is the word.

If information is readily accessible, the system must work better. Those kinds of *fool-fool* instructions, as I call them, cannot happen and make any sense. The civil servants do not have to fear that they can do their job the way they know how to do it.

Want me to tell you something else, Mr. Speaker? I have seen members of the Civil Service come and either evade the truth, or not tell the truth because of pressure from above. And it should not happen! Humph! I will tell you something else about that, Mr. Speaker. I, too, have a good memory and they can dare me any time. If they think it won't be forthcoming, they can try me. It's up to them. I'm easy.

Mr. Speaker, the point in all of that, while it may sound like I am pointing at the Government, is this: It is wrong, morally, it is wrong for the good of my country, it is wrong for every reason you can think of for any government to operate in such a fashion. It takes away the incentive from the people involved in the Service to perform to the best of their abilities. I have had them come to me, *'I get up in the mornings and I do not wish to go to the office because the situation is almost untenable and I don't know what is coming through the pipeline next that I am expected to do that I know should not be done like that.'* I can tell you, Mr. Speaker, that I am not making these things up.

I really thought that I was going to finish this evening, but there is a second wind blowing and I don't think I will. I want to give everyone time to stew; I want them to think about it, and I want them to have time to write what they want to write and to make all the notes they wish to make. I am going to give them time tonight to deal with what I have said today, and tomorrow they can bring their pen and paper again.

Mr. Speaker, there are other things I need to speak about and I believe it is getting to be that time. Before I go on—

The Speaker: We have reached the time.

Mr. D. Kurt Tibbetts: Thank you sir.

The Speaker: I will entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until tomorrow morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock tomorrow morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 2 JULY 1998.

**EDITED
THURSDAY
2 JULY 1998
10.15 AM**

The Speaker: Prayers by the Third Elected Member for Bodden Town.

PRAYERS

Mr. Roy Bodden: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on Today's Order Paper, Administration of Oath of Allegiance to Mr. Donovan Ebanks.

Mr. Ebanks, please come forward to the Clerk's table.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE

Mr. Donovan W. F. Ebanks, MBE

Hon. Donovan Ebanks: I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law. So help me God.

The Speaker: Please take your seat. On behalf of the House I welcome you as the Acting Temporary Honourable First Official Member. Please take your seat.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: Item number 3 on today's Order Paper, Reading by the Speaker of Messages and Announcements. I have received apologies for absence from the Honourable First Official Member responsible for Internal and External Affairs, who will also be absent 3rd July, 1998.

Item number 4 is Questions to Honourable Members/Ministers. Question No. 100 is standing in the name of the First Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 100

No. 100: Mr. D. Kurt Tibbetts asked the Honourable Minister for Education, Aviation and Planning how many classrooms are at Red Bay Primary School and Savannah Primary School.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There are 16 classrooms at the Red Bay Primary School and 11 at the Savannah Primary School.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say Exactly how the 16 classrooms at the Red Bay Primary School are divided for each year, meaning the six years of primary school? Can the Minister state how many classrooms for year, 1, year 2, year 3, etc.? How many for each year?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: In the Savannah Primary year 1 there are two; years 2, 3 and 4 there are two;

year 5 there is one, for year 6 there are two. In the Red Bay Primary School, for years 1, 2, and 3 there are three; years 4, 5, and 6 there are two.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: It is obvious the Minister answered very quickly hoping it would fly by us! I asked the question about the Red Bay Primary School. I did not ask about the Savannah Primary School. Yet, he chose to answer both of them. Can he now answer the question about the Savannah Primary School so that we can get the information down?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker; year 1, two; year 2, two; year 3, two; year 4, two; year 5, one; year 6 two.

[Members' laughter]

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you very much. The Minister has proven that at some points in time he can follow instructions! (*Members' laughter*).

Mr. Speaker, getting back to the Red Bay Primary School. As has been stated by the Minister, the first three years have three classrooms each, and the last three years (years 4, 5, and 6) have two classrooms each. As has been back and forth between us on many occasions, it is obvious that when two year 6 classes move out and each of the years there move up, three year 3 classrooms that will be moving into year 4 in September will require three classrooms. At present there is only two classrooms for year 4. Can the Honourable Minister say what is going to be done to give space in the Red Bay Primary School for the third year 4 classroom that will be needed in September?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There is a reading room that will be used as the extra classroom.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: The First Elected Member for George Town has a follow-up. I will give way.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I thank the lady Member. Is the Minister then saying that the reading room that will be

used as a third classroom for year 4 will cause the Red Bay Primary School to not have a reading room? If that is the case, when is it anticipated that a reading room will be provided for the students at the Red Bay Primary School?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There will have to be some time tabling to accommodate the reading, but the administration block should be ready January/February of next year which will then be able to take this. Hopefully, Members will support the funds needed to do all of the extra work at that school. Members will hopefully support the supplementaries or the extra funds for next year for this.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if any of the classrooms he mentioned which total 16. . . although when I add them up now I get 15. Can the Honourable Minister state if any of those classrooms were built and used previously for purposes other than classrooms? If that is the case, what were they used for prior to being used as classrooms?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: When the Red Bay Primary School was built there were multi-purpose rooms (activity rooms, really) in between each two classrooms. These have now been utilised. It is hoped that once the new primary school is built the population at Red Bay Primary, as well as at George Town, will go back down to smaller numbers.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if there is now a staff room at the Red Bay Primary School?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: At present there is none. But this is the administration block that will be starting shortly.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, just so you will understand, I am dealing with the Red Bay Primary School

and the questions the other Members have are with the Savannah, so I am just finishing off one and they will get to the other one. I am not trying to take over.

The Speaker: Okay.

Mr. D. Kurt Tibbetts: Thank you. The Minister said there were 16 classrooms at Red Bay Primary, and when he itemised how many classrooms there are for each year, if memory serves me right, he said that the first three years have three classrooms each, and the last three years have two classrooms each. That is 15. Can we get that cleared up please?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The sixteenth room is the one being used for the reading class.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So, in actual fact there are not 16 classrooms at the Red Bay Primary School, but in September there will be?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There are 16 classrooms, and 15 are being used.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, that cannot be the case. If 15 are being used now and one is a reading room, and it is intended to turn it into a classroom in September, then he certainly cannot say there are 16 classrooms now. Is the reading room being used as a classroom now?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: At the stage of trying to split hairs, let me just explain, not that this is very relevant: There are 15 classrooms that have students in them. There is another classroom that presently has no students in it, and is used as a reading room on a temporary basis where children go in and come back out. In September, the 16 rooms will have children in them with a timetabling in relation to the reading room until the administration block is built. I don't see the relevance of it, but that is the explanation, sir.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the Minister stating that the room being used as a reading room at present was constructed from the very beginning in anticipation of being used as a classroom?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I was not around at the beginning when that was constructed. I do not know what the former Minister expected of it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if in its use as a reading room since he has been around, it was anticipated to only be used for a reading room temporarily until a classroom was needed?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I have to go on the basis of necessity. While we can predict, I cannot tell exactly how many students may be coming into the system. But as we saw about four years ago we had quite a sizeable influx of students. If there are rooms available there, then my duty is first to have them used as classrooms. But I am saying that at present there are 15 rooms used as classrooms and in September, until the administration block can be completed and the reading room shifted there, the reading room will be used as a main classroom.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state the known number of students coming into the Red Bay Primary School in September?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I think that is a later question.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If the Minister so desires for the fire to be fed twice, that is fine with me.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if there is sufficient classroom space at the Savannah School for all reception students living in that area coming into the system in September?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: What I understand from the Chief Education Officer is that at this stage we don't know. We are planning on two classes in year 1.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if at present there is sufficient classroom space to divide year 1 at the Savannah School into two different classes?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There are presently two year 1 classes there, so we do have the space for two year 1 classes.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if it will be necessary to use what is now the computer room at the Savannah Primary School for a regular classroom to accommodate the number of students?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: We are not planning on that at present. We are hoping that will not happen.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Can the Honourable Minister say how registration is determined at the Savannah Primary School? It appears that every time a Primary School gets a good reputation students come from all over. Are students in that area given preference in regard to enrollment?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: By and large we have to rely that parents who come in are from that catchment area. But from time to time there have been attempts—sometimes very shrewd attempts, I would say—to show that a child can come within a catchment area where that child wishes to go into the school. Sometimes the principal has to rely on what is said to her (or him) by the parents or guardians. One thing this brings out very clearly is the need for that third primary school. I hope all Members will give priority to that and support the request for funds to build that as early as possible to avoid having them worry about classroom space and matters such as that.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I can assure the Honourable Minister that if this additional primary school had been a priority in the last list it would have had approval!

Mr. Roy Bodden: True!

Mrs. Edna M. Moyle: But I would like to ask the Honourable Minister, because in a reply to one of the supplementaries he said the Savannah School has two year 1 classrooms, two year 2, two year 3, two year 4, but only one year 5. If we have a year 4 with two classrooms moving to year 5 with one, how are we going to accommodate that class?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: From what I understand there were 29 children in year 6 and they were split, which means they were very small classes. Therefore, it should be okay. Year 5 moves up, that's one class going into year 6. There are two classes in year 6. It was split into two classes. However, if there is a large intake there, it could be a problem. We will have to look at that when we get the numbers.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I am certain that the Hon. Minister should have the numbers that are now in year 4 at the Savannah Primary School, [and know] whether the additional classroom for year 6 will be able to accommodate those. How many students are in year 5?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: In year 4 there are 45 students that will go into year 5. In year 5 there are 30 that will go into year 6. Year 6 has two classrooms. What may have to happen is that there will be two in year 5, and one in year 6.

Mr. Speaker, it is no good for me to try to appear to be a magician. I can only deal with situations when they occur. What I will undertake to do for the lady Member is everything in my power—until the Legislature votes the money for the new primary school—to accommodate the children in there.

The Speaker: I will allow two additional supplementaries. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, the answer given to the substantive question clearly shows that, prior to now, it was obvious that there would be a need for more space. Can the Honourable Minister say if these situations were taken into consideration in his education plan, and if any timeline has been set to meet the needs of

these anticipated space problems, rather than what he is saying now where he can only do something when the occasion arises? He is telling us that when it stares us straight in the face he is prepared to act. Was there no contingency during the whole process of the review and the development of the education plan whereby this would have been taken care of before, rather than during and after?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I do not wait until problems stare me in the eye to deal with them. We have a five year education plan that was put in place by 353 people—

[inaudible interjections]

Hon. Truman M. Bodden: —of which more than half are professional, practising teachers and educators.

We built four classrooms two years ago at Savannah. That was expected to have taken the children. There is planning. The balance of the planning is very clear—there is another primary school to be built. But we did expand that school a couple of years ago. It is now filled, and as the Third Elected Member for West Bay asked earlier, it is a school where the catchment area seems to attract more and more people because they are attracted to the school.

It is a fact. People actually move district to district to put their children into whichever school they wish. It is not easy to predict that. I can give other examples: Children are brought across and placed with grandparents so that they will fall within the catchment area. This is what the Third Elected Member for West Bay was pointing out.

I am saying that planning is in place, but it is not that easy having regard to the Immigration Laws, and the fact that people from overseas are also coming into the system. So, while we plan for every district, there have been movements from some schools to other schools which means that some schools may have excess space and very small classes, while others have larger classes.

I have done everything I can, within reason—and so has the department, and the planners in the strategic plan—to deal with these problems on a planned basis. We plan every year, and the strategic plan is reviewed every year. I can't really do any more than that. If problems arise, then we will try to deal with them, but if we start putting students out of Savannah School and start sending them to another school, the first people to be running to me would be the politicians, *'Why are you doing this?'* or *'Why can't this child go into the school?'*

I am saying that the problem is not as simple as they appear.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I wonder if the Minister can say if in the strategic planning they took into account the inability to perhaps correctly predict the number of increases in students because of the fact that we have an immigration policy whereby large numbers of people are living here and working here who are not from the Cayman Islands? I am asking whether or not this particular social economic situation is borne in mind when plans are being made for additional building, or employment of additional teachers.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This is taken into account. Once again, Immigration deals with predictions. They may tell us that there is going to be an increase of 'X' percent, but they may not necessarily know the number of dependants coming with them. There are several areas that are not easy to predict. To be frank, what needs to be done, and I have stated this here before, every school should have two extra classrooms sitting there so that when this arises children can go in. I will be applying for that later on in this session, asking for these increases to come in. That is the only way that can be done. That would allow the flexibility to use those rooms for other activities during the days, and it would be a buffer against a large intake of students.

For example, you would have to predict what developments are going down in Savannah/Bodden Town area. It is not that easy to predict. To be very frank, if it is that easy to predict, maybe I should ask them how many developments are going to be going into Savannah in the next four or five years? Their guess is as good as mine—it is a rapidly developing area of the island. But you have to remember that one set of condos or apartments or forty or fifty people could mean another forty or fifty children within that catchment area.

The Speaker: The next question is No. 101, standing in the name of the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: it is good to see that the lawyer is not giving advice any more, but he is taking advice!

[Members' laughter]

QUESTION 101

No. 101: Mr. D. Kurt Tibbetts asked the Honourable Minister for Education, Aviation and Planning what capital projects or physical improvements are planned to be completed at the George Hicks High School before 31st December 1998.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Improvements for the George Hicks High School are as follows: (a) re-roofing of walkways (under Capital Works); and (b) re-painting programme (under Recurrent).

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if there were any other capital projects approved for 1998 besides the one mentioned?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Two, Mr. Speaker—the kitchen, which will be started but not completed; and the library.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if the kitchen (which is planned) has enough funds available to be completed, and if not, can the Honourable Minister say why the kitchen could not be completed in 1998, given the fact that when it was approved there were probably seven or eight months left in the year?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I differ with the Member there. The prioritisation of capital projects was brought back to this House and this House did not finish with the last one until a few weeks ago. The other ones were dealt with in May. That money has still not been released, Mr. Speaker. The prioritisation was brought back here and was approved by this full House. There were three variations to it, and if they want I can say what they are. One of them did not relate to the kitchen, if that is the question being asked. But the prioritisation was brought back here and my understanding, and that of other Ministers, is that the funds could not be spent. That is very clearly the position with the Financial Secretary and those funds have still not yet been released. They are now churning through the bureaucratic process since finishing with it sometime in June when the last of it was approved.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: When he gets that tone of voice, we know he is on the defensive. But, anyway, the Minister has not answered my question. While he has pointed out that my timeline of seven or eight months was not exactly correct, he still has not stated whether or not there are sufficient funds to complete the kitchen, and how long it will take to complete the kitchen once the

funds are approved. What I really want to understand is the exact reason—not his formulated reasons—the correct reason why the kitchen cannot be completed before the year end.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, \$250,000 has been approved. We believe it is estimated to be double that amount. As I understood it—and let me ask this clearly again—where there has been an approval of the reprioritisation, and there is not sufficient funding in the Budget for this year and next year, as I understand it a contract can be signed, notwithstanding what was said here. I will have to clear this again with the Financial Secretary. It was a question I asked because I didn't want to enter into contracts for this school, or the West Bay Hall or anywhere else, and then have Opposition Members coming in here asking, *'Why have you committed \$500,000 when we only approved \$250,000 for this year, and next year there has been no approval?'*

If the position is as I understand it—and I am waiting for this in writing before. . . and I would assume that Public Works is waiting for it in writing if they haven't already gotten it—that contracts, as they were done in the past, can be entered into when funds have been approved in one year but spread over two years, then the contract can be signed. So if that is the case there will be a contract signed on this and I will have to find out exactly when someone from PWD is here I can ask. If that is the case, it will begin this year and be finished early next year, sir.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: My question is not on the question before Parliament, but the Honourable Minister. . . . I guess I have the right to ask on what he just spoke about—the contract. It is not the responsibility of the Backbench to provide projections to complete a project. I wondered if the projections for 1999 along with the money provided this year has been put in the Budget by the people responsible to complete this project.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: As I understand it, if you want to comply with the Public Finance and Audit Law, what has to go in is a very clear statement that contracts will be entered into that will not be completed in one year, but will commit the general revenue of this country for the following year. Now, if Members are saying that that has to be rigidly done—which has never been done in the past—then there will be further delays.

If, as I understand it, and I have looked at this (I don't have it with me now), that Law is to be strictly complied with then there has to be not just an estimate, because an amount has to be known. The time of the con-

tract has to be known, and a memorandum to that effect will have to be entered against each project. If that is the case, no, we have not complied with that Law.

But, Mr. Speaker, we are back to exactly the same thing. In the past contracts were signed and projects could move on, and the schools could get its cafeteria. I just want to remind this House that it is not just this project. I have other projects that in the prioritisation the full amount was not put in.

[Voice from across the floor]: But that's another—

Hon. Truman M. Bodden: *[addressing voice across the floor]* You are not by the Speaker. Don't shout across the room like that. It's not good manners.

Mr. D. Kurt Tibbetts: Stay out of my life, man!

Hon. Truman M. Bodden: *[addressing the First Elected Member for George Town]* I never was in your life.

Mr. D. Kurt Tibbetts: Thank God!

Hon. Truman M. Bodden: If the full amount of funds have to be voted in one year for the following year, and they lapse at the end of the year and have to be revoted, then it really makes nonsense of the Budget. In other words, if you are spending \$1 million this year, and \$1 million next year, then you have to appropriate \$2 million this year. I think that somewhere the Hon. Financial Secretary and this House have to come to grips with this. The one thing I am not going to do is anything, while it may follow what went on in the past, that is going to cause the rash of inquisitions and questions that came from the Opposition on this last Budget. But the public must understand that while this rigidity is going on the children are going to be suffering as a result of it.

Mr. W. McKeeva Bush: Uh-uh! Mr. Speaker—

[inaudible interjections]

The Speaker: The First Elected Member for North Side.

Mrs. Edna M. Moyle: As a Member of the Backbench, I would like to make it entirely clear to the listening public that it has never been the intention of me or my colleagues on this side not to provide classrooms for all schools in these islands to allow our children to go to school. Be that as it may, Mr. Speaker, I think both the Minister and I are straying from the question on the Order Paper. I do appreciate your allowing me to ask a supplementary.

I think when an estimate is prepared, the normal procedure is that PWD gives an estimate of the amount to be spent on that project for the year with a projection for the next year (and the next year if it was going to take longer than one year to complete that project). I would like to ask whose decision it was to remove that? Was it

the Backbench, or was it the Executive Council as I think we were told during Finance Committee?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, if you remember, that was a question that was being cleared up when civil servants were brought before this Honourable House and a judicial procedure was carried out in which they were administered oaths—

Mr. D. Kurt Tibbetts: Ugh!

Hon. Truman M. Bodden: —which had never happened in this country before—

Mrs. Edna M. Moyle: Mr. Speaker—

The Speaker: Let me have a few words now, please.

Listen, we are engaged in Question Time. I am going to move on to the next question. Question No. 102, standing in the name of the First Elected Member for George Town.

Mr. D. Dalmain Ebanks: Mr. Speaker, I would like to have a word myself.

The Speaker: This is not a time for speeches, please.

Mr. D. Dalmain Ebanks: I won't take—

The Speaker: Let's go on to Question Time. Question No. 102.

Mr. W. McKeeva Bush: (off microphone) Give the man his break, uncle. What's happening to you this morning, uncle?

The Speaker: If you will be very brief. The Fourth Elected Member for West Bay.

Mr. W. McKeeva Bush: That's right.

STATEMENT BY THE FOURTH ELECTED MEMBER FOR WEST BAY

Mr. D. Dalmain Ebanks: What I have to say is that I, as an old Member of this House, am facing something that I have never faced in all my time. I would like to ask the Members here to carry themselves in a better fashion. I think it is straying too far now.

[Addressing the Honourable Speaker] And I wish that you would put some power behind your seat and quiet it down also. Thank you.

The Speaker: I thank you for that. Question No. 102, standing in the name of the First Elected Member for George Town.

QUESTION 102

No. 102: Mr. D. Kurt Tibbetts asked the Honourable Minister for Education, Aviation and Planning to give a breakdown of registered new students by year for the September 1998 term at the following schools: (a) George Town Primary; (b) John A. Cumber Primary; (c) Red Bay Primary; (d) Savannah Primary; and (e) Bodden Town Primary.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The following is a breakdown of the number of registered new students, by year, for the September 1998 Term at the above-mentioned schools as at 11 June 1998:

George Town Primary		John A Cumber Primary	
Year 1	33	Year 1	52
Year 2	7	Year 2	4
Year 3	2	Year 3	0
Year 4	2	Year 4	1
Year 5	0	Year 5	1
Year 6	2	Year 6	6
Total	46	Total	60
Departing	49	Departing	76

Red Bay Primary		Savannah Primary	
Year 1	67	Year 1	56
Year 2	7	Year 2	1
Year 3	6	Year 3	5
Year 4	3	Year 4	3
Year 5	2	Year 5	1
Year 6	3	Year 6	2
Total	88	Total	68
Departing	61	Departing	29

Bodden Town Primary	
Year 1	10
Year 2	2
Year 3	1
Year 4	1
Year 5	0
Year 6	0
Total	14
Departing	18

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say as of what date these figures were compiled?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: If the Member looks at the question he will see that was 11 June 1998.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if 11 June was the cut-off date, or can enrollment still be made? Can the Honourable Minister tell the House what is the cut-off date for enrollment?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The cut-off date is May 31.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: For purposes of clarity, can the Honourable Minister say that as of June 11, the new year 1 class at the Bodden Town Primary School which will start in September will only have ten students?

The Speaker: The First Elected Member for George Town.

Hon. Truman M. Bodden: Ten new students. If the Member will look at what he asked, he asked for "registered new students." I gave the answer "registered new students."

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am quite willing to have it be explained different. My understanding of new students for year 1 means anyone being registered for year 1, because if it is year 1 it has to be a new student! So what I am asking the Minister (and I will ask him again) is if from this information as at June 11, 1998, he is saying that if that figure has not increased since June 11, it means that the year 1 class for September at Bodden Town Primary School will have ten students. That is what I am asking him.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Member knows the answer—yes.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say, and I will give him time to consult with his entourage, if since June 11 to now there have been any other registrations. I am specifically pointing out the Bodden Town Primary School because unless life is suddenly different, I understood there was more to be registered than they had space for, and they had to cut off applications. So can the Minister state if there was any increase since June 11?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Actually, we have to continue taking students for some time to come. There will be other students coming in. I don't know how far this needs to be broadcast, but the answer is yes.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Based on existing trends and history, is it fair comment then that, while this information has been provided based on what has transpired in the past with registration, this is really nowhere near a clear indication of how it will end up for the September term for all of these schools?

The Speaker: Before I ask the Minister for an answer, I would appreciate a motion for the suspension of Standing Order 23(7) & (8).

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

Mr. W. McKeeva Bush: Mr. Speaker, I so move under the relevant Standing Order.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I second that.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Is the Member asking me to make an expression of opinion on this matter?

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I asked the Minister "based on trends." What I am asking him is based on statistical trends that have occurred in the past, if it is fair comment. . . . The truth of the matter is that I don't really pay much credence to his opinion, so I don't want one now!

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, after that statement, I therefore refer that Hon. Member to Standing Order 22(1)(g) which makes it very clear, "**The right to ask a question shall be subject to the following general rules, as to the interpretation of which the Presiding Officer shall be sole judge (g) a question shall not solicit expression of opinion. . . .**" So, quite frankly, if he does not value that opinion, he won't get it!

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if he is able through the use of enrollment trends in the past to calculate any projections as to what enrollment may be expected during any given school year, particularly when it comes to new students?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That is the same question, Mr. Speaker, and the expression of opinion. I am going to ask the Member if he is going to value my opinion if I tender it, since he is not entitled to ask it.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Minister telling the House that his Ministry, or the Department of Education, does not keep enrollments for schools during years past? And that they do not use these enrollments as projections in any given school year as far as their educational planning and planning for classroom space is concerned?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I think we are back to the same thing. I have been asked to express an opinion on what I think the class size is going to be. If that opinion is going to be respected in some way then I will go outside the Standing Orders, with your leave, and give it. But if, as the First Elected Member for George

Town said, he does not value my opinion, then there is no good in my giving it.

Mr. Roy Bodden: Mr. Speaker, may I remind the chair that I am the Third Elected Member for Bodden Town.

Hon. Truman M. Bodden: Mr. Speaker, I am not going to prolong this. I realise that I confused the Members, one was first and one was last in the elections. Sorry, third in the elections.

The class this year is 27 so one can expect that the amount will probably be near to there. We have to keep the enrollment rules fairly flexible because in my opinion it is not fair because we run over a cut-off date that we should not let in a child that should be in there. I will do everything I can to do this. However, I hope it doesn't spark a lot of people taking the delay because it affects how we project. This is a good example. We have ten who reached the deadline (31 May) and there will probably be double that over the next few months.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker, I thought you had forgotten about this end of the House. I would like to ask the Minister whether the schools will be ready for these new students in terms of space.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I give the Member the undertaking that we will be ready in September. It is never an easy task, as the Member knows. But we have always been able to cope. Like I said, I would dearly love to have two extra classrooms in each school so that when we need them we could just draw on them. I hope that later on this year when I put in that list of what I need for the schools, that those asking most of these questions will support me so that they don't have to spend all this time asking me these questions next year.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I am wondering if the Honourable Minister remembers that he made up the priority budget earlier this year.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I also remember that the Opposition did their variations to the priorities in it. I use the word 'Opposition,' Mr. First Elected Member for West Bay. And really, the only variation done to the Budget was to put money for MLA offices, some money for Parliament here, and that Honourable Member, the First Elected Member for West Bay, and the other Members added some for the hall in West Bay. I will do everything I can to get the hall moving for West Bay.

The Speaker: Okay, we are not getting anywhere. Two additional supplementaries. The First Elected Member for West Bay, your last one.

Mr. W. McKeeva Bush: My last question?

The Speaker: Do you have a supplementary?

Mr. W. McKeeva Bush: Yes, I have a supplementary, but I am kind of confused now that you said it is my last one. But anyway, I can understand the Minister not wanting to take the blame for the Ministry on the Budget. The question I am asking is whether there is going to be enough space (and maybe he made it clear, but he drifted into other matters that confused me) for those new students. That is what I did not get clear.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I have been told by the Chief Education Officer that it will work. We will get them within it. But that extra primary school in West Bay is becoming more and more vital because schools are. . . the John A. Cumber school is really too large. We need that. So I am moving as quickly as possible. I know it has the support of all Members.

Mr. W. McKeeva Bush: (off microphone) I was wondering why he wasn't answering the question we were asking first.

The Speaker: The final supplementary, the Elected Member for North Side.

Mrs. Edna M. Moyle: In his reply, the Hon. Minister stated that the year 1 for Savannah Primary would have 56 new students coming in. And in a reply to the First Elected Member for West Bay he just said there would be space for all of these new students. Well, if there is going to be space (and the Minister is probably not even aware of this) why is it that parents—and I speak specifically of Savannah—who have registered their children within the deadline of May 31 cannot get a reply as to whether or not that child will be accepted until mid July?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I understand it is because on some of the applications all of the medical documents need to come in. And with some, also payment of fees. I am just relaying what I understand is the position at the Department.

Mrs. Edna M. Moyle: Mr. Speaker, I would just like to tell the Hon. Minister that I accept his reply but I will tell

him the reason being given to parents in the Committee Room when we take the break.

The Speaker: Moving on to question 103, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 103

No. 103: Miss Heather D. Bodden asked the Honourable Minister for Education, Aviation and Planning what are the Planning requirements regarding roads before construction begins on buildings in sub-divisions.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Under the Development and Planning Regulations (Revised), section 22 states: “**planning applications involving the provision of new public roads or the extension of existing private roads on frontage development or an existing road shall comply with the following conditions: (h) roads shall be constructed to the standard specified by the Authority.**”

Currently the standard specified by the Authority is asphalt concrete or equivalent. The Central Planning Authority may allow construction on buildings within a sub-division prior to registration of individual lots, but will not allow final registration of these lots until satisfactory completion of the subdivision roadway.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Can the Honourable Minister say if these requirements are being carried out?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I understand that it is being carried out by and large, but on occasion for small family-types of subdivisions there is an easing of it.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: In the answer given by the Hon. Minister, it states, “**Currently the standard specified by the Authority is asphaltic concrete or equivalent.**” I wonder if he can expand on what he means by “equivalent”?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I understand it is in excess of a double chip and spray. I guess if someone put down concrete, or an alternative. . . . But I take the point with family subdivisions, especially. We will have to look at bringing that back here. There needs to be an easing of it, rather than where you have large commercial subdivisions.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I thank the Minister for that answer. The reason I asked was because I was concerned with the cost. It was my understanding that the minimum requirement was two layers of chip and spray which is much less expensive than paving asphalt.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I know that used to be generally the standard, actually it was PWD’s standard on roads some time back. But now, if it is less than six subdivisions they can do that. If it is larger, the Central Planning Authority tries to get the concrete asphalt for several reasons. It means Government does not have to go back and repave them. But it is very expensive. It is more than double the cost of a double chip and spray. It is considerably more.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I just want to ask the Minister who is responsible for bringing the roads up to that standard?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It normally is the developer. I will just comment on this because it is a very good question. What I think this House should look at is some type of an extension of the Strata Titles Law in which the developer would for a period of time not only build it but maintain it to a certain standard (which they normally do). After that the road would become owned by the people who own the subdivision lots, the same as you have the common property in a condominium, like the yard, and they all contribute to keep it up. If that could be done, and it would have to be looked at carefully to see that it was fair, it would relieve Government (and I am straying into the area of the Minister for Works) but it would relieve Government of a lot of money in the future in maintenance of those roads.

The Speaker: If there are no further supplementaries the next question is 104, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 104

No. 104: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works what procedures does the Government currently employ to test the 'hot mix' which is used for road paving.

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

Hon. John B. McLean: The Public Works Department re-established the Soils and Materials Testing Laboratory in the latter part of 1997 and now employs one full-time Laboratory Technician and one part-time Assistant. All hotmix manufactured for Government projects is tested in accordance with American Society for Testing and Materials (ASTM) Standards.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say the length of time between the re-establishment and the time there was no testing?

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

Hon. John B. McLean: I am informed by the Chief Engineer that there was limited testing during the previous three years, but we did have some testing.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Is he saying that the hiatus was three years? Can he also state if this testing is limited to Government roads, or is it also extended to private roads in subdivisions?

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

Hon. John B. McLean: It is generally done on PWD projects. We don't actually go out and check subdivision projects.

The Speaker: If there are no further supplementaries the next question is 105, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 105

No. 105: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning what procedure is involved in acquiring an electrician's licence in the Cayman Islands.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Persons wishing to acquire and Electrician License to carry out electrical work of any nature are required to make an application to the Board of Examiners. The applicants must provide the Board with their name, age and address, where they acquired their experience and the length of their experience, together with two character references.

Applicants are allowed to sit the Electrician's Trade test based upon their experience within the profession or they furnish documentary evidence that they possess a license from outside the Cayman Islands which, in the opinion of the Board, is based upon standards equivalent to those required in the Cayman Islands.

Upon obtaining a passing grade, an Electrician License is issued to the applicant.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say which board or authority sets the examination and is responsible for the issuing of the licence?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: That, obviously, is the Examiners Board.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if this board is comprised of any persons who are from the electrical contracting companies, and how many such persons make up the Examiners Board?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I really did not come prepared for that, but I would think that some of them would be from the electrical profession.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Would the Minister consider the following request for information? State the makeup of this board, indicating whether any of the examiners are electrical contracting companies and also provide the House with some idea of the curriculum. Also, Can the Honourable Minister say if he is aware of any complaints, particularly from Caymanian applicants as to inconsistencies within the passing grade of this examination?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I can get that information, but as far as I can recall the board is made up of all electricians. There have been complaints in relation to the board. I have tried to deal with amendments to the Electrical Regulations and to look at the Law. But to be very frank, we have been in this Honourable House since 20 February—this is into the fifth month—and I find it very difficult to complete work when one has to sit and concentrate on the drafting of regulations. I am trying to deal with it, sir.

I have held meetings in the Committee Room while proceedings were going on (which is the only thing I can do now). There are problems there that need to be dealt with, and all I can tell the Member is that I am doing what I can and I have been assigned a legal Crown Counsel from the Legal Department who is going to assist us. I have made the first run through the regulations. I know the areas of the problems, and a lot of them do not necessarily relate to what the Member has asked, but I can get this information. I will supply it to him.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister give an undertaking to consider moving this out of the realm where it currently sits, and having the whole procedure administered through the Community College which in my indication is a neutral body? I don't know if the Minister is aware of this, but I have received numerous complaints from young Caymanians, charging and alleging bias. I think it is a responsible suggestion to state that people who are aggrieved would feel better if the procedure is administered through the Community College which they deem a neutral party, and would seem to have no vested interest if someone passes or fails the examination. So would the Minister give the House an undertaking to examine this alternative?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am happy to give that undertaking. Presently under the regulations it does vest in the Electrical Board of Examiners. But I am happy to raise this with them and the Department of Planning and the Minister of Works. It could be done maybe in two ways: one is that they have a right to accept a certificate of a certain standard for certain categories, which could be done through the Community College, or ICCI, whichever college may want to do it.

By all means, I will raise that because the colleges are not just geared to administer tests, but to actually run the courses that would lead up to this. The other thing we have been trying to do is to ensure that younger Caymanians get a period of on-the-job training or appren-

ticeship, looking in the wider scale in the electrical business. Whatever we can do to upgrade Caymanians, we will do. But I give the undertaking that it is something that we are looking at, and as soon as I can get out of this Honourable House a lot of time can be spent by the eight Ministers trying to get on with the business of running the country. After nearly five months, it has become a real serious struggle to deal with the business within the Ministries.

The Speaker: If there are no further supplementaries, the next question is 106, standing in the name of the First Elected Member for West Bay.

QUESTION 106

No. 106: Mr. W. McKeeva Bush asked the Honourable Minister for Tourism, Commerce and Transport whether Government found it necessary to put in place an increase in Port dues in 1998, which was passed in Executive Council in April 1997, after the new crane was put in use.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The 5 percent increase which was implemented in May 1998 by the Port Authority is not a result of putting the crane in use, but rather is due to the increase in the cost of doing business in the Cayman Islands.

The Port Authority's previous rate increase dates back to 1992. The Authority's expenses have increased by 27 percent from 1992 to 1996.

SUPPLEMENTARIES

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Is the Minister saying that there was no cost as a result of putting the new crane into use?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: What I am saying is that based on the question—and the question is very specific, it asked “whether Government found it necessary to put in place an increase in Port dues in 1998, which was passed in Executive Council in April 1997,” that specific decision was the increase of 5 percent.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether this 5 percent rate increase was the result of labour? Consumer price index? What is it specifically

attributed to? The rise in labour, the consumer price index, food, or what?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: It is attributable to the consumer price index.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if, since the new crane has gone into operation, there have been any significant increases in overtime having to be paid by the Port Authority?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I believe in the initial stages of putting the crane into operation there was some amount of overtime being paid, but I don't think that was a chronic situation that continues to run.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Can the Honourable Minister say what caused the Authority's expenses to increase by 27 percent?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Quite frankly, when we look at the consumer price index from 1992 to March of 1998 the cost of living increase is 15.8 percent versus the Port Authority just increasing it by 5 percent.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just getting back to the overtime situation, can the Honourable Minister give some indication as to what that significant increase in overtime was when the new crane began operation and what it has levelled off to at this point in time?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I am not in a position to say whether the amount of overtime was significant, or not. I don't have that information available to me at the moment. I will undertake to provide it in writing if the Member so wishes.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if the mandatory Pensions Law has anything to do

with the 27 percent increase of the Authority's expenses? If so, what percentage does the Authority contribute for its employees?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The mandatory Pensions Law did not come into effect until 1 June 1998. What I was referring to was expenses between the period 1992 to 1996. Maybe I got it wrong.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am confident that the Honourable Minister will be aware of what I am trying to say, so I am going to ask him to help me because I may not ask it exactly the way it is required. However, the fact that the Port Authority has engaged in increased capital costs by way of having to purchase a new crane, the way the Minister has answered the question it appears there are no direct links between the 5 percent increase and the purchase of the new crane. Can the Honourable Minister say whether or not the Port bears in mind the fact that the Port has engaged in this new capital expenditure when it comes to the charges that it has to levy on the public?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I quite understand what the Member is asking. My answer was specific to (as I mentioned earlier) the amount passed in Executive Council in April 1997. I have not, nor have I ever given any impression that the purchase of the crane by the Port Authority did not amount to the Port Authority effecting fees for the use of that crane. It would be going against the mission of the Port Authority. There are fees that are collected by the Port Authority for use of the crane.

Actually, the information is public knowledge. It is included in the Port (Grand Cayman) Crane Service Regulation, 1997, where the Port is allowed "to charge for off-loading or loading on to a vessel or otherwise handled by the crane or the Authority of a container". . . let me stop reading the legal language. The Port has the authority to charge for lifting a container off a ship and putting a container back on a ship with the use of the crane. If it is a 20' container, the charge is \$15. If it is a 40' container, the charge is \$30.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister then tie in that relationship with the 5 percent increase, if there is a tie? If that is not the case, can he state if these

charges he is talking about are separate charges from the 5 percent rate increase he gave in his answer?

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: The answer is that they are two separate and distinct charges. The 5 percent charge deals with the Regulations and the many items in the Regulations that the Port Authority charges on, whether it is tailgating or other wise, and there are a whole slew of items under the Regulations from regulation 106 to regulation 122.

For example under regulation 116 (1)(e) the Port, prior to this regulation, was charging \$26 for a service (I am unable to specify what that service is because it does not say so), to \$27.30, or \$2.60 to \$2.73. So it is a variety of items that relate to the 5 percent increase which is based on, as I said before, the cost of living.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: So the Minister has said that the costs directly related to the crane use are separate from the 5 percent increase mentioned in the answer. Can the Honourable Minister say if those costs reflected in the regulations he just read were increased in 1997 because of the additional cost to operate their own crane as compared to what it cost to pay for the use of a private owner's crane? What I am seeking is a relationship between the cost incurred now directly to the consumer by the use of the crane, compared to the cost previously incurred by the consumer when private owned cranes were being used.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, I believe the Member said 1997. It is actually 1998.

Mr. D. Kurt Tibbetts: For purposes of clarity, the Member can correct me any time with that, but he knows what I am talking about.

Hon. Thomas C. Jefferson: I was trying to make sure we are talking about the same thing.

The 5 percent increase is based on the Consumer Price Index. I answered a similar question—and it may have been put by the First Elected Member for George Town—about the relationship, or is there a connection, or how do we answer the cost to the public versus what the Port Authority is charging versus what Thompson Shipping was charging. I had to say, quite honestly, I do not know! Because we tried to establish what Thompson Shipping was charging the public for the use of the crane, and we could not obtain the information from that company, so the comparison by the Port Authority to what they were doing is not there.

But if that is not available to us, I cannot honestly give the comparison. I would assume, given Thompson Shipping is not doing that service any more, there would not be a charge to the public for that service. If that is the case, perhaps there is an offset between one item charged by Thompson Shipping versus the other item charged by the Port Authority.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Again, for purposes of clarity, is the Minister saying that when (and since he is calling names) Thompson Shipping's cranes were being used, Thompson Shipping was billing the public directly for the use of their cranes? That is not my understanding. The reason I ask the question like that is, surely, if Thompson Shipping was charging the Port Authority for their work on the dock, the Port Authority should not need to ask Thompson Shipping what these charges were, because the Port Authority had been paying them all along.

If the Port Authority had not been paying them, I understand. Then it means Thompson Shipping was charging the public directly. But if Thompson Shipping was not charging the public directly, then certainly I believe it is not unfair to expect the Minister either to be able to answer it now, or perhaps to get the answer and give it in writing.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, when we were dealing with the company on this subject, they told us it was part of the charge within the bill of lading. The bill of lading goes directly to the person importing the item. So we were not in a position to determine what—

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I understand what the Minister has said. Can the Minister say to us then—and this is sincerely for purposes of clarity—if Thompson Shipping was levying any charges to the Port Authority while they were operating the cranes on the dock? Or vice versa?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, we are not in business for charity. Although I cannot determine exactly how much was charged, . . . I am not a betting man but I would bet some money that there was a charge. In some cases, suppliers came to us suggesting it was \$350 which showed up on their bill of lading. I do not know if that is correct, either. I have not verified that it is correct.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, perhaps I was not very clear. My question relates to the relationship between the Port Authority and Thompson Shipping, not suppliers who got bills of lading. I am asking if there were any charges levied by Thompson Shipping to the Port Authority for the use of the cranes, off-loading the containers, or vice versa, Thompson Shipping being able to use the premises.

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, not to the best of my knowledge. I can verify it and if I find that what I am saying is incorrect, I would undertake to supply that information to the Member in writing, but not to the best of my knowledge.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Is the Minister saying that Thompson Shipping did not pay the Port Authority any fees for off-loading?

The Speaker: Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: Mr. Speaker, to the best of my knowledge, they did not pay us anything.

The Speaker: Are there any further supplementaries? If there are no further supplementaries, we will move to Question 107, standing in the name of the Third Elected Member for Bodden Town.

Mr. W. McKeeva Bush: Mr. Speaker, the Third Member for Bodden Town is just outside. He should be in momentarily.

QUESTION 107

No. 107: Mr. Roy Bodden asked the Honourable responsible for Agriculture, Environment, Communications and Works what Government's disposition is to opening the 'scenic route' which is proposed to extend from Manse Road in Bodden Town and linking with Pedro Castle Road?

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

Hon. John B. McLean: Thank you, Mr. Speaker. There is a 50-foot corridor shown on the Land Registry map that extends from the vicinity of Pedro Castle to the western end of Manse Road. Public Works Department currently has no schedule for construction of a road along that corridor. It should be noted that at no time has it been considered to open this road as a scenic route. This type of project would be given secondary priority to projects that are required to improve safety and relieve traffic congestion.

In the exercise which the Public Works Department is currently undertaking to identify future road corridors, it is proposed to realign the corridor at the Manse Road end to intersect with Shamrock Drive near Bodden Town Primary School. The corridor would continue north and east to create what is being termed the 'Bodden Town Relief Corridor.' A connecting road would extend from the realigned corridor to the existing Manse Road. The proposed realignment of the corridor is in keeping with the 1997 Development Plan, which shows the existing Manse Road being preserved as an area of historical interest.

SUPPLEMENTARIES

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, the reason I described it as 'scenic route' was that during the cursory discussions to which I was privy, there was some suggestion of leaving a 200- or 400-foot stretch width of the ironshore free of construction, so the oceanfront would be visible at all times during the driving. That is, however, as far as I am concerned, not of great interest now. Can the Minister say if there has been any discussion regarding this project being a participatory project, since I am aware that there was some talk of Government entering a joint venture with some of the property owners in the construction of this road?

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

Hon. John B. McLean: Thank you, Mr. Speaker. That is quite correct. The Member is correct. There were discussions, but like many other developers, when the time came for the money to come forward, we heard nothing more about it.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Minister inform the House of the status of these plans or discussions, whether they are in abeyance at this time, or whether there are still ongoing discussions and proposals regarding the development of this road?

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

Hon. John B. McLean: Mr. Speaker, there are no active discussions. This happened some time ago, and I have heard nothing recently.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, can the Minister tell the House whether the 50-foot corridor, as mentioned in his answer, is just a plan, or is that actual width corridor reserved?

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

Hon. John B. McLean: Mr. Speaker, this is, I am told by the Chief Engineer, shown on the Registry map, and that is what I said in my answer. It is my understanding it is under section 3, but it has never been gazetted under section 5.

The Speaker: Are there any further supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, is the Minister in a position to give the House an estimate of what such a route may cost?

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

Hon. John B. McLean: I believe this is probably some of the roughest terrain we will find on the Island, and I think it would be hard for me to even ask my Chief Engineer to give me an *ad hoc* estimate on it, because I am sure it is going to cost a lot. At the time we had the discussions with the developers in that area, we felt it could have been much easier on Government if everyone would come together and try to do it. But as I mentioned a while ago, there were discussions a long time ago, and it just fell away. The developers did not follow up on it.

The Speaker: If there are no further supplementaries, this will conclude Question Time for this morning. At this time we shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.55 AM

PROCEEDINGS RESUMED AT 12.38 PM

The Speaker: Please be seated. Proceedings are resumed. Item number 5 on today's Order Paper, Other Business, Private Members' Motions, Private Member's Motion 12/98, Freedom of Information/Official Information Act, debate continuing with the First Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 12/98

FREEDOM OF INFORMATION/OFFICIAL INFORMATION ACT

(Continuation of debate thereon.)

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. When we closed yesterday afternoon I had been discussing

the benefits of a Freedom of Information Act in the operations of the government machinery, including the civil service.

When we look at the business of running the country and we think of decisions that have to be made, procedures that have to take place, and everything that goes along with that, if we simply examine the situation and the people directly involved in the process, the question that comes to mind immediately is whose business is the business of government anyway? My answer is: The business of government is the people's business. And if it is the people's business then, certainly, the people have a right to know how their business is being conducted. If that is correct, access to information must prevail.

As I mentioned earlier, I believe it is wrong for any one of us involved in the process, at whatever level, to believe that generally speaking the business of government is not the business of the people, and that the people should not have access to the way in which this business is conducted.

Someone I spoke to earlier drew a very good analogy. We have been talking recently about the importance of having and using seat belts in all vehicles. I must admit that I was one of those people who it took a little while to train. I am doing the best I can to remember every time I get into a vehicle, whether I am driving or not, to put a seat belt on. A driver who over the years never has an accident or anything like that may tend to think, *'I really don't need to have a seat belt on because nothing will happen. I don't need to think of putting myself in that kind of position of discomfort, where I can't move as I please while I am in the vehicle because I have a seat belt on.'*

The comparison is that I do not know the day when I will not be driving. I do not know the day when the people I am driving now, my children for instance, will be driving. If we look at freedom of information in the government vehicle, those of us now participating directly in the process, who feel what we are doing is well done and therefore there is no need to have this freedom of information legislation, . . . what happens when we are not the drivers? What happens down the line in the future, when we really do not know who the drivers are going to be? Is it not better to have the seat belts in place, so that when new drivers come into the government vehicle you then have the seat belts on and working, and you have your safety precautions already in place?

If that seems a bit tedious to understand, the real parallel is simply this: We do not know what the future will bring. We do not know the kinds of accidents we will meet. Therefore, whether it is a seat belt in a car, or freedom of information in the government system, let us take all precautions to prevent any damage when the accidents occur. That is basically the principle we need to apply.

Another statement I have heard used on more than one occasion in this Honourable House (and the person who has used it most is the Minister of Education) and in

many forums is, 'Power corrupts, and absolute power corrupts absolutely.' I contend that if this statement is true, surely the people of the country having access to information must be one of the very important checks and balances ensuring that power does not corrupt, and absolute power cannot corrupt absolutely.

In fact, having freedom of information legislation in place will prevent the occurrence of any absolute power, because the people of the country will have the right to know. It goes a little further, Mr. Speaker. When we look at the main aspect of why freedom of information legislation should be put in place in this country, we think of the people of the country. It is surely a much better situation and circumstance if all participate in the process. While we look at the civil service, and at the chain of command in government and the separation of powers, the truth of the matter is that freedom of information legislation will give the most important check and balance in the government machinery. It gives the people the authority to inspect what is being done and how it is being done by the people they are paying to do the job. Let's not forget that!

The other aspect which is almost entirely entwined in the whole process—and I have mentioned it before, but I am trying to get to some type of summary here—is transparency and accountability. Openness. There is no better system in the world than a system that calls for transparency, openness and accountability of one's actions. This transcends not only the political level, but the entire public sector. This is what we want. The civil service receives criticism all the time from the general public because the end results are not satisfactory to the public on many occasions. This freedom of information legislation will allow the people to understand how the service operates, why it makes the decisions it does. And in a very short order it is going to—not curtail the ability of the service to function—but streamline the chain of command, so the functions can be carried out properly. I contend today that this is not the case!

Too many times civil servants are not able to perform their tasks because of directives from elsewhere. I want to say something directly to the Minister of Education because he has made the accusation about the Backbench interfering with civil servants and what they have to do. I am going to tell him today that the Backbench would never, ever have to engage in that type of activity to try to get the truth if information were forthcoming from him and his Ministers when the questions were being asked! There is a direct relationship to the freedom of information, because right now they believe they do not have to. But once this legislation is in place they will automatically, as I said before, fall in line or they will fall away.

Even when I, as a Member of this Legislative Assembly, take issue with Members on the Government Bench who want to deem it personal, it is up to them. I have a job to do. They have a job to do. I do mine, they do theirs. But even when I take issue, a lot of that could easily be prevented if information were, by natural course of events, forthcoming. Suspicion would fall

away. When we have access to information like that, it certainly has to lift the quality of the decision-making process. It has to save much time in this whole process in which we engage regularly, because we will stand here and argue with each other for days on end, and still not come to any satisfactory conclusion. When it is all over, information that should be available to us and to the public, is held on to like a sacred document to which only the chosen few have access. That has to stop.

If that information were available there would be no question as to how the decision-making process took place. There would no longer be any suspicion in people's minds about how something was done. So, if freedom of information legislation is put in place it has to call for an entirely better system of government.

If we contend that our system is such that it is very conducive to good government, then this can only enhance the entire operation. While on the one hand one might ask why, since the Government has accepted the motion, we talk about it. In two days (well, not quite even forty-eight hours, but from Tuesday night until today) there have been at least a dozen individuals who have said to me, '*Boy, we really like what you guys are doing, but are you sure it's going to happen?*' My question to each of them has been, '*Why don't you think it's going to happen?*' You know what the answer has consistently been throughout? '*Well, the way Government operates, any time it's anything like this that's good for us, you know it gon' take forever to get it done, or it won't happen at all.*'

And I say again, '*Why do you really think that?*' The answer has been, '*Because that's the way Government has operated for so long.*' Times are changing. People's minds are changing, and they are becoming a lot more involved in the affairs of the country. It is incumbent that we as representatives, whether on the Backbench or Elected Government Executive Council Members, ensure that the people's business is done in the right way.

The Speaker: We shall suspend proceedings for lunch until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.55 PM

PROCEEDINGS RESUMED AT 2.40 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues, the First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

As the seconder of this motion, I think I have made my case. In closing I again challenge the Government to get on with the process of a select committee. We have access to much relevant information on situations in other countries where such legislation exists to be able to extrapolate and create legislation peculiar to our situation. There is no reason why this cannot happen within a period of a few months, notwithstanding everything else that has to be done in the business of the country. I think

it is most urgent that we create this legislation in order that the other reform initiatives that are either in progress or in the wings be put in place properly. Freedom of information is one of the cornerstones that most of these initiatives, if not all, will be able to function properly.

The Government has accepted the motion, and we are now urging it to get on with the process. I think the mover already mentioned through the media that we would be quite happy and content to have the Honourable Chief Secretary chair the committee. I am sure that he will also utilise the expertise of his deputy and other civil servants who are knowledgeable in the process. I believe that Members of the Legislative Assembly, especially those on the Backbench, are quite eager to get on and quite willing to participate whenever called upon. I trust it won't be very long before we see action on this matter and I commend the motion to this Honourable House.

The Speaker: Does any other Member wish to speak? If not, does the mover wish to exercise his right to reply? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I am happy on this occasion to stand and thank my Honourable colleagues on this side for their unstinting support and encouragement on this motion through all of its stages. I particularly thank those who offered their contribution to this debate. I also wish to thank the Government, particularly the Honourable First Official Member responsible for Internal and External Affairs who replied for the Government, for its support.

I want to make one or two points. It is clear—and these points must particularly go to the Leader of Government Business, the Minister for Education—where enlightened leadership in this Parliament is coming from. It is coming from the Backbench! It was the Backbench that proposed the motions which set in place the fiscal reforms being undertaken now by the Honourable Financial Secretary. It was the Backbench that proposed the debate on Dependent Territories; the Backbench proposed this motion calling for Freedom of Information; the Backbench is proposing a motion which is going to deal with some matters that will be before the House shortly. And it is the Backbench that is most capable of leading the country into the 21st Century!

There is one point I wish to make which has to do with freedom of information, particularly as it relates to questions and information sought in this Honourable House. I am reminded that during one of the visits we made to the United Kingdom, Mr. Bob Harris and Mr. Bob Sinclair, officers in the Foreign and Commonwealth Office, told us that they have to provide answers to questions raised in Parliament to their Minister within 48 hours of those questions being asked. I say that because it is a common tactic of the Leader of Government Business, the Minister of Education, who tries to make the public believe that the Backbench is stymieing the progress and work of Government when we bring questions. That could not be farther from the truth.

We are tired of hearing excuses about Government Ministers unable to do their work because of the long time spent in Parliament. The Business of the Government emanates from this Parliament—under our system without this Parliament the Government would not have any work to do! Parliament is supreme, and that is why we want this Freedom of Information Act or Law to come back to the select committee as quickly and expediently as possible. This is an integral part of the reforms now set in place by the Honourable Financial Secretary.

We have said a lot. I can only promise the Honourable House that the Backbench will continue to work conscientiously and diligently to provide enlightened legislation, and, since the country is being led from the Backbench, to provide enlightened leadership to the country.

The Speaker: The question is Private Member's Motion No. 12/98 as amended. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 12/98 AS AMENDED PASSED.

The Speaker: Private Member's Motion No. 16/98, Amendment to the Marine Conservation Law of 1978. The Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 16/98

AMENDMENT TO THE MARINE CONSERVATION LAW 1978

Mr. John D. Jefferson, Jr: I beg to move Private Member's Motion No. 16/98, standing in my name which reads as follows:

“WHEREAS the Replenishment Zones, Marine Parks' Zones and Environmental Zones were established under the Marine Conservation Law, 1978;

“AND WHEREAS the Law has served well towards the protection and replenishment of certain endangered marine species and marine life;

“AND WHEREAS with the establishment of the Zones local fishermen have been restricted from using hand-lines in these good fishing areas;

“BE IT NOW THEREFORE RESOLVED THAT the Marine Conservation Law, 1978, be amended to allow hand-line fishing in the Marine Park Zone established between Northwest Point and the West Bay cemetery (Block 2 Parcel 61 - Block 5C Parcel 124).”

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I beg to second the motion.

The Speaker: Private Member's Motion No. 12/98 has been duly moved and seconded. It is my understanding that you have two amendments to this motion.

Mr. John D. Jefferson, Jr: Yes, Mr. Speaker. I suggest that we take the amendments, then we can speak on them as well.

The Speaker: The Honourable Minister for Tourism, Commerce and Transport will move his amendment to Private Member's Motion No. 16/98.

Hon. Thomas C. Jefferson: Thank you. I move the following amendment to Private Member's Motion No. 16/98.

**NOTICE OF AMENDMENT (NO 1)
PRIVATE MEMBER'S MOTION NO. 16/98**

**AMENDMENT TO
THE MARINE CONSERVATION LAW 1978**

"WHEREAS Stingray City and the Sand Bar are important natural marine environments;

"AND WHEREAS stingrays are a major attraction in the Cayman Islands;

"AND WHEREAS the full protection of stingrays, crabs, conch and various other sea life are vital to the ecology;

"I, the Honourable Minister responsible for Tourism, Commerce and Transport seek to move, in accordance with the provisions of Standing Order 25(2), that Private Member's Motion No. 16/98 be amended:

'By the addition of the words: "*and to protect Stingray City and the Sand Bar areas; to protect stingrays and to review the protection of lobsters, conch, crabs and other sea life*", after the words and figures: "(Block 2 Parcel 61 - Block 5C Parcel 124)" as they appear in the last line of the last resolve.'

The Speaker: The amendment has been duly moved. The question is that Private Member's Motion No. 16/98 be amended. Does the proposer wish to speak to it?

Hon. Thomas C. Jefferson: I do not intend to make a long contribution, but to merely say that for some time the Minister for the environment, as well as myself and other Members of Executive Council, have discussed the protection of Stingray City and the Sandbar area and dealing specifically with the need to review the law in regard to conch, lobsters, crabs and other marine life. But equally important is our need to protect the stingrays. I am not going to be the person who decides what the law should say, but I believe that it is very important

that we look closely at what is happening at the Sandbar and Stingray City—in relation to the stingrays in particular, because they are such an attraction to the Cayman Islands.

Many of us who travel around the world see the advertisement for the Cayman Islands marine life focusing on the Sandbar and Stingray City. It is deemed to be one of the best shallow water dives in the world. One cannot quantify in millions of dollars the attraction that stingrays are to the Cayman Islands.

Perhaps I also need to say that I think it is high time that the amount of conch allowed under the Law or the taking of lobster or other marine life be reviewed in its entirety. Hopefully the Government and Members of the Legislative Assembly will reach a decision in the best interest of the people of the Cayman Islands now and in the future.

The Speaker: Does any other Member wish to speak to the amendment? If not, does the mover wish to say anything else? The Honourable Minister for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: No, Mr. Speaker, just to thank the Members of the Legislative Assembly for their silent support.

The Speaker: I shall put the question. Those in favour, of this amendment please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The amendment passes and the motion is amended accordingly.

AGREED: AMENDMENT (NO. 1) TO PRIVATE MEMBERS MOTION NO. 16/98 PASSED.

The Speaker: It is also my understanding that there is an amendment standing in the name of the First Elected Member for West Bay.

**NOTICE OF AMENDMENT (NO. 2)
PRIVATE MEMBER'S MOTION NO. 16/98**

**AMENDMENT TO
THE MARINE CONSERVATION LAW 1978**

Mr. W. McKeeva Bush: I, the First Elected Member for West Bay seek to move, in accordance with the provisions of Standing Order 25(2), that Private Member's Motion No. 16/98 be amended: By the addition of the following 'Whereas' after the third 'Whereas' of the Motion:

"WHEREAS the Marine Conservation Law was came into effect in 1978 and whereas there have been several ad hoc changes over the years;"

and by the addition of the following three resolves:

“AND BE IT FURTHER RESOLVED that a comprehensive review be taken of the Marine Conservation Law and Regulations in connection with marine parks, environmental zones, replenishment zones, fish pots, the Sand Bar, the taking of conch and lobster and other matters affecting the marine environment;

“AND BE IT FURTHER RESOLVED that the review be in early consultation with the Department of Environment, the Water Sports’ Operators, Honourable Members of this House and any other persons or bodies affected at meetings held in each district;

“AND BE IT FURTHER RESOLVED that the Report of the review be brought back to this Honourable House and any changes agreed on be put into Law.”

The Speaker: Is there a seconder? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I beg to second the amendment.

The Speaker: The amendment has been duly moved and seconded. Does the mover wish to speak to it?

Mr. W. McKeever Bush: First of all, I would like to thank the two Members for West Bay who brought the substantive motion. All of us agree that our marine environment is most important, not only to the inhabitants of the country who utilise it as a means of getting a meal or enjoying it as a watersport, but important to the tourism industry. When the marine parks were being put in place, I did not agree with all that was being done, that is, some of the boundaries of the different zones. But to say that the zones have been successful would be to say the least.

The Law was passed in 1978 and I believe that the marine parks and the different zones came into existence in 1986. Over the years there have been different amendments, and much debate back and forth about the different zones, that is, marine parks, environmental zones, replenishment zones. As the Minister for Tourism said, the sandbar has been talked about also. But in more recent times, the issue of fishpots has come to the forefront.

The marine parks have been very successful. There is much talk, as the mover will discuss, about the movement of the boundaries where people can line fish. I think if you go back to between 1992 and 1996 there was a resolution moved by the Third Elected Member for West Bay and myself dealing with that issue. I believe in 1994 there was a request to look at the boundaries for line fishing inside the drop-off, or inside of 80 feet of water. There was much talk about that.

There is much heated debate today about fishpots. Times have changed in the country where people used to do a little bit of fishing. Today, there are virtually hundreds of boats, there are a lot of people using fish traps,

or fishpots as we call them. People are using fishpots that catch a tremendous amount of small fish, marine life. They don't seem to care what size they are, what kind or the amount. I don't know the scientific name for some of this but there are some we call 'doctors,' which we never ate. They catch them in the fishpots.

I saw some time ago in the supermarket four or five small fish no longer than probably six inches. They were for sale! There is a high level of activity in regard to the amount of fishing going on. These fish traps are being used without. . . and it is not by the old time Caymanians, like Mr. Carl Ebanks. Those people know what they are doing. It is not they who are committing this atrocity, but people are doing it. The Environment Department has a big job to deal with it.

These traps are not set like the old time Caymanians used to set them. They knew which spots to set them in. What is happening now is that the people using these fishpots are setting them right along side of the reef, or in the reef itself! And they are not the traditional type of fishpot that we know about. Some of them are called S-pots. It is something that is worrying because we don't have, as you know being a maritime person yourself, Mr. Speaker, the shallow bars around this country, for instance like the Bahamas where they have hundreds of square miles for that sort of marine life to grow. It is something that is worrying me, these fishpots. I would say that probably some leeway needs to be given between the types of fishpots that are used.

I don't know scientifically what amount of sand is coming into the sandbar. I know from my recollection that that bar was much bigger than what it is today. I don't know what amount of sand is coming into the bar, but it must hold true that with the amount of activity, the number of boats—large boats—that come up on that sandbar and the kind of power they have, has got to be eating the sandbar away. As the Minister for Tourism said, it is a national asset.

I made a recommendation a long time ago—what the Minister for Tourism said is true, we had been discussing it in ExCo for a long time—to rake it around a certain distance so that people could only go to there, rather than going up. And I have seen boats do that—go right up on the bar. So they need to take some steps to safeguard the sandbar.

I don't get to go fishing often, but I love to fish. The taking of conch and lobster is a matter talked about often in the districts. I have heard different fishermen saying, *'Perhaps in the North Sound they need to look at the amount of conch and lobster taken, and the timeframe when lobster season is open. They probably need to look at that.'* They are coming back since these things were put in place. There is evidence that there is more coming back. But does one boat need to take 20 conch at one time? These are questions that can be discussed in this comprehensive review I am talking about.

There are other matters affecting the marine environment that need to be taken into consideration, and these are matters that can be considered in a proper review. I feel that the people to have the review are the

people with the scientific knowledge, the Department of the Environment. They are the people to head it up. They are the people to take it to the districts to get the watersports operators to get us as Members, because people in the districts come to us as their representatives, so it would be good for us to be involved. Other persons are bodies affected. At meetings in the districts the same way that was done when they explained the Marine Conservation Law, or the Marine Park System. They went throughout the country and talked about these things. All these matters I have raised are affecting people today. We are limited with the amount of shallow bar. . . I call it that because I can't use the scientific language. We are limited. The North Sound is a precious asset and there are many of us who still enjoy going there to take ten conch, to do some bottom fishing. We still love doing that.

It is sustaining the tourism industry. If these things are not done, then we will be devoid of one, probably the greatest, national asset that this country has. So I hope the Government will see fit to have this comprehensive review. As I said, people are talking about it throughout the country. Without any real discussion, I had no discussion with the Minister for Tourism about his amendment, yet there was his amendment. It shows that people are thinking. We bring these things because we are cognisant of it and people come to us. I am sure people have approached the mover of the substantive motion. I am sure people have talked to him because they talk to me. It is good to have this comprehensive review where the Ministry, the Department of the Environment can head this up and really get into the districts and talk to people who know about our waters.

The truth is, a lot of people who are talking about it, don't understand it. I am not here to lambaste any one situation, but just a few days ago we were trolling until we got to the spot we were going to fish. A dive boat (in the North Sound) came right behind us—we called out to them, motioned to them, but they didn't pay us no more heed than the man in the moon—and we had to take up our lines. There is need for dialogue. I know this has been a bone of contention for many years because if you check the *Hansards*, you will find that I brought many motions, seconded by the Third Elected Member for West Bay, about these matters.

They are still contentious to the old time fishermen, not a lot of them, but we have people who are respectful and they still do it as a means of an income and as a means of a sport they have known since they were young. We need to protect it. We need to look at these environmental zones or replenishment zones. I don't know if we can move the boundaries. I suggested that before, and it was not done. I don't know whether we can.

The Department of Environment does not favour moving the boundaries where you can line fish inside of 80 feet of the drop-off. I am talking about the south side of the islands. But when they sit down with us maybe something can be worked out to see whether or not, after these 12 years they have been in force, that one spot

may be able to be moved. It might work out, I don't know. They are the scientific people. Rotate it every ten years, whatever.

I don't want to get into the substantive motion. I will take my seat. I hope that the Government will see fit to have this comprehensive review, that a report will be brought back to the House and any changes agreed on will be put into Law so that we will not have these many changes to the Law. Over the years there have been many changes.

Thank you for your indulgence, Mr. Speaker.

The Speaker: Does any other Member wish to speak to amendment number 2? If not, does the mover wish to reply?

Mr. W. McKeeva Bush: No, Mr. Speaker, just to thank everyone for their silent consent.

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

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT (NO. 2) TO PRIVATE MEMBER'S MOTION NO. 16/98 PASSED.

The Speaker: The motion stands amended accordingly. I now call upon the Third Elected Member for West Bay to move the substantive motion.

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

As was mentioned in the motion, the Marine Conservation Law was established in 1978. For the benefit of Members and the listening public, I would just like to highlight some of the main areas of the Law.

Under definitions (1996 Revision), **“drop-off” means the first part of the sea floor to attain not less than eighty feet in depth on a line proceeding from and at right angles to the shore;”**

There shall be three categories of marine parks, namely, the replenishment zones, marine park zones and environmental zones. And in the replenishment zones, the following are prohibited: **“4 (a) the taking of conch and lobster; (b) the use of spear guns, pole spears, fish traps and fish nets of all kinds, except that fry and sprat may be taken with fry or cast nets.”**

“5(1) Subject to subregulations (2) and (3), the following are prohibited in marine park zones: (a) the taking of any form of marine life by any means; and (b) the anchoring of boats. (2) Notwithstanding subregulation (1), the taking of fish is permitted in the following circumstances: [this is within the marine parks] (a) by line, at or beyond the drop-off [which is a minimum of 80 feet of depth]; (b) by line from the shore, without the use of a boat; and (c) by use of

fry or cast nets, where the fish taken are fry or sprat.”

Under section 6, it says, “The following are prohibited in environmental zones: (a) the taking of any form of marine life by any means; (b) the use of any anchor; (c) entry by any person into the water; and (d) exceeding a speed of five knots.”

The law also goes on to say: “ **8(2) Any person who permits or causes to be caught from or loaded on to any one vessel in any one day: (a) more than five lobsters of the kind referred to in subsection (1) for each person on board such vessel; or (b) fifteen such lobsters.**” It limits the amount of lobster to any one boat to 15 per day. It says also, “ **9(1) Any person who takes from the Cayman waters in one day more than fifteen conch is guilty of an offence. (2) Any person who causes or permits to be loaded onto any vessel in Cayman waters more than twenty conch in any one day is guilty of an offence.**” Mr. Speaker, you can take 15 lobster/20 conch per boat per day.

It says, “**10 (1) The Governor may designate areas of Cayman waters to be restricted marine areas under the management of the Board for the purpose of marine research and development, and such areas shall be clearly demarcated and shall be closed to members of the public, save licensees of the Board.**”

It goes on to say, “**11(1) The Governor may designate certain areas of Cayman waters to be marine parks and such areas shall be clearly demarcated and subject to such restrictions of use by the public as the Governor may prescribe in each case.**”

It says, “**12. Any person who uses any noxious substance for the purpose of taking marine life in Cayman waters is guilty of an offence.**”

“**15. Any person who uses or attempts to use any seine or gill net for the purpose of taking marine life in Cayman waters is guilty of an offence.**”

The penalties under the law are pretty severe. Under section 21 it says “**When a person is convicted of an offence under this Law or any regulation relating to the taking of marine life, the court, on conviction, may order the forfeiture of any trap, net, diving equipment or other paraphernalia used or intended to be used in the commission of the offence and may order the forfeiture of any vessel or vehicle so used: Provided that in the case of forfeiture of a vessel or vehicles the owners thereof may be permitted to recover the same on payment of six thousand dollars or such lesser sum and upon such other terms as the court may order.**”

I am aware of a number of people who were caught violating the marine park zones and in the process lost their boats and were also fined for the violation.

Under section 25, that is the Revision to the Marine Conservation Law 1995, it says, “**Whoever contravenes this law or any regulation made hereunder is guilty of an offence and liable on summary conviction to a fine of five hundred thousand dollars and to**

imprisonment of twelve months and in addition thereto the court so convicting may order the confiscation of any vessel and equipment it is satisfied has been used for the purpose of committing or facilitating the commission of such offence, or was intended to be used for such purpose.”

What this means (and I am thinking of the cruise ships) is that a cruise ship, and I guess any other vessel, can be fined up to \$500,000 and in the process they could also seize the vessel. So I suggest to the Minister for Tourism that the next time there is a violation, maybe he should hold the vessel for ransom as well! And he was the architect in getting the fine increased to \$500,000.

There is no question in my mind that the marine parks, the replenishment zones and the environmental zones have been successful in saving the endangered marine species and also enabling the flourishing of marine life on a whole. The one thing I note is that we do have a few violators, but as a general rule people do respect the existence of the marine parks.

I totally support the idea of the Marine Conservation Law, and I also recognise the success with regard to protecting our waters and our marine life. But I personally believe that there has to be a balance obtained. When we go back through the history of our Caymanian people, we got our reputation from the sea. We were known as some of the best sailors in the world. There are a few of us in this House who had the experience of sailing the seas and making a living going back and forth as seamen. Back in those days the academic opportunities available to Caymanians were very limited, indeed. What was amazing was that once given an opportunity the heights to which many Caymanian men reached—some as high as captains of multi-million dollar oil tankers, master mariners. I am aware that you, Mr. Speaker, were involved in that trade for many years. I believe that is where you got your title of “Captain.” You were also very successful as a master mariner.

When I look at the law and the attitude of the people involved in the dive industry, it reminds me of the native Indians in North America when the Europeans came across to settle North America. They drove the Indians off the best land, they corralled them onto reservations and learned the history and the experience of the Indians. It was very sad indeed. They put them on reservations, took the best of the land and said, ‘*You stay there now, and survive.*’ Subsequently, they discovered oil, I understand, on some of the reservations. Then they said, ‘*Uh-uh, you can’t stay on this one. Go somewhere else because we will take this as well.*’ That seems to be the attitude that the majority of the people involved in the dive industry have.

I must also mention without fear of being corrected that probably 90% of the people involved in the dive industry are non-Caymanian. On a number of occasions I was invited out fishing with a friend of mine who does some bottom fishing. We went out on a Saturday morning and dropped anchor. To tell you the truth, I was de-

pending upon him to know where it was legal to fish. We dropped anchor and started to fish. All of a sudden, here comes this dive boat, and they were not very kind at all. They said, "Get out of here. This is a marine park. You have no business being here." I understand, from this personal experience how our local Caymanian fishermen must feel when they go out on a daily basis, trying to earn a decent, legal living from fishing, and have to contend with some of these dive boat operators. Fishermen have told me that they have been trolling along in a legal fishing area and the dive boats run across the lines and cut them off. There is no apology, nothing. In other words, their attitude is *'You have no right to be here. These waters are owned by us, not by you local Caymanians who fought and worked so hard to establish the Cayman Islands as we know them, which provided an opportunity for us to be here on a work permit.'*

The other issue that really annoys me is some of the articles I have read in the local paper in regard to the abuse of fishpots owned by our local Caymanians by divers who have no business in molesting those fishpots. I am quite sure I am not telling you anything, Mr. Speaker, because you are familiar with our way of life. But our local Caymanians who engage in setting fishpots (and I am aware that even the Minister for Communications has one) know the size wire to use, what size holes, to make sure that small fish can get in and out of the fishpot. So we don't have the abuse the First Elected Member for West Bay mentioned, of catching small fish in hordes. The majority of those people who set those types of fishpots, first of all, are not Caymanians. They have no real concern about the size of the fish, how many to take and how often to go there and check their fishpots. I have heard stories where a fishpot was set and was there for weeks and when it was checked it was filled with small, dead fish.

Now, I have no problem with controlling that type of activity in regard to fishpots. But our local Caymanians, and I am thinking in particular of one of our Caymanians from West Bay, Mr. Carlee Ebanks, who seems to have had a lot of bad experience with people abusing his fishpot, they know what they are doing. This gentleman spent something like 39 years as a seaman. Now in his golden years he comes home with the idea of being able to go back to his old way of life, doing a little bit of fishing, he and his grandsons, setting his fishpot to have something decent. This is not right.

It is different if he were guilty of the abuse I mentioned regarding wiping out schools of small fish. But this is not the case. The other thing we must keep in mind is that these fishpots are not cheap. They probably cost \$200 to \$300 for wire, and then you have to get somebody to make it up if you can't do it yourself. It takes time. It also takes time to set it properly and set a little buoy on it so you know where it is, so you can go back and check it. After doing all of that, and then find that someone has cut your wire and let out the fish, and destroyed the pot in the process, is enough to cause someone to hurt someone. All this kind of irresponsible behaviour does is further aggravate the resentment I

hear mentioned on almost a daily basis now by our people against people who live and work among us.

Mr. Speaker, you are aware as I am that one of the keys to our success has been the ability of persons of all races and nationalities to live together here in the Cayman Islands in harmony. It is important for us to continue to maintain that type of environment here in the Cayman Islands. Mr. Carlee Ebanks' grandson, Capt. Vince Christian, mentioned something in his article in the newspaper of Wednesday, 10 June, 1998, and he says, **"Now let's outline two of the main problems we have been faced with which in my opinion no one has the guts to address which started most of this issue of fishpots: (1) divers destroying fishpots. At present divers are cutting open people's fishpots which are not in marine parks, which in turn makes the fishermen lose weeks of catching fish and many times the cost of the pot which averages about \$250 to \$300 per pot. (2) No dive zones. It came clear to me during this meeting [he is referring to a meeting he had in the district on this issue] that no one wants to take it upon themselves to say we have to give back to the locals and not give everything to the divers (foreigners) as they have done. I am asking Government to zone part of West Bay, Northwest Point, as a no diving zone."**

He goes on to say, **"I do agree that only local fishermen should be allowed to use fish traps. I do agree we should have a limit on the amount of traps per person of two 'S' and three square shaped pots per person which was decided upon [in the meeting apparently]."**

I believe the local Caymanian knows what the requirements are as far as the size of the wire and that type of thing and that only local Caymanians should be allowed to engage in this activity here in Grand Cayman. I do agree that we don't necessarily need to have a registration of fishpots. But some type of identification should be visible, and Government could issue that, perhaps some type of tag, so that when a diver sees it he will know that that pot is there with the permission of the Government. I don't think it should cost the local fishermen anything. Government provides a lot of other services that don't make sense, and a lot of times cost a lot of money. It would not be very difficult or expensive to get some of these made up and make them available to local fishermen who register with them their number of pots.

I believe that there has to be a balance maintained between protecting our marine environment for divers while at the same time allowing our local fishermen to be able to use their fishpots to catch fish. The thing to keep in mind, especially in my district of West Bay, is that a lot of these men depend upon these fishpots to earn a living. It is not a hobby, it is not a luxury, it is an essential source of income for them.

The Speaker: Would this be a convenient time to take the afternoon break?

Mr. John D. Jefferson, Jr: Yes sir.

The Speaker: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.42 PM

PROCEEDINGS RESUMED AT 4.06 PM

The Speaker: Please be seated. Debate continues. The Third Elected Member for West Bay, continuing.

Mr. John D. Jefferson, Jr: Reading the legislation, certain thoughts came to my mind. One was that it is obvious that some of the persons responsible for this legislation were not fishermen and were protecting certain interest groups. I have no objection to restricting the use of a spear gun, because if the fish are down there and do not want to bite, you can shoot them! But to say that we restrict fishing with a handline—and I never understood the logic—in marine parks. . . . There are two areas you can fish with a handline: off the rocks, and, if you are in a boat, in water 80 feet deep or beyond. Mr. Speaker, you and I both know that you can go out there and see all the beautiful fish in the sea, and if you use a handline and don't have the talent and experience of knowing how to fish, you would starve to death! At the same time, allowing the use a seine or a cast net in marine parks does not make sense. It is obvious they were trying to protect certain people with that. I can't say that I have any objection to that because I know some of those people too who also make a living from selling sprats and that type of thing. But the point I want to make is that it doesn't make a whole lot of sense to me to restrict people from using a handline for fishing. I have done a lot of fishing in my days, fishing with a speargun, trolling, and just using a handline while drifting. Having a line does not mean you will catch fish.

The other obvious thing, and I understand it gives the fishermen problems, is that the authorities responsible for policing the marine parks have established a few buoys at the drop off, which is 80 feet or beyond. If you are inclined to go that far to fish, at least you have something you can tie on to. But many times what happens is that even though that is the only area where one is legally allowed to fish, one has to compete with dive boats to tie up to one of these buoys. They own the whole marine area within the 80 foot depth and even that portion they try to control. They want the whole ocean!

To tell you the truth, it is a good thing that I am kept so busy that I don't have the time I used to have to fish. I can tell you that I would not tolerate the kind of nonsense that I hear some of our fishermen have to tolerate from some of those dive boat operators.

Mr. W. McKeeva Bush: You would fix them!

Mr. John D. Jefferson, Jr: I would fix them!

[Laughter]

Mr. John D. Jefferson, Jr: In regard to the amendments brought to the motion, I would just like to mention a few thoughts on protecting Stingray City. I am one representative (and I am sure there are others) who takes time out to talk to the average Caymanian about what is going on. I have learned what his experiences are, so I am in a position to speak, should I say, intelligently about the issue. I sat down with some of those operators and asked what were some of the difficulties they saw out there in regard to Stingray City or the Sandbar. They told me, "John, one of the first things we have to do is limit the number of people allowed to visit Stingray City at any one time."

I have only been there two or three times, and I can contest to what they are saying. Huge boats come in there, and the majority of them are not owned by Caymanians. They have 100 or 150 persons on board and they come there and just dump people in the water. It is not too long before another one comes. So you could have 300 or 400 people in there at any one time enjoying the stingrays and the environment at Stingray City. The average Caymanian operator in that area feels that we need to restrict or limit the number of people allowed to visit Stingray City at any one time.

The other thing they mentioned is that it would be good if they had a few additional buoys to tie up to when they do arrive at the sandbar. Doing that would protect the coral in that area from dropping anchors. The other issue was handling of the stingrays themselves. I remember the last time I went there. I am not a very timid person, but when I saw the stingrays (which are probably close to six feet wide) coming toward me, and basically the reason they was coming toward me was to get fed, it was not a pleasant experience at all. If you don't have anything, Mr. Speaker, they will just come up and suck onto your arm or your leg. I remember that there were others who were a little braver than I, with whom I defended myself!

I am told that a lot of the operators pick the stingray up, and actually hold the animal out of the water in order for the visitor to view the stingray and take photos. I think this was the point the Minister for Tourism and the First Elected Member for West Bay wanted to bring out: Stingray City and the stingrays are so important for tourism in this country that we cannot take any chances with something going wrong there.

It is interesting to learn why we have stingrays in that area. Some of the old fishermen—Capt. Marvin Ebanks, and Capt. Crosby and a few of the others—told me that they used to go in this area and feed the stingrays. Over a period of time they attracted others, and that is why we have the attraction we do today. But if those stingrays decide they don't like the environment anymore, that there are too many people around, they will move on. All of a sudden we will have a tragedy on our hands, tourism-wise, because it is a major attraction.

So I think that any legislation put forward in regard to the protection of the stingray has to take into consideration the actual handling of the stingrays. There is

nothing wrong with taking a piece of squid and holding it in your hand to allow the stingray to come up and eat out of your hand, but we have to be very careful with how those animals are handled.

On the issue of conch, I read that you are allowed 20 per boat per day. I was not aware until just recently that we don't have a closed season for conch. Many other destinations, like Jamaica where there is a lot of conch, have closed seasons. Now if each person, or each boat that operates in the North Sound is allowed to take 20 conch per day. . . it doesn't take a mathematician to figure out that pretty soon we will not have anything in that areas. I think that is the experience most people are having there now.

I recall probably 15 or 20 years ago when I went snorkelling in that area. We swam for yards and I don't recall seeing even one conch or one lobster. The North Sound was a place where, when I was a boy, you could go out and pick up as many conch as you wanted. Back in those days you saw people coming to shore with 400 to 500 lobster at a time. We need to put some restrictions in place in regard to conch. And I believe that we do need a closed season for conch, as we have for lobster. I am aware that in Jamaica they have a closed season that probably runs three or four months. They also have a quota of what you can take, even over a season. Any amendment to this legislation in regard to conch must take into consideration imposing a closed season.

We do have a closed season in regard to lobster, and that has worked very well from what I am told, in regard to bringing the population back. But somebody mentioned to me recently that maybe we should look at the months that we have in place for a closed season, as opposed to the months we have in regard to the open season because they are saying that maybe we should reverse it. What happens now when the season is open is that the lobsters are spawning, or they have young ones. We all know that if we don't allow the lobsters to breed, pretty soon we will not have the population we are looking for. It is something that was brought to my attention, and I would just like to pass that on for whatever it is worth. Maybe we should do some research to see if the season we have now, as far as restriction, is the right time.

My motion was with a specific request. It was brought as a result of some of my local fishermen in West Bay approaching me saying, "John, here is something that we need for the Legislative Assembly to consider. That is, amending the marine park area known as 2B Northwest Point through the West Bay cemetery." The First Elected Member for West Bay mentioned that between 1988 and 1992 we (that is he and I) brought a motion asking Government to consider a window in the marine park. That window is between the cemetery and Victoria House. What the local fishermen are saying—and they are prepared to give, Mr. Speaker—is what Government should consider doing is closing the window between the cemetery and Victoria House. They say that it falls within the tourist area, that it is shallow

and consists of a lot of marine life, a lot of coral which marine life feed on, the small fish, etc., and it does pose a problem when they go in this area to fish with a handline in that there are divers, snorklers, and swimmers which they must be careful to avoid. What they are saying is that they are prepared to give up that window, if Government would consider opening up the marine park between the cemetery and the Cook's Pier in Northwest Point. That would start the window across from Four Winds Esso in West Bay.

According to them, we will exclude the major dive sites in that area, most of the coral reef in that area because most of them are further up, and also, the water between Four Winds Esso and the pier in Northwest Point, is very deep which is not as attractive for the breeding of marine life as it would be further up, that is from the cemetery going south where it is very shallow, and there are a number of dive sites as well as coral reefs in that area.

One of the difficulties they are having is when going north around Northwest Point going. According to my research, you can fish in that area with handline and towing. But the problem in that area is that the weather is not very good a lot of times, and the fishermen refer to it as "the point of no return" in that a number of fishermen as well as vessels have disappeared in this area. I believe this is a very reasonable request. Because we authorise them to use a handline in this area does not mean they are going to endanger the amount of marine life in the area. Anyone who knows anything about fishing can attest to the fact that just because you see them down there does not mean you will catch them.

I believe that this is an area that, because of the depth of the water, would allow the fishermen to fish in a more attractive area than having to go out to the drop off. I always had the impression, until I looked at the Law, that the drop off meant out in the black, meaning that you would not even see the bottom in that area. For us as representatives to say to our local fishermen '*This is the only area we are going to allow you to fish,*' I think is very cruel indeed, and inconsiderate.

A number of the persons who approached me make their living by fishing and are very responsible. What most of our local fishermen do is release fish that are too small. So I, for one, do not have any real concern in regard to any kind of abuse by our local fishermen in this area. One of the difficulties is that we have fishermen, at least in West Bay, who fish in boats without engines. So to say to that fisherman, '*You have to paddle that boat out to the drop off, and hope that when you get there, no divers are tied up to the buoy,*' . . . we would rather be in a position to say, '*If you don't have an engine, here is an area that is a little shallower, just as attractive for fishing purposes, that you can also fish in.*'

I believe that that makes sense. I think it is very reasonable and I believe that the majority of our local fishermen will appreciate a gesture of that nature.

Mr. Speaker, I notice it is 4.30.

The Speaker: I will entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Friday morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock Friday morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 3 JULY 1998.**

**EDITED
FRIDAY
3 JULY 1998
10.15 AM**

The Speaker: Prayers by the Honourable Minister responsible for Agriculture, Environment, Communications and Works.

PRAYERS

Hon. John B. McLean: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of messages and announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies from the Honourable First Official Member responsible for Internal and External Affairs. The Honourable Third Official Member will be arriving later this morning; the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture will be arriving later this morning; the Honourable Minister for Tourism, Commerce and Transport will be arriving later this morning. I have apologies from the First Elected Member for George Town who will be arriving later this morning, and the First Elected Member for West Bay is off the island.

Questions to Honourable Ministers/Members. Question 108 is standing in the name of the First Elected

Member for West Bay. Has someone been asked to take that question?

Hon. John B. McLean: Mr. Speaker, I don't have a problem with having it delayed. We can answer it when he comes back.

The Speaker: Would you repeat that please?

Hon. John B. McLean: The First Elected Member for West Bay is not here, and I am saying that we could delay it and answer it when he is here.

The Speaker: We will just put that off then, and go on to question 109, standing in the name of the First Elected Member for George Town—he's not here either. We will go on to question 110, standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 110

No. 110: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to provide a breakdown of the number of persons currently using the Cayman Counselling Centre's substance abuse programmes since January 1998, using criterion of new clients and continuing clients.

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

Hon. Anthony S. Eden: From January 1998, 406 persons have received counselling services at Cayman Counselling Centre, of these, 114 are new clients, and the balance of 292 are continuing clients which includes attending the Counselling Centre on Cayman Brac. Broken down by districts, these are:

District	Total	New	Continuing
Bodden Town	43	11	32
East End	8	2	6
George Town	153	32	121
North Side	10	4	6
West Bay	163	43	120
Cayman Brac	23	16	7
Unknown	5	5	
Overseas residents	1	1	

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister give the average length of time these clients may take counselling? I know it is on a voluntary basis, but what is the average length of time persons continue in the programme before dropping out or reaching the stage where they think they have the problem manageable?

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

Hon. Anthony S. Eden: I am informed between four to six months.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I recall when we were doing the district health clinics that one of the uses of the clinics was the holding of counselling meetings by the drug counselling unit. Can the Honourable Minister say what services are made available at the district level at present?

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

Hon. Anthony S. Eden: On Grand Cayman these services are provided in the district. We have five days per week in George Town at Cayman Counselling Centre, also five days per week in Cayman Brac at the Sister Island Counselling Centre. Just for information, in the Bodden Town there are approximately six people attending these counselling sessions; West Bay, there are twelve, in East End there are five, there are three in North Side, and twenty-three in Cayman Brac.

As you know, this is a new thing with the Health Centres. As we continue to make the public aware of the facilities, we look forward to being able to help the clients in the districts instead of having to come into George Town. We feel this is a better approach, as you know many people do not want to come into George Town.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: I think the Hon. Minister said there were three persons in the district of North Side using the services of the North Side Clinic. Can the Honourable Minister say what time of the day these services are offered in that district?

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

Hon. Anthony S. Eden: At present it is from 2.00 to 5.00 PM. But we will look to increase this as the demand increases.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if the community worker in North Side works with these young people who have this problem? We know they do not come forward on their own, even though we say they must accept the fact that they have a problem and not be in denial. But does this community worker try to get them into this drug counselling programme offered at the clinic?

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

Hon. Anthony S. Eden: At present I am informed that this will be the approach. As we talked about in our meeting earlier on, we will use someone who is in North Side, as we all know when you are comfortable you do not want to come out of your shell. As you know, next year, God willing, we will have a community worker directly in North Side.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I am aware that there are some groups meeting on a voluntary basis, especially in West Bay. Is an officer from the Counselling Centre present at these meetings? And if so, at what time are these sessions held?

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

Hon. Anthony S. Eden: In West Bay they are held from 8.00 to 9.00 PM. If the counsellors are invited to the self-help groups (which is not necessarily organised by Cayman Counselling Centre) we would certainly attend.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Before I ask my question, I would like to commend the Minister on what seems to be a good beginning. I wish him continued success. For purposes of clarification, can the Minister explain to the House whether the overseas resident (as listed here) means a Caymanian overseas in a programme, or a person from overseas taking advantage of the programme offered here?

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

Hon. Anthony S. Eden: This could be a person visiting, a tourist, or someone who does not have Cayman status.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you. That is what I thought it was. Can the Honourable Minister say if his—how should I put it?—aggressive, popular and widespread programme (as seen from these statistics) means that we have lessened the necessity to refer Caymanians overseas for counselling, or if we have any Caymanians currently overseas attending counselling centres?

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

Hon. Anthony S. Eden: Sadly, it does not lessen the problem. I think until we get a residential facility in place...and to answer the second question, we have no one overseas at present, but we are looking to send two people.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: For purposes of clarification, can the Honourable Minister say if these persons are those who fail to make any progress in our local counselling centre, or are they persons who completed a period of counselling and perhaps went overseas for further reinforcement which may not be available here.

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

Hon. Anthony S. Eden: These two individuals have attempted to deal repeatedly with the situation in our outpatient programme. They have not succeeded. This is more like intensive in-patient care for them.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Are there any facilities for even a temporary transfer of these clients from their original environment where maybe it would be more difficult for them to make contact with old friends and colleagues?

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

Hon. Anthony S. Eden: We do not have such a facility at this time for the adults. With the juveniles, we try to accommodate them at Cayman Islands Marine Institute (CIMI) and the boy's home. We take them out of an existing environment where it would be conducive for them to relapse.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Can the Honourable Minister say how many times per week the counselling is held at West Bay?

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

Hon. Anthony S. Eden: On Wednesdays, from 1.00 to 5.00 PM.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Can the Honourable Minister say if there is any relationship between the Cayman Counselling Centre programme and Canaan Land in regard to residential services?

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

Hon. Anthony S. Eden: At this time we do have dialogue with Canaan Land. We have made a couple of referrals. But as I said when I answered a question earlier this week, the approach used and the clientele they cater to is not as broad as we need for overall success in the Cayman Islands. But we will be meeting with them I think on the 16th to go into more detail. I can let the House know that we have had research done by a firm out of Canada. They have supported the Christian aspect as being put forward by Canaan Land as a successful way for drug rehabilitation. So we will be working as a partnership covering the different areas where a client may prefer to go through that system. But it has to be organised and in a system which complies with what we want for Cayman to go forward.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: In his answer, the Hon. Minister said there was a total of 406 persons receiving counselling services from Cayman Counselling Centre. Once these 406 people have completed this counselling, how are they monitored? What programmes are in place once they leave the counselling services?

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

Hon. Anthony S. Eden: Once they come into the system there is a procedure in place where the counsellors follow-up with them. They also attempt to get job placements for them and they will always come back and touch base with the counsellor. There are some who will fall away, but we try to stay on top. We have a record of where they are and how to get in touch with them.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I want to commend those people who take advantage of this service. I know there is a certain philosophy, but what are the thoughts of Cayman Counselling Centre about addicts who do not voluntarily come forward? Do they think in that area at all? Every district is infected with people of that nature.

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

Hon. Anthony S. Eden: At present it is very difficult to deal with this situation. That is why we have to address demand reduction at a very early level within our schools. It is the only way for us to be successful. Parents and family support must help the children. It has been proven that until the addict admits he has a problem, sometimes going literally to the bottom, once this realisation sets in and wants help, we can bring him in. But if his heart is not in it, I am afraid there is not much success. It is incumbent that the person wants help. Once he reaches that stage he is on his way to victory.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I have a different philosophy. I believe that if we are going to save this country we cannot completely depend upon people with a problem in that area to voluntarily come forward. Can the Honourable Minister say how soon he expects to have a residential facility available for drug counselling?

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

Hon. Anthony S. Eden: As noted in the recent issue of the *Caymanian Compass* we resubmitted the rehab centre in Breakers [to Planning]. This area has been zoned institutional. Most of the infrastructure is there. We took that building and made sure that it did not continue to deteriorate. It would be by next year, if approval is given. I always give the residents their democratic right to make objections, but once this can be dealt with, I hope we can go forward.

It is a matter of educating the public, letting them realise that we will not be sending criminals there. Before I took on board the possibility of locating this facility there, I visited Hanley Hazelden in West Palm Beach. Right across from that facility, less than a couple of hundred feet, away is a sub-division.

As I lived in that area myself for several years, I would not look to endanger the people of Breakers. This facility is where we would try to help people, as we would if they had diabetes or cancer or some other disease. We all know that drug addiction is a medical problem. This would be providing reinforcement and a stable area where people can recover. We will not put criminals there. If a person is criminally charged he will continue to go to Northward.

This is what I need, and I look forward to sharing with all Cayman. No matter where we go with this facility, none of us want these things in our back yards. But every time a person is convicted with a drug problem, they talk about rehab. That is the only way to go. Many of our young, good, Caymanians sat down and cried, saying that if they only had a facility like that in place they would not have sunken to the depths they had. We need to educate our Caymanians.

We have to provide help for them, or God help us. This is the whole mission of the National Drug Council, to co-ordinate all the efforts being put forward, not just fragmented. Canaan Land, Cayman Counselling Centre, CASA,

the schools, all have to co-ordinate efforts for the entire community, and above all, families, parents, must get involved in this effort. We cannot do it by ourselves. No matter how many counsellors or police we have, or how many prisons we build, if we don't start at home it is a failure.

The Speaker: If there are no further supplementaries the next question is No. 111, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 111

No. 111: Mr. Roy Bodden asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if the cells at the West Bay Police Station are still being used as a Remand Facility for youth.

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

Hon. Anthony S. Eden: Regretfully, the cells at the West Bay Police Station are still being used as a Remand Facility for youth.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say how many youth are housed at this facility at this time, and also the gender?

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

Hon. Anthony S. Eden: I don't have the numbers at present, but through the end of May, 46 youths were detained. I will get the figures and gender and share that with the Member.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Some time ago it was mooted that the old Dr. Hortor Memorial site was being considered as a possible location for the remand facility. Can the Honourable Minister tell the House if this is still topical, or were these official discussions?

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

Hon. Anthony S. Eden: Yes, Mr. Speaker. As a matter of fact the initial drawings have been done and the Public Service Investment Committee document has been developed and is slated to be reviewed in a meeting to be held on the 16th of this month.

The Speaker: If there are no further supplementaries, we will return to question 109, standing in the name of the First Elected Member for George Town.

QUESTION 109

No. 109: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works to give an update on the national street lighting programme.

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

Hon. John B. McLean: The street lighting programme for Grand Cayman was completed in December 1996. No new programme has been brought to our attention for completion. Requests for streetlights continue to be made through the Ministry, and I would add that we have been trying our best to honour whatever requests have been brought in.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if there are any specific funds in place for requests made from time to time on an individual basis?

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

Hon. John B. McLean: While we have some funds in place for streetlights, we definitely do not have sufficient to match what we need to accommodate the actual requests.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if there has been any concerted effort to look into the many subdivisions throughout the island with a view to possibly engaging in another programme down the line, seeing that the original programme was for main thoroughfares, as I understand?

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

Hon. John B. McLean: The Member is correct. We have definitely looked at all avenues. As a matter of fact, there have been certain areas requested where we are aware there have been drug operations going on. We have moved in and tried to clear those up. It is an ongoing study and we will do whatever possible to accommodate those areas especially. I know he is aware of several accidents here in George Town in dark areas. We moved in immediately to clear them up. It is our intention to continue doing that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: With a clearer understanding of what the situation is now, and also with the experience of some individuals making requests and having those requests granted, what has been happening is that certain areas are what I would call lit pockets. Those pockets glaringly show the lack of lighting in other areas in the vicinity. Would the Minister give an undertaking to try to move forward with the investigations he has alluded to in order that within months from now possibly, some programme can be engaged in so that people know it is a continuing programme—not by individual request, but once the funding is in place. Would he give that undertaking to deal with that by the next budget session so that it can perhaps be dealt with in that fashion?

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

Hon. John B. McLean: I support that 100 percent because I think that whatever we can do, especially in the areas I mentioned to curtail the problems we have with drug abuse, I would be most happy to do so. So I will give the undertaking to the House that we will look at another programme. I would just ask that the House give me full assistance when I bring the budget back in the budget session.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: I would like to thank the Hon. Minister for his undertaking to see that these are being carried out. I would like to say to the Hon. Minister that he received a lengthy list from me. Would he kindly give the undertaking that these requests in the District of Bodden Town be carried out as soon as possible?

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

Hon. John B. McLean: As I pointed out, we have been working within the funds we have. I have no problem with any requests from anyone. Whatever comes in to me is immediately sent on and we try to get it put in place as quickly as possible. We have been on the requests put in by the Second Elected Member for Bodden Town.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say if a new programme would be started when requests are received? I know that some months ago a request was made to light the Botanic Park Road because a lot of residents in the Frank Sound area use this to exercise, by walking.

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

Hon. John B. McLean: I think I answered that in the original answer. The First Elected Member for George Town requested a new programme be started in the Budget session before us. I gave that undertaking. Until that time we will continue to try to honour whatever requests come in from any MLA or anybody else, to try to light as much as we can. We will be working within the funds that are available to us.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you. The Hon. Minister is aware that the cost is up by 20 percent. Is there any possibility of him negotiating a reduction?

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

Hon. John B. McLean: The reason we have a very good figure today with the lighting system in Grand Cayman is because of ongoing negotiations. We will continue to negotiate with CUC to make sure that we provide this very necessary service to the public at the most reasonable cost.

The Speaker: If there are no further supplementaries, the mover of question 108 is absent and has not deputised anyone to answer that question. So I ask that it be postponed to a later sitting. That concludes Question Time for this morning. We will move on now to item 4 on today's Order Paper, Other Business—

Hon. John B. McLean: Mr. Speaker, before we go on to that, if you would so care I can circulate the answer to the Member. If not, I can answer it whenever he comes back.

The Speaker: I would prefer to postpone it. Maybe he will be back on Wednesday and he can ask it.

Hon. John B. McLean: That is fine.

The Speaker: Private Members' Motions. Private Member's Motion No. 16/98, Amendment of Marine Conservation Law, 1978. The Third Elected Member for West Bay continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 16/98

AMENDMENT TO THE MARINE CONSERVATION LAW 1978

(Continuation of debate thereon)

Mr. John D. Jefferson, Jr: When we adjourned yesterday, I was dealing with requests by local fishermen in West Bay in regard to opening up the present marine park which is located from Northwest Point to the West Bay cemetery. I mentioned that it was recommended that this window be opposite the Four Winds Esso gas station in West Bay down to the Cooks Pier. The reason for this is because there are no major dive sites beyond that point, the water is much deeper than it is along Seven Mile Beach, and also the coral reef in that area is also limited.

I was also dealing with the present conflict that exists between our local fishermen and the dive operators in regard to where they can and cannot fish, and some of the experiences the local fishermen have been having. I believe that word has to get out if this abuse where the dive boat operators carelessly run over lines where people are trolling, or maliciously damaging fishpots on the ocean floor doesn't stop on a voluntary basis, we as representatives are prepared to deal with it through legislation.

The other area I think we need to look at is beefing up the monitoring and patrolling of our marine parks and our environmental zones to make sure that there is no abuse in those designated areas. It is very important to our tourism industry that we continue to have an abundance of healthy marine life. I am told that behind the West Bay Cemetery is one of the most attractive areas for snorkelling because of the abundance of marine life in that area. That is rightfully protected by the Marine Laws of this country. But I am also aware that abuse takes place because I get calls from people who actually see people who visit these marine parks and take conch, or lobster very early in the morning. Then they go around peddling these products for sale. I think it is important enough to warrant that we ensure our marine parks and safe haven areas are monitored and patrolled on a 24-hour basis.

The other thing I have been told by persons engaged in monitoring and patrolling the parks is that in order to get a job in that area you have to, first of all, have your own boat. This limits the number of good people who might make themselves available. I might be a good person and have an interest in that area, but not able to go out and invest \$10,000 in a new boat and engine just to work for the marine patrol guarding the marine parks. I believe that it is important enough—

[Inaudible comment]

Mr. John D. Jefferson, Jr: The Hon. Minister is saying that this is not true—

Hon. John B. McLean: If the Member would give way, Mr. Speaker, on a point of clarification, we do have our own boats. I am glad that he touched on this as we need more boats. We do have complaints sometimes from

North Side or East End, but the fact remains that if we have two boats operating on Seven Mile Beach or in the North Sound, by the time they take them out of the water and get them up to East End or North Side it is impossible for us to catch the culprit. So I totally support the idea of getting more equipment. I cannot give the number of officers we have. The fact remains that we have the bodies but need the equipment.

The Speaker: The Third Elected Member for West Bay continuing.

Mr. John D. Jefferson, Jr: Thank you, Mr. Speaker. And I also want to thank the Hon. Minister for his clarification. But I have spoken to some of those persons employed in that area. I was told by them that they had to own their own boat in order to get the job. But I assure him that whatever requests come to this House for additional funds in order to beef up that area, he will definitely have my support. I think it is very important for us to guard and protect what we have.

The motion, as amended, also calls for a comprehensive review of the Marine Conservation Law and Regulations in connection with marine parks, environmental zones and replenishment zones. I support that call. Our present Laws have been in existence for 12 years. Because they do relate to such an important area it makes sense for us to review the Laws with a view to making improvements, and maybe strengthening the penalties for abuse of marine parks. I think that is very positive. I also believe that maybe the best way for us to eliminate or reduce the tension that presently exists between our local fishermen and dive boat operators is maybe through district meetings or even a select committee where we can call in representatives from the dive boat operations, and our local fishermen, and others who might have an interest. Hopefully we would be in a position where we could arrive at some sensible conclusions and agreements in this area.

At this time I will take my seat and allow other Hon. Members to offer their comments. But I believe that this is a very reasonable request, and I crave the support of all Hon. Members of this House.

Thank you.

The Speaker: The Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker.

I rise to offer my contribution to Private Member's Motion No. 16/98, Amendment to the Marine Conservation Law, 1978. First let me say that this amendment has been met with much enthusiasm and support by residents as well as Caymanian watersports operators. I am also made to understand by concerned Caymanian fishermen that the area between Northwest Point and the West Bay cemetery should be opened to hand-line fishing. One important reason for this is that local fishermen who depend upon this for their livelihood could still go fishing even in the event of bad weather.

In addition, I fully support the comprehensive review being proposed in connection with marine parks, environmental zones, and replenishment zones, fishpots and the sandbar. With respect to the protection of conch and lobster, I have received representation from watersports operators that conch should be reduced from twenty per boat to ten per boat or eight per person. It has also been suggested that the open season for lobster should be reduced from six months to two months. Limits on the number of lobster taken should be reduced from five per person to two per person. In addition, tropical reef fish should have a minimum size limit, depending upon the species of fish.

I thoroughly agree with the Third Elected Member for West Bay, that fishpots should be licensed in order to assist fishermen who are suffering loss of property while this activity goes unregulated. Watersports operators have also welcomed this initiative which would enable the relevant authorities to police the use of fishpots and better regulate the use of our marine resources.

I applaud the efforts of the Third Elected Member for West Bay in bringing this matter to the forefront. Our precious marine environment is a source of income for many Caymanians. At the same time it is our national heritage and we must all recognise that protection and conservation are the only ways to ensure that the limited resources we have available are not depleted for future generations.

Finally, I look forward to the report of the review. There is a substantial population of Caymanians who are depending upon us as legislators to bring this back to the Honourable House and for the changes to be put into Law. Colleagues, let us not disappoint them.

Thank you.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.10 AM

PROCEEDINGS RESUMED AT 2.50 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 16/98. Does any other Member wish to speak? (Pause) Does any other Member wish to speak?

Mr. John D. Jefferson, Jr: Mr. Speaker, it would be good if we heard whether or not Government accepts the motion.

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

Hon. John B. McLean: Thank you.

On behalf of Government, I am pleased to say that we accept the motion before the House. The concerns that have been aired by all Members who spoke, are concerns of Government and we are willing to do whatever possible to try to put this right. We share the same concern, that is, for the future of the Cayman Islands.

I would also say that the department for which I am responsible has been very concerned for a long time. As a matter of fact, I would say that it was probably a year ago when we started being very harsh with persons utilising fishpots which are not the type that our Caymanians utilised in prior years.

I fully support what my colleague, the Hon. Minister for Tourism, said when he stated that we needed to include a revision in regard to conch, lobster and crab. I would like to say that we need to take this a bit further because we also need to look at the land crab. This is something we have all enjoyed over the years. Because of certain persons coming into this country we find that even during the times when they are actually spawning, they are still being taken.

To go back to the fishpots, I can stand here today and confidently say that we don't have any Caymanian fishermen who would ever take a pot, actually set it on the reef and collect the little, what we call, decorator fish and not release it back into the water. But, of course, we have to be cognisant of the fact that there are those here who are actually doing that. We must put a stop to it.

I also support the idea, as does Government, of protecting the sandbar, and along with that we must also be very careful especially with the stingrays. I can only repeat what has been said in this regard because the fact remains that our dive industry depends heavily, especially on Stingray City. If we do not take the necessary steps to ensure that that is protected, then we will be destroying a very important asset of the Cayman Islands.

I give the House and Members the assurance that whatever possible through my Ministry and Department we are prepared to do to make sure that we maintain what we have. If anything, we will try to make it better for future generations.

The other thing that was mentioned...I realise that we have a dive industry, and I realise that local fishermen have suffered as a result of certain individuals who have taken it upon themselves to destroy what a fisherman may be utilising to collect fish as a livelihood. I think that in order for this to work we need to work together, that is, the fishermen, Government and the dive industry. The fact remains that we have to realise that while we support the dive industry 100 percent, we still have to support our local individuals. I cannot say anything else other than I do not support any dive group that would go out there and find a fishpot and take it on their own and destroy it. What I would strongly suggest is that if something annoys them in regard to fishpots, they should bring it to the attention of the relevant department. We would certainly appreciate that. I think that is what I mean when I say we are working together for the betterment of the Cayman Islands.

I also believe that the time has come when we can review replenishment zones, marine parks and environmental zones. I think that what we have actually had in the law over the years has worked well, and we can be pleased with what has happened. If that decision were not taken back in 1978 when the law came in force, we

would not have what we have today. So I totally agree that we must continue to maintain and try to make better what was actually put in force at that time.

I believe that this review would help us to look at all aspects of marine life. As I said earlier, we cannot lose sight of what is on land. Although it does not fall under the Marine Law, we need to look and make sure that the things which people generations before actually enjoyed can continue and be passed on to generations to come. I am pleased to know that the Government is willing to accept the motion and the amendments to the motion, and that we are prepared to sit down and try to work out what is best for the future of this country.

I think with the individuals who will be involved in it, we will be able to come together and talk about it and actually put in force what will be best for the future of the Cayman Islands.

Again, I would like to say that on behalf of Government I am pleased to accept this motion.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGY

The Speaker: Before calling on the next Member, I would like to say that I have received apologies from the Honourable Third Official Member responsible for Finance and Economic Development who will be absent this afternoon as he has important meetings to attend.

Does any other Member wish to speak? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I rise to make my contribution to Private Member's Motion No. 16/98, Amendment to the Marine Conservation Law, 1978.

We, in the Cayman Islands, have in many respects developed a late consciousness in regard to conservation and preservation of certain things. Nevertheless, I think that our efforts, although late in many areas, and in some instances still lagging, have to be commended. Certainly, that is relevant and applicable in this sense.

I was not around in these hallowed chambers in 1978 when the original Marine Conservation Law was hammered out, but I well recall the debate and the sentiments expressed at that time by those pro and con. It is safe to say that, barring election campaign time, one of the most controversial issues one can introduce is anything having to do with conserving and preserving our environment. If you really want to find out how strong you are, just go and open up an argument that has to do with tightening, conserving or preserving, these kinds of things. Believe you me, if your feet are not firmly planted, you better pray that they are light because you will have to be fleet of foot.

I think this is a good motion and I am happy that the Government has seen fit to accept it. But I suppose that I do not have to caution those involved that now the work really begins. Be you sure that the Government is

going to be buffeted by all sorts of experts and people with opinions that are going to be scientific, modern, practical, but no one will admit that some of them are going to be self-serving. So it is incumbent upon Government to keep a balance.

We have to tread that delicate balance because as the Minister and several other speakers alluded to, what we have to do is not easy for we have to satisfy the dive industry and those people who cater to that element of tourism who find this their main attraction to the Cayman Islands as well as Caymanian residents and other people who live here and have relished over the years their ability to fish in certain form or fashion. So it is indeed a challenging task we have set for ourselves.

One can arrive at some sense of this if one were following the letters to the Editor in the very recent editions of the newspaper. The fishpot issue is still a topical issue and I want to take a few minutes to air my thoughts on this for what it is worth.

Let me preface what I have to say by saying this: Over the generations Caymanians have looked to the sea as a primary source of food. Once upon a time, long before we were as modern and affluent as we are now, we lived mainly off fish, turtle, as well as conch and lobster. We supplemented that with what we called ground provisions which Caymanians cultivated on their plantations.

We have evolved, population-wise many thousands more, and our patterns have changed to the point where it is now accurate to remark that fish is a rarity to most traditional Caymanian families. Fish as a dietary supplement is perhaps more sought after by visitors and residents here than to persons like myself who are established here. This is not to say that we still do not relish a good meal of fish, or that we do not appreciate it. But somehow, it has seemed more attractive to newcomers, although you could get the old Caymanian to walk a mile and more for a good pot of fish rundown!

As a result, the marine life has had certain pressures brought upon it. I think one Member, and it may have been the Minister replying on behalf of Government, brought out the fact that many persons who use fishpots now do not use fishpots in the old traditional Caymanian way of using the fishpot. The Caymanian had a strict category. When certain types of fish were caught in the pot of a Caymanian, they were released. They were released according to types and size. Nowadays it is safe to say that many persons—not Caymanian—who use fishpots are less discriminating and tend to take smaller fish and fish other than those traditionally eaten or caught by Caymanians. So, this is an increasing pressure and this custom impinges to a detrimental level our marine life.

There is also the clash between the traditional fishpot users and the dive industry, which believes that the marine life should be exclusively for their entertainment, and that those persons who rely on their pots to catch fish should not be accommodated. Certainly, that has been the gist of many of the letters I have read recently in the *Caymanian Compass*, this rivalry between those

people who believe that they should have a right to practice what was done in years gone by, make and settle their fishpots, and those people who see the setting of fishpots as an infringement and an indiscriminate way of trimming marine life.

It has not been easy. I received a complaint from a young man in my constituency about a year ago about a resident who continuously cut holes in his fishpot, letting the fish escape. That confrontation got to the point where I had to offer my services to mediate because I was afraid it was not going to end well. What is unfortunate about this situations is that cursorily it seems that both parties are right; it seems that a person should have a right to set a fishpot to catch fish, but it also seems that persons who want to dive have a right to see and interact with marine life. In this particular case we managed to strike a happy medium and apportion the area being disputed into zones where no fishpots would be set and it would be reserved exclusively for diving.

I look forward to wide and varied input. I am prepared to play my part. I have persons in my constituency who are concerned about this and from my perspective, I will certainly do all I can to assist Government to come to an amicable and wide understanding of this issue so that we can craft a Marine Conservation Law which is not only modern, effective, but also comprehensive and acceptable.

I noticed that the notion of a window is a very important request. I ask Government to give serious consideration to this. The reason I bring this up is that I noticed that the Government did not mention this. So I hope that in its accepting the motion it is prepared to take cognisance of this request and will act upon it. I will not hold up Government's work in regard to this motion by speaking any longer. I will only say that I wish Government well, and anything that I can do to help in achieving the objective of this motion I will certainly do.

The Speaker: Does any other Member wish to speak? If not, does the mover wish to exercise his right to reply?

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

Let me say thanks to the Government for accepting the motion and its amendments. I also thank the Honourable Members of this House who spoke on the motion, that is, the Second Elected Member for Bodden Town, the Third Elected Member for Bodden Town, my two colleagues from West Bay, and the Honourable Minister responsible for Agriculture, Environment, Communications and Works.

I think the issues raised in this motion are issues that affect many of our people who live in these islands. I believe that when we do have an issue that the best way to handle it is to raise it, discuss it and come to an amicable solution to the problem.

In regard to fishpots, much has been said about the Jamaican type. I cannot say that I have seen one, but the only concern we have is that the size of the wire on these pots is much smaller than traditionally used here in the Cayman Islands by our local fishermen. They do

not allow the small fish free passage in and out of the pot, and it causes small fish to be caught, many of which die in the process. It also catches a large quantity of these small fish. I am quite sure that when the First Elected Member for West Bay mentioned fishpots, his concern was also the size of the wire being used in these pots.

I believe that the request for a window in West Bay for our fishermen is reasonable. I believe approval of this would be greatly appreciated by the local fishermen. I have no concern that this area will be abused because every Caymanian who earns a living from the sea recognises the value of maintaining a healthy marine environment and marine life. Because of our care over the years the Cayman Islands have become one of the best dive destinations in the entire world. We have a lot to be thankful for here. We have natural beauty, pristine, clear waters, and an abundance of marine life.

When I was growing up, Mr. Speaker, I personally did not recognise the value of this. When I would snorkel and come across all the reefs, I thought they were a total nuisance. But they do play a very vital part in sustaining our marine life in our waters.

I want to also thank those Members of the House who offered their silent approval. We have had a long week. I thank each and every one and wish them all an enjoyable weekend. Thank you.

The Speaker: The question is Private Member's Motion No. 16/98 as twice amended. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION 16/98, AS TWICE AMENDED, PASSED.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: I understand that it is the wish of the House that we now adjourn as we are at the end of this specific piece of business. I therefore move the adjournment of this Honourable House until Wednesday morning, July 8, at 10 o'clock.

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

AYES.

The Speaker: The Ayes have it.

AT 3.22 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 8 JULY 1998.

**EDITED
WEDNESDAY
8 JULY 1998
10.38 AM**

The Speaker: Prayers by the First Elected Member for George Town.

PRAYERS

Mr. D. Kurt Tibbetts: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper is reading of messages and announcements.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I have apologies from the Honourable Minister for Tourism, Commerce and Transport who will be arriving later this morning. I also have apologies from the Third Elected Member for George Town who will be absent today, as well as July 9 and 10.

Item 3, questions to Honourable Members and Ministers. Question 112 is standing in the name of the First Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 112

No. 112: Mr. D. Kurt Tibbetts asked the Honourable Minister for Education, Aviation and Planning to explain how lunches are served at the Red Bay Primary School.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: School lunch is cooked off the premises and brought to the school. The lunches are served in Styrofoam containers with plastic, disposable cutlery and transported by canteen staff and students to the children in their classrooms. The children eat at their seats and after putting all garbage in the classroom bin, go out to play. Classroom bins are emptied each day by the groundsman and/or cleaners.

The adjoining property has now been purchased. It will provide a large hall with canteen to be completed in 1999.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say, where, after the lunches are brought to the premises, they are served from on the premises?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am not certain. In other words, they are brought there and then taken to the classrooms.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: In the substantive answer, the Minister stated that the children have their lunch in the classrooms. Is it or is it not a fact that some of the children have their lunch in the open area directly in front of

the school? If they do, has this been the case for some time?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The information I have is very clear, it says children do not eat in the enclosed area.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is this a policy developed by the school? Because I have seen the children eating in the area the Minister is talking about with my own eyes.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This is what has come from the Education Department. Presumably it is. Maybe there has been an exception, I cannot say. But these are the instructions I have from the Education Officer, Mr. Beckles. If the Member has seen it, it must have been an exception to the rule.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: It is my understanding that in order to provide some make-shift canteen area a storeroom was converted. It was condemned and officially closed by the Department of Environmental Health. But that condemned storeroom is where these lunches are being served. Can the Honourable Minister say if this is a fact or is this not the case?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I cannot respond to that. I can give it in writing because I am not certain of that. The supplementary backup paper I have does not include that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: If there is any semblance of truth to what I just said, I am certain that the Minister will appreciate the seriousness of that situation. The commitment I would seek from the Minister is to give an undertaking to look into the matter, as it seems that the situation has prevailed for quite some time, and find some satisfactory result, even in the short term, notwithstanding the answer given about the adjoining property being purchased.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, I am happy to give that undertaking to look at this in the short term. The ultimate answer is a hall with a proper canteen attached. With the support of this Honourable House in Finance Committee they will get this canteen which they much deserve.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, and I noted the Minister's choice of words. Can the Honourable Minister then give an undertaking, since he is talking about the support of Finance Committee, that he will bring such matters to Finance Committee?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I give that very clear undertaking because I am going to produce a list of what the schools in this country need. Health has gotten its fair share, second must be schools. I am asking Members of this House that when I bring that list—which will be a lot more than this—they give me their support to get what is necessary at Red Bay and the other schools.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: As is seemingly obvious from the Minister's answer, this is something that he has been thinking about for quite some time, can the Honourable Minister tell us why if this was such an important issue this situation did not come in the reprioritisation list which was brought back to us in April of this year?

The Speaker: I think we are steering away from the substantive question. Let us try to keep in line this morning. If there are no further supplementaries emanating out of the substantive answer, the next question is No. 113, standing in the name of the First Elected Member for George Town.

QUESTION 113

No. 113: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works whether there are any plans/proposals for an environmental impact study of the North Sound and, if so, to provide an update of such plans/proposals.

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

Hon. John B. McLean: The study proposed by the Department of Environment was a multidisciplinary study to address the environmental impacts and issues associ-

ated with the supply of aggregate for infrastructural and commercial development. Therefore, although an assessment of North Sound forms an integral part of the larger study, it is wider in scope than just an environmental study of the North Sound. The objectives of the study proposed by the Department of Environment are to:

- (i) assess the present environmental status of North Sound with particular reference to the cumulative impacts of approximately 30 years of dredging and predict the extent of physical and ecological changes likely to occur as a result of continued dredging;
- (ii) assess the environmental impacts of terrestrial quarrying and mining and predict the effects of continuing and/or expanding these activities;
- (iii) quantify the demand for fill over the next 10 to 20 years and determine the costs and benefits of continuing to meet that demand locally; and
- (iv) assess the feasibility and determine the costs and benefits of alternative means of supply.

The Department developed preliminary Terms of Reference for the study, which were forwarded to the Ministry of Agriculture, Environment, Communications and Works. Executive Council gave the go-ahead for the study in May based upon those Terms of Reference. Final Terms of References now need to be developed in consultation with other relevant government agencies such as the Public Works Department and funding needs to be identified for the project.

SUPPLEMENTARIES

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister state if included in the broad objectives listed in the substantive answer is a specific and detailed study of the impact to the marine environment within the North Sound?

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

Hon. John B. McLean: Most definitely. It certainly will.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I know that on many occasions questions seem to be pointed and seeking too much of an answer that can be given at any one time, but I will make another attempt. Can the Honourable Minister state, given where this situation is, and in the substantive answer he said that Executive Council had given approval, what the desired timeframe is for the Department to achieve completion of this study? I am asking

the Minister hoping not to hear, "When funds are available." I am asking what the Department would like to see as regards the time.

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

Hon. John B. McLean: To do a total study of the North Sound will probably take, as I understand, at least twelve months.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: While the answer certainly addresses wider ramifications, can the Honourable Minister say if this study will be in parts, so to speak, so that while certain areas may take longer to get answers, that whatever can be achieved in the shorter period of time can be dealt with and separated, rather than waiting for the whole situation to be dealt with?

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

Hon. John B. McLean: Most definitely. Wherever there is an area we can deal with earlier, we will. We also realise the importance of this study, and, of course, the importance of the North Sound.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House why it is necessary to have preliminary terms of reference drawn up and then a more substantial terms of reference? And can the Honourable Minister say what stage we are at in developing these more substantial terms of reference?

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

Hon. John B. McLean: I think I answered a question here some time ago in regard to the North Sound. What we have tried is actually to do it in two parts. We have different departments that are actually part of this survey, and we must get together to make sure that we do what is right for it. We had to do one stage at a time. That is the reason the question is worded the way it is.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Notwithstanding the Private Member's Motion which was approved in Parliament not too long ago regarding dredging in the North Sound, can the Honourable Minister say if, while awaiting the results of this study, Government has any policy specific to dredging in the North Sound?

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

Hon. John B. McLean: There has been no change. It has only been exactly as it was said as far back as the Throne Speech. If I recall, it was said it would be no more except those approved in principle. I think we have more or less stayed within the ambits of that.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if the dredging His Excellency referred to in his Throne Speech included any inland dredging on the mangrove fringe of the North Sound? Or is he simply talking about what is generally called the Queen's bottom?

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

Hon. John B. McLean: If I recall correctly, in the Throne Speech the Governor actually identified the ones in question at the time. But dredging would have been as he referred to, the Queen's bottom. Whatever is done inland is actually handled by Planning.

The Speaker: If there are no further supplementaries, the next question is No. 114, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 114

No. 114: Miss Heather D. Bodden asked the Honourable Minister for Education, Aviation and Planning whether the maintenance of Government school buildings has improved since the appointment of the Facilities' Officer by the Education Officer.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes. There has been marked improvement in the maintenance of Government school buildings since the appointment of the Facilities Officer.

He has direct links with all school Principals and daily contacts with the Public Works Department. The Facilities Officer also visits schools on an average of once a week or as needed. He checks for safety, structural, mechanical and other related items and issues work orders as needed. He follows up on work requested until the job is completed. A tracking system has been established for work orders between schools, the Education Department and the Public Works Department.

The Facilities Officer initiates the work order requests as needed and follows through to completion. He has established a constant maintenance routine. Over

500 work orders have been completed since 6th October 1997 when he assumed the duties. This has greatly reduced the summer workload for this year.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Can the Honourable Minister say what the duties are of the maintenance people employed at the Primary Schools now that we have a Facilities Officer doing all this work?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Those who are employed are basically groundsmen who do a very minimal amount of maintenance. They change light bulbs, or do a minimum amount of painting. The Facilitator actually deals with more major things, for example walkways that need a roof or something of that sort. So there is a difference between more serious and minor maintenance.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I would like to thank the Minister for his reply, but in the district of North Side we have a young man employed at our school, and then we also have a maintenance person from PWD. Are we now doubling up employment, or is the work co-ordinated between these three people now employed by Government?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Trying to maintain eighteen schools is a mammoth task. There is no two ways about it. While there may be some overlapping, by and large, what happens is that work orders are set out, schedules are set up and the principals actually sign off on completion, something fairly new we have introduced, that they are satisfied with the work. I am not saying that there will not be some overlapping, but, by and large, there is so much maintenance at the schools I believe it keeps everyone fairly busy.

The Speaker: If there are no further supplementaries, the next question is No. 115, standing in the name of the Second Elected Member for Bodden Town.

QUESTION 115

No. 115: Miss Heather D. Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works how the Zero Litter Campaign is being promoted and what are the goals and objectives of the programme.

The Speaker: Before I call on the Hon. Minister, I would appreciate a motion for the suspension of Standing Order 23 (7) & (8) in order for Question Time to continue.

The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

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

Hon. John B. McLean: I so move that the relevant Standing Order be suspended so that we can take the remainder of questions on the Order Paper.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

Agreed. Standing Order 23(7) and (8) suspended to enable Question Time to continue.

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

Hon. John B. McLean: The goal and objective of the anti-litter programme is to reach a zero tolerance level of litter among all residents of the Cayman Islands, thereby reducing the volumes of roadside litter and marine debris and the incidences of illegal dumping, by educating residents and generating awareness of the following:

- Litter undermines the beauty of our Islands.
- Litter results in the loss of Government funds every year.
- Litter is a health and safety hazard.
- Litter has a negative effect on tourism.
- Littering is against the law and includes a fine of up to \$1,000 and imprisonment of six months.

Furthermore, the Department intends to administer an environmental recognition programme, promote the enforcement of litter and illegal dumping laws, recruit litter patrol groups, distribute "Get a Grip on Litter" education kits to all schools and help to organise and promote Island-wide cleanups with the assistance of other Government departments and the private sector.

The following activities, educational and promotional tools have been utilised or will be used to promote the Anti-Litter programme:

- Adopt-A-Spot
- "Get a Grip on Litter" Merit Awards
- Island-wide Clean-up
- "Spread the Word...Not the Waste. Get a Grip on Litter" Educational School Kits
- "Get a Grip on Litter" Litter-bags
- Adopt-A-Spot Road Signs
- Boater's Pledge

- Anti-Litter Colouring Book
- Anti-Litter Poster
- Anti-Litter Educational Public Messages (which we hope to do on all the media on the Island)
- Fast Food Restaurant Endorsements
- Highlight Litter Laws
- Public Litter Receptacles
- Sponsored Litter Collection Gloves
- Name the Crab Competition
- Introduction of "Grabbit," the new anti-litter mascot
- Roadside and Beach Litter Collection Safety Tips
- Anti-Litter/Ant-Dumping Feature Articles
- Anti-Litter/Ant-Dumping Road Signs

The Speaker: Are there any supplementaries? [Pause] If there are no supplementaries, the next question is No. 116, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 116

No. 116: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning what stage has the 'National Curriculum' reached.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The National Curriculum is at Key Stage 1 and 2 of its development. Key Stage 1 Science Curriculum was completed in January and circulated to all school while Key Stage 2 is currently being worked on.

In Social Studies, Learning Packets for Key Stage 1 have been completed and will be printed as soon as they are vetted. Learning Packets for Key Stage 2 in Social Studies should be completed by this summer. The writing of Learning Outcomes for Social Studies is in keeping with the development of Learning Packets.

The Language Arts Curriculum is at Key Stage 1 while the Mathematics Key Stage 1 Curriculum is to be completed this summer and work on Key Stage 2 will be continued.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House how many teachers are working on this curriculum and state whether this work is on a full time basis, or carried on only during holidays?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It is being dealt with during the summer vacations.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House when we might expect the National Curriculum in the core subjects to be completed?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The timeline originally set, and that I think will be fairly well met, was that mathematics should be completed in late 1999 or the year 2000. In fact the time given here was 2000. That is for Key stage 4 to be completed. The same with science and language arts. But in between these stages, three, for example, would fall in 1999 in those two subjects, but in 2000 language arts. The original time line I am reading from is just what I have given you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister tell the House whether the curriculum in the subject areas as it is developed is being tested on any target populations or will the curriculum, when completed, come into immediate effect without sampling on any selected group?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Key stage 1 would be done on a piloting basis during this year. So the answer to that is yes.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether these pilot schools have as yet been selected? If so, can he inform the House which schools these may be?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The answer is they have not yet been selected.

The Speaker: If there are no further supplementaries the next question is No. 117, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 117

No. 117: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works whether the Ministry of Agriculture Environment Communications and Works continues to

operate a household hazardous waste disposal programme.

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

Hon. John B. McLean: Household Hazardous Waste (HHW) is the hazardous waste generated by the public at large through the disposal of items which are normally used in day-to-day activities around the home. It does not, by definition, include waste from businesses or farms.

The Department of Environmental Health (DOEH) organised the first HHW collection day on 2nd August 1997. Five temporary drop-off sites were established on Grand Cayman and one on Cayman Brac. The programme is well advertised and a total of 20 persons took advantage of the event to dispose of various materials, predominantly paints and batteries.

Currently, in the absence of a waste disposal technology on Island for this type of waste, the DOEH is storing the collected HHW. More events will be planned in the future and the DOEH is investigating the possibility of consigning a firm from the United States of America to handle the packaging, transportation and disposal of the collected waste. Waste oil and lead acid batteries from households are currently recycled.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say why this campaign did not extend to include empty containers of insecticides and other possibly poisonous and contaminating materials? And can the Honourable Minister say what the normal course is for disposing of such containers?

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

Hon. John B. McLean: I think it was some time early last year when we had a seminar, headed through the Department of Agriculture and in conjunction with the Department of Environmental Health. We do collect the containers the Member is speaking of. They come into the Department quite regularly and we try to do the best we can under the circumstances to make sure that they are properly taken care of.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Would the Honourable Minister give the House an undertaking that reminders will be given periodically so that the public will realise there is special arrangement for the disposal of such hazardous and dangerous containers?

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

Hon. John B. McLean: This will not only be done by the Department of Environment, but we will also continue to work through the Department of Agriculture as we have been recently. As I said, we had a seminar to stress how important it is for farmers not to discard containers of insecticide or pesticides on an ad hoc basis. This was headed by somebody from the University of the West Indies so it was not something taken lightly. We must give the farmers credit because thus far the farmers and other persons concerned have been giving us full co-operation on this and we will continue to work along with them to ensure it is done in the best way.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I noted that in his answer he said a total of twenty persons took advantage after the programme was well advertised. Can the Honourable Minister say if any analysis was done to improve the effectiveness of the campaign so that we can have a greater number of persons participating in future campaigns?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, it is an ongoing campaign. We have been in contact with all those concerned and we will continue to do that. As a matter of fact, we will do so before we have another island-wide campaign. We hope to do another major collection island-wide in September.

The Speaker: If there are no further supplementaries, the next question is No. 118, standing in the name of the Fourth Elected Member for George Town.

QUESTION 118

No. 118: Dr. Frank McField asked the Honourable Minister for Education, Aviation and Planning whether the Cayman Islands Government still encourages, and financially supports, students to attend Howard University in Washington D.C.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Education Council requires students to attend universities that are rated at least "competitive" by a reputable guide, such as Barron's Guide, in order to receive a scholarship.

According to the 1998 Barron's Guide, Howard University is currently rated as "less competitive." The Education Council cannot therefore issue funds to students to attend this school until its rating improves to "competitive" or higher. Students already at Howard University

continue to get their scholarship funds, but new students are asked to look to other colleges whose ratings are at least competitive. This ruling applies to all colleges in the United States of America.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Can the Honourable Minister say what the substantive difference is between "competitive," "less competitive," and "not competitive"?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: These are ratings done in the United States and a competitive school is much better than a less competitive school.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I understand that a competitive school is better than a less competitive school—it says so in the language. What is the real difference when we say "less competitive"? That could mean there is not that much of a difference between a less competitive and a competitive. Now if it is a non-competitive institution we can understand what that means when compared to competitive. But less competitive, less active, does not necessarily mean that the college is not competitive because it still has competitive in the positive.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I will do my best to answer this because I am really not an expert on ratings in the United States, even though I could get some detailed information on this for the Member. But as I understand it mainly arises from the entrance requirements. For instance, a person with a lower SAT could get into that university. It also deals with the curriculum and output at the end. So a student with a lower scholastic aptitude would be able to get in there, whereas that student could not get into a highly competitive, or competitive university or college. It is United States rating. The only thing I can say to the Member is that I can probably get the basis on which this is done. But I think it may vary with the rating institution.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: I know I am supposed to form a question here, but I would like to ask the Minister if the information available to him suggests that the mere fact

that a person enters college with a particular aptitude test does not guarantee their success? Would he agree, from the information available to him and from his long term as Minister for Education, that this does not suggest the competitiveness of the college in the final analysis since it is based upon the actual performance of the student in the four year degree programme rather than when they entered that programme?

I am trying to assist the Minister here as well. I have one niece who graduated from that particular university and another one there now. I visited that university last May and I am kind of amazed that a university with the calibre I witnessed on graduation day would be considered a college not fit for our students to attend or be financed for.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Howard University used to be competitive. But it has now. . . the standards have obviously fallen on these criteria used in the United States, and it is less competitive. But what I have said is that the students who are there who got in when it was a competitive university, those scholarships must continue. It would be unfair to move them. I cannot, as I said earlier, say that I can really express an opinion on the American rating system because it is a system that is not used in the United Kingdom to the extent it is in the United States. I don't know what happened with the university to become less competitive. I don't know if I can go much beyond that. It is a rating system I cannot say that I fully understand.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Notwithstanding the position of the Education Council as expressed by the Honourable Minister, can the Honourable Minister say if any tracking has been done on the graduates from competitive universities as against those of less than competitive universities to find out if their performance in the world of work is significantly different between those graduating from competitive universities and less competitive universities?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: We don't have that tracking system, obviously. It has never been in place. All I can really say is that a person's ability to get along, or to get on in business and what they achieve comes from their perseverance, their ambition. . . . I will just pass on a statement a teacher made to me many years ago. It was this: "I can teach you everything in the world. But if you lack ambition you will never get anywhere in life." That is a hard fact of life.

If a university student comes out highly qualified and doesn't have ambition, he will get no place. On the other hand, people who do not have university degrees and have ambition have risen to the top in life. So I am not sure whether the criteria of tracking a university student and finding out what they have achieved, having made the statement I have, is one that would really tell whether it is a fault of the university in its educating the student, or just simply a lack of ambition, or the person may be a drop-out in society.

I believe that some universities have tracking systems, but we do not here. By and large, most people who have the ambition to get through university have the ambition to move on in life. That is the general rule. If they can push on through university, they generally become productive members of society.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.27 AM

PROCEEDINGS RESUMED AT 11.58 AM

The Speaker: Please be seated. Item 4 on today's Order Paper is Other Business, Private Members' Motions. Private Member's Motion No. 9/98, Minimum Wage.

The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 9/98

MINIMUM WAGE

Mr. W. McKeeva Bush: I beg to move Private Member's Motion No. 9/98, standing in my name, which reads as follows:

"WHEREAS a Committee was established to look into the need of a minimum wage/starting salary in the hospitality industry;

"AND WHEREAS the Committee made a report to the Ministry of Community Affairs, Sports, Women, Youth and Culture on its findings;

"BE IT RESOLVED THAT the Honourable Minister study the report and report back to this Honourable House the intentions of the Government:-

"(a) as to the implementation of the findings of the Committee as they relate to minimum wage in the hospitality industry; and

"(b) its views on other industries/sectors."

The Speaker: Is there a seconder? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to second the motion.

The Speaker: Private Member's Motion No. 9/98 has been duly moved and seconded. Does the Mover wish to speak to it? I would like to inform the House that I have received notice of an amendment to this motion which has been circulated to all Members. Would you wish to move the amendment prior to your speaking to the motion?

In view of that, I call upon the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to move her amendment.

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 9/98

Hon. Julianna O'Connor-Connolly: Thank you. In accordance with the provisions of Standing Order 25(2), I the Honourable Minister for Community Affairs, Sports, Women and Culture wish to make the following amendments:-

"WHEREAS this matter is of such importance that it should be dealt with by a Committee of the whole House.

"BE IT RESOLVED that Private Member's Motion No. 9/98 be amended in the first two lines of the resolution section as follows:-

- "1) By the deletion of the words 'The Honourable Minister' and replacing them with the words '**Select Committee of this whole House**';
- "2) Between the word 'reports' and the word 'and' by the addition of the words '**and any other relevant matters and to hear representation from the public on this matter;**'
- "3) By the deletion of the words 'the intentions of the Government'."

The Speaker: The amendment to Private Member's Motion No. 9/98 has been duly moved. Does the Mover wish to speak to it? The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: I rise in support of the motion which was put forward on behalf of the Government. It is the view of this Government that the proposed amendment to the motion has far-reaching consequences to most, if not all, sectors of our community. Further, it is the Government's view that this important and critical economic and social issue deserves no less than the full participation of all Members of this Honour-

able House. Hence, the logic for the proposal of all Honourable Members being given the privilege of being a formidable member of a select committee to deal with the issue of minimum wage.

This issue should, in the Government's view, cut across all political barriers as it will have a profound effect on all six districts here in the Cayman Islands. Therefore, each representative should be given an opportunity to work through this issue together, to hear views of their constituents be they employer or employee.

Once the select committee of the whole House meets, then in accordance with the respective Standing Orders the report can then be brought back to Parliament. It is the Government's view that this is the most practical and expedient manner in which to deal with this very important issue. Further, I believe the method of a select committee is not only practical and efficient, but has been utilised by Hon. Members of this Parliament even during this present sitting, as seen in Motion 11/98, 8/98, 12/98 originally Motion 14/98, which all ask for select committees to be established in order to consider the respective issues.

With these few words on behalf of the Government I would respectfully encourage all Hon. Members to give their full support to this amendment.

The Speaker: The motion is open for debate. The First Elected Member for West Bay.

Mr. W. McKeever Bush: I listened to what the Minister had to say on this particular matter. Our motion deals with a committee that was established to look at wages in the hospitality industry, that is, the hotel and condominium sector. And the motion also says in the very last line that Government is to report back to the House on their views of other industries or sectors.

As I said, I listened to what the Minister had to say. I cannot agree that we should set up a select committee to look at what has already been gone into for many years now by a committee of both employers and employees. Perhaps, if it is the Government's and Members' view, and they are so minded to get together to look at what might need to be done in other industries or sectors, that might make some sense. But to set up another select committee—and as you know, we have a lot of them already, which are not getting anywhere, some of them—would only serve to draw this matter out over a long period of time. Seeing how the other select committees have moved on so slowly this one would never get anywhere.

We have in select committee Immigration, of paramount importance to this country; we have the Election Select Committee, we have the Dependent Territories Review, another very important Committee, one which will take some time when they get going with the review from the United Kingdom; we have the Privileges Committee; we have one on Standing Orders; we have one on Freedom of Information. Mr. Speaker, we have at least six very important select committees that are now

before us. As I said, I really do not feel that sending this particular matter, when there is already a report, . . . I don't know how much further it will take us in the matter.

We know that the people who come to select committees are the business people. I have never seen the working man show up here for a select committee. I do know that there are people objecting to this. That is why I could not get it tabled before. There are people who do not want that report to leave the Glass House. This would be a good way to tie it up—start it all over again, take forever and get nowhere.

As I said, the majority of this motion deals with the hotel industry for which a committee was agreed on by all Members of the National Team, including the Minister. Other avenues to get public feedback were opened to us, which I took the time to do, which I will talk about in the debate on the substantive motion.

I cannot support the motion where it deals with the hotel industry. As I said, if the Minister wants to get together without setting up a select committee for us to give her our views on other industries or sectors, I would not object. I don't know what other Members will have to say. But on the matter dealing with the hotel industry, I cannot agree to put that matter into a select committee.

Thank you.

The Speaker: Does any other Member wish to speak on the amendment? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I rise to express the position I hold in regard to this amendment. In my estimation putting this matter before a select committee at this time would seem counter productive to the objectives we are seeking to achieve.

My colleague, the First Elected Member for West Bay, has outlined and enumerated the various select committees we have. These are in addition to the standing select committee, of course, which is Finance Committee. I cannot see how, at this time, we can afford to add another select committee to that list of already outstanding committees. Added to that is the fact that were this motion calling for the establishment of a minimum wage by category across the board, I would not be averse to putting the matter before a select committee. But as it indicates at this time to start with the hospitality industry, and, Mr. Speaker, those of us who are attuned to what is happening in that industry know that from time immemorial there have been complaints and dissatisfaction which need to be addressed, and I think that any delay at this time would be inimical to the interest which the mover of this motion and I, and I think other Members who are minded to support this motion, desire.

This motion really calls for the exercise of political will. That is all. It can very simply be handled by us buckling down. Finally, when we have select committees, we know that those committees are not represented by the people most affected by the request. Therefore, I cannot support the call at this time.

The Speaker: Does any other Member wish to speak to the amendment? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This amendment to the motion is important because it does what Members of this Honourable House—especially Members of the Backbench—have referred to many times, that is, participation in making major decisions. The question of a minimum wage is of such importance that I feel decisions on it should be made by a select committee of the whole House. This gives the input of all eighteen Members here and it therefore follows that that decision coming from a select committee of this House will obviously carry much more weight.

We have had select committees set up by the Members, and one was moved by the Third Elected Member for Bodden Town. Select committees are set up all the time. Several will be set up in this House. What has been the problem is that this legislature has been sitting continuously since 20 February. I am not saying every day, but basically one session has run into the other which is something I have never seen. We have been in this Honourable House for almost five months. If I had a choice between prioritising the importance of what is going on, then there are other happenings in this House that could perhaps be reduced, like Question Time, to give us time to deal with committees such as this.

I believe to get this minimum wage through, because this has been hanging and pending for quite a while, is through a select committee of the House where all Members will have come up with what is in the best interest of the public and be obligated to support it publicly.

So I strongly support the amendment to this motion. I believe that if the Members wish to be quick on the select committee they can be quick. The question is not a difficult one, it is substantially a single decision on how much. Input will have to be taken, but I think the committee that was set up that looked at one area of this has a report and would have information that could be looked at in relation to the hospitality industry.

There is always a question of whether a minimum wage should be established as in a general minimum wage, or whether there should be minimum wages for each sector of the industry. This is also something the committee could look at. But I think it is very important that we get on with getting a decision made on minimum wages and get input and look at the input that has been given to the committee that was established to look into the minimum wage in the hospitality industry.

In summary, this is an extremely important issue. I think the input of all Members of this House is very important. It is not an easy issue. It is a political issue as well. But that is the reason why I believe the input of eighteen Members of this House has to be a lot better than having this done by fewer people. Secondly, there is machinery here within the House. If this session is going to go on for much longer, then we ask, sir, that we

take a break and get on with some of these select committees. If the House sits continuously, then obviously we cannot get to the select committees. I would favour, if it reaches that stage, that one day a week, with your permission sir, be taken to do select committees. That may well mean that the five months we have been in the House could stretch into six or seven.

The year only has twelve months in it, and this will have to come to a halt at some stage. I must say that it has been a strain on the eight Ministers in Government to try to carry on the business of the country while sitting for nearly five months in a continuous session—not saying every day, but in a continuous session. It is very hard to plan.

That does not mean that if we want to get on with the select committee we can't take a break. You could designate one day out of each week and we could do these select committees. So I support the amendment to the motion.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I rise to offer my comments on the amendment to the motion calling for the minimum wage issue to go to a select committee.

The mover of the original motion, the First Elected Member for West Bay, mentioned that an advisory committee was established for the purpose of looking at establishing a minimum wage starting in the hospitality industry. I have been given a copy of that report and the committee members were from a wide cross-section of the community. It also involved persons from the industry.

I am tired of listening to the gripes and complaints of my people employed who have been working in this industry for five or ten years and earning \$3.75. I believe that we do have a report on the issue and I believe that as representatives we can debate that report and come up with the conclusions which are fair to all parties concerned.

So I support the idea of us getting on with the issue of implementing a minimum wage, and I believe that the approach is also good in that we do not start with a blanket approach where all areas of the economy are affected, but we start with the hospitality industry. Once we get it right in that area maybe it will be time to look at another area with the same objectives.

Over the years the cost of living continued to rise and wages have not kept pace. So our people are much worse off than they were five years ago, even though the economy is booming. They are in a position where they get much less for the dollar they earn. I support the idea of moving on with the issue of implementing a minimum wage and I believe to put this in a select committee would only delay the implementation of a very important policy.

The Speaker: The floor is open for debate, does any other Member wish to speak? [Pause] if not, does the mover wish to exercise her right of reply? The Honour-

able Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

Hon. Julianna O'Connor-Connolly: Just to thank Honourable Members for their support. I reserve any other comments for the substantive motion.

The Speaker: The question is the amendment to Private Member's Motion No. 9/98. Those in favour, please say Aye. Those against, No.

AYES and Noes.

The Speaker: Madam Clerk, call the division please.

Clerk:

Division No. 8/98

Ayes: 7

Hon. James M. Ryan
Hon. George McCarthy
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden
Hon. Julianna O'Connor-Connolly
Miss Heather D. Bodden

Noes: 6

Mr. W. McKeeva Bush
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Mr. D. Kurt Tibbetts
Mr. Roy Bodden
Mrs. Edna M. Moyle

Absentees: 4

Hon. Richard Coles
Hon. Truman M. Bodden
Mr. Linford A. Pierson
Dr. Frank McField

The Speaker: The result of the division is seven Ayes, six Noes. The amendment has passed. The motion stands amended accordingly.

AGREED BY MAJORITY: AMENDMENT PASSED.

The Speaker: I will now call upon the First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you.

I want to thank the seconder of the substantive motion who has always displayed an interest in labour matters and in matters pertaining to the working man.

I would like to say that when I was responsible for Human Resources I set up a committee to look into the matter of minimum wages in the hotel sector. The House will recall that there was much debate on a motion brought by the [former] Second Elected Member for Cayman Brac and Little Cayman, and the [former] First Elected Member for Bodden Town (now Third Elected Member for Bodden Town). In the majority this House rejected the motion because I, as the Minister acting under collective responsibility, said we were doing something. That something was that we set up a committee to deal with this matter of minimum wage in the hotel industry.

This matter was dealt with by the National Team first, and I should say that the Minister was in that meet-

ing with us. Also at this same meeting of the National Team, which the Honourable Minister attended, they agreed to set up the committee to make it absolutely clear. Also at the same time we agreed to get public feedback via Open Line on Radio Cayman, through which much feedback came back to Government. The Committee at the meeting also decided that I should meet with the Chamber of Commerce. I had a meeting with the Chamber, not that they supported minimum wage, but I did as I was asked to do—and as I thought I should do to give everybody a chance to make their case.

We will wait now and see what is going to happen to this matter, because since I got the report from the committee, the political will was not there from Executive Council to table the report as I had promised, nor to take the matter forward. I recall the last time I addressed the Chamber of Commerce as Minister for Human Resource Development on the matter of pensions. I was told by the President after I sat down (and not having a chance to speak again) that one thing I must not bring was the minimum wage. As I said, because the President spoke after I sat down I had no chance to reply. But the political will was not there. I can't say all of Executive Council, because there were some who felt the pinch of their constituent's, who saw the need of their own constituents and agreed with me. But we couldn't get anywhere, we couldn't get the report tabled.

If we recall, there was much debate on that motion by the former [Second Elected] Member for Cayman Brac and Little Cayman, and the present Third Elected Member for Bodden Town. So the committee reported back in April of 1997. It was not something that was rushed, it took a long time to get to the point where the committee sat down over a period of time and went through the different stages and wage scales in the hotel sector. I should say that it was a committee of employers and employees. The reason I did not support that motion. . . and I am really surprised and disappointed that the Government got this motion through the Second Elected Member for Bodden Town supporting them, because she too knows about this. It is that Member's democratic right to do as she feels, but she cannot say that she does not know the situation.

This motion is asking Government to study the committee's report, and report the intentions of the Government back to this House. This was not even asking them to do any more than that. What were they going to do about the implementation? So, Mr. Speaker, the Government found an easy way out, not doing anything as they have done with me in the past. I am sorry that the Minister responsible fell into the trap of a select committee, but I will wait now and see how easy it is to get done what I could not get done. Let us wait and see.

I recall that that report spoke of the difficulties in the industry and the different category of wages. They spoke of places paying below \$4.00 and we know that to be a fact! We don't need anybody to tell us about that! The Minister now responsible knows as much as I knew, and I still know because her situation in Cayman Brac is

worse than here in the Cayman Islands. She should want to do something about this post-haste rather than putting it into a select committee where she knows those persons who were against it—

Hon. Julianna O'Connor-Connolly: Mr. Speaker, on a point of clarification, Sir.

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

Hon. Julianna O'Connor-Connolly: Am I understanding the First Elected Member for West Bay to be saying it is worse in Cayman Brac than it is in the Cayman Islands? Are we not three islands?

The Speaker: Certainly that was a slip of the tongue. He meant Grand Cayman.

Mr. W. McKeeva Bush: Mr. Speaker, that Minister being a lawyer, full well knew what I was referring to.

Never mind my knowing if there are three islands. Even if I were the biggest fool in the world, I would know that we are three islands! What I am saying is that she, as the Minister responsible for labour matters, knows full well the situation existing in her district—the district of Cayman Brac and Little Cayman, if you want to add that on to it. She knows, because she complained to me quite often about it. She knows full well. Other representatives have complained to me about the situation up there.

I don't believe that they have the will, that is why they have found a way to put this in a select committee, and the Second Elected Member for Bodden Town fell into the trap of seeing that this motion gets put where the rest of them are. They can't get anywhere—can't even get a report! They have to do interim reports, and they are talking about more committees?

Mr. Speaker, let me say that I recall the difficulties of persons in that hotel sector, not getting raises for years. I had to practically force the Villas of Galleon to give an increase after years and years of paying little salaries. Treasure Island Resort and I were constantly battling, and I know that I am not a favourite of some of these sectors. In fact, they were glad to see me go out of Executive Council. They were! I got some very nasty calls. Yes, Mr. Speaker, time is longer than rope!

Some of those hotels are paying less than \$4.00 per hour. Treasure Island Resort just gave a recent increase of 20 cents in one particular area after eleven years of no increase. And you are going to shove this into another committee? Is it right, in an economy where everything is as expensive as it is? And all of us in this House know because we see it ourselves from day to day. We have to live from pay cheque to pay cheque, so we know what it is. Is it right? Is it fair, or humane, for a business establishment to pay less than \$4.00 per hour in some instances to workers?

Some of the hotels have said to me, *'There is a big gratuity.'* They say, *'We pay \$3.00 per hour and there is*

an average of \$3.00 per hour gratuity.' Time and time again, I have said that a gratuity is not a salary, it is a tip left by the client. It is not part of the salary. I have even been asked why they should pay more in gratuities than what an assistant clerk in the front office gets. Why should a maid get more than them? So you can see the kind of feeling that exists. No employer should consider gratuities anything other than a gratuity, a tip.

I could have easily set up a minimum wage committee here in the House. I could have done that in 1993. But Government, in the majority (with the exception of the lady Minister), said '*No, don't go that way. We set up a committee in the Department of Human Resources.*' I heard the Minister for Education say that this would give Members a chance to participate. I don't know if we can sit down ourselves and set up a minimum wage. I thought it was a good way to get the employers and employees to sit down together with the staff of the Human Resources Department to go through the guts of the mechanisms which exist in the hotel industry. Anyway, we shall wait and see.

As I understand it, the Government is accepting the motion, putting it in one of their select committees to get feedback from the public. I will wait and see. In the meantime, while this back and forth business is going on, and duplication of time and effort, the people out there at the very lowest end in the country will have to wait again. It is not something that I agree with. Thank you.

The Speaker: I think this will be a convenient time to take the luncheon break. We will suspend until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.39 PM

PROCEEDINGS RESUMED AT 2. 43 PM

The Speaker: I will ask all Members to remain standing while we swear in Mr. Samuel Bulgin, Solicitor General, to be the Temporary Acting Second Official Member.

Mr. Bulgin, will you come forward to the Clerk's desk?

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE

by Mr Samuel Bulgin

Hon. Samuel Bulgin: I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law. So help me God.

The Speaker: Please take your seat. I welcome you for the time of your service here.

Please be seated. Debate continues on Private Member's Motion No. 9/98. The floor is open for debate.

Does any other Member wish to speak? [Pause] The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I will try to be brief beyond my usual, but I would like to make a few what I think are necessary comments to dispel some notions which exist.

First of all, the call for a minimum wage by category is not entirely new to this Parliament, since in 1993 the former Second Elected Member for Cayman Brac and Little Cayman and I moved a motion, and moved a motion again in 1995. I think it is safe to say that on both occasions, while the motions were not carried, there was a certain amount of sentiment on the part of the Government—an expression of interest is a nice way to describe it. Indeed, the very last time the former Minister under whose responsibility this fell (the present First Elected Member for West Bay) said that the Government did not see fit at that time to support the motion because the Government had already set in place certain mechanisms concerned with what the motion was seeking to achieve.

We are ideally situated to effect something like this, if we have the political will, because as was pointed out in previous debates the Public Works Department already has its workers who are, what I would call, categorised weekly workers. Indeed, when we debated the motion we used the estimates as an example because at the back of the estimates Public Works categorises the workers and sets out a schedule of fees, wages and the per hour rate based upon a number of factors which are also relevant were we to adopt what this motion is asking for.

What the minimum wage by category does is specify the very minimum below which a person can be paid to perform certain jobs. It does not mean that he will not be worth more than that, or that he will be unable to get more than the prescribed minimum wage, but it ensures. . . and what it entails is that he cannot, if it goes into law, get less than that.

To show that we are not far afield, President Clinton has just undertaken to review, and indeed has taken steps toward upgrading the minimum wage in the United States, particularly for certain categories of people, for example, those who work in the fast-food industry. I read where in the United Kingdom one of the undertakings which Tony Blair has given is to review and reassess this whole business of minimum wage as it affects certain skilled and unskilled workers in the United Kingdom.

The point has been made that the way to address this shortcoming most effectively would be to ensure that these people got better value for wages earned. There is a certain amount of truth to that, but it is not easily achieved if we are going to try to implement or institute any price controls, which I would never advocate being a free marketer myself.

The best guarantee in our situation would be to arrive at a minimum wage structured by category. What is attractive about this proposal is that it begins with one category, a popular category, a category in which many

Caymanian people toil; a category we hear incessant complaints about people not being paid a fair wage, not receiving gratuities, having no formula, no basis on which to calculate a fair day's wage for a fair day's work. So we have before us, should we desire to exercise the political will, the beginnings, the foundation upon which to launch a full minimum wage by category. It's easy.

The First Elected Member for West Bay intimated that the report was already prepared. What I see as a shortcoming in putting this matter before a select committee is that the very people the motion is designed to help are the very people who are not going to come to a select committee to make their voices heard. Why? Because in the first instance they will find it inconvenient, and in the second instance it may not be easy for them to absent themselves from their work. Remember, Mr. Speaker, these are people who are normally paid by the hour. Are we going to expect these people to appear before the select committee? Even when we have witnesses scheduled for a certain period, it does not ideally work according to the schedule and they may have to be sitting in the foyer, waiting because we may have witnesses in who have gone on beyond their scheduled time, or something may have happened. We may have to postpone a meeting and reschedule witnesses. There may be all kinds of inconveniences. And, as is not unusual or uncommon according to my experience, is that the persons who will come in droves and be well represented, articulate and well prepared, will be the employers. So what is likely to happen is that the select committee is not going to be able to achieve the balance it should in order to structure the proper recommendation.

In the absence of that, the best course is for this Honourable House to read the report and, as is not unusual, exercise its judiciousness based on experience, on the feedback and the representation that will still come, and try to craft something which is acceptable.

Remember, we are not saying that we are going to work on something written in blood and etched in stone. We are going to be flexible. Hence, the attractiveness of starting with one category, a popular category, a category in which a significant number of Caymanians are already employed. We will get a good feel of what the national minimum wage should be. Indeed, I would go so far as to suggest that this particular category could be a pilot project for the broader national minimum wage.

At the dawning of the 21st Century, and as sophisticated as we are, not to embark upon this route would be a serious mistake and a retrograde step. I have to say that politicians, notwithstanding for the most part we are well intended and well meaning, have to take it a step beyond that. We have to remove ourselves from the smugness we sometimes grow accustomed to and put ourselves in the position of those persons who are less articulate than we, who are less educated, less well-endowed, but who contribute no less significantly to the well-being, the economic make-up and success of this country. It is time that we stopped pretending and genuinely put our shoulders to the wheel to redress some of these imbalances.

When we examine the fact that we have a jurisdiction which has never had trade unions, the least we can do is try to craft some kind of mechanism, some kind of legislation which will ensure that the persons who do the necessary and sometimes backbreaking work to keep this country the success that it is get the financial reward they deserve for their labour.

In saying that, I well recognise that it is not going to be an easy task. Perhaps it was not designed to be an easy task. There are going to be pro's and con's to every proposal. But we have always acted with wisdom, and we have always been able for the most part to make the necessary assessments and come up with what we think is a good balance. This exercise calls for no less.

If we have the political will we are eminently equipped to take this task on. The longer we postpone it, the more it is going to fester and the worse off these people are going to be. Already, they have to play catch up. Remember, persons in this category have to contribute to the Health Insurance and Pensions Scheme. It stands to reason that they should be able to make these contributions and still be in a position where their contribution does not leave them in a position of near pennilessness.

I believe it will be an appreciated move. I believe that it will be a politically responsible move. And, who knows? It may even be a politically popular move. I mention that one last because as far as I am concerned, that one is the least important. I believe it will be a responsible move. But I would be naive to say that it would not be a move that persons could use to gain some political popularity.

Contrary to some, I acknowledge that I am a politician. I think it is one of the greatest vocations anyone can have. I would be less than sensible if, when an opportunity came along where I could get some political mileage, I would not take that mileage. Certainly, I am gracious and honest, but the animal that I am would be stupid not to accept a little political mileage. God knows, sometimes I need all the help I can get in that direction!

Having said that, I commend the move to my Honourable colleagues, with this admonition: Buckle up, let us put our shoulders to the wheel and see how we can use this Private Member's Motion as a starting point to address the concerns and give better material recognition to those hard-working persons in our society who continue to labour sometimes under unattractive and demeaning conditions. Thank you.

The Speaker: Does any other Member wish to speak?
The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I rise to offer my contribution to Private Member's Motion No. 9/98. The original motion called for the Minister to study the report of the committee established to look into the issue of minimum wage, as it affects the hospitality industry.

I recall attending a Chamber of Commerce Business Expo at the Hyatt Hotel some years ago. As I was looking at some of the exhibitions and the ads for em-

ployment, one caught my eye. It basically read: "Wanted: Maids, \$2.50 per hour." And it was an ad for one of the establishments in Cayman Brac. Now, it is difficult for me to understand how anyone could live off of \$2.50 per hour. In most cases a person either has a mortgage or pays rent. They have to provide money for telephone, lights, food, school fees and other incidental expenses. But to aggravate the situation further, there is a serious combination of minimum, that is to pay as little as possible, but then they give you the minimum number of hours as they possibly can.

I have heard of situations, even here in Grand Cayman, where people working for less than \$4 per hour in the hospitality industry, work three days per week. Now, as you and I both know, Mr. Speaker, most workdays consist of eight hours. So that's \$32.00 per day. That is less than \$100 per week. That is one reason why we have so many people here on work permits. A lot of Caymanians are saying, *'I can't work for those wages, so if you want that kind of work done, you are going to have to bring somebody else in to do that.'*

There is an argument that gratuities must be taken into consideration as part of the compensation package. But we know of the rumours and allegations of widespread abuse in this area. When I was looking at the issue of gratuities in respect to seeing that they were paid at the same time normal wages were paid (every two weeks), I was surprised at the wide disparity in the hourly gratuity rate. One of the main reasons was not that some establishments were busier than others, but the main reason for the wide disparity was because in some establishments management shared in those gratuities, and at others that was not the case. So when you talk about gratuities being part of the compensation package, it lends itself to a lot of uncertainty as far as an employee's earnings because he doesn't know from one month to the next what his gratuities will be.

If we had a minimum wage in the hospitality, . . . and I agree with that approach, in that we should attack one industry at a time in order to try to rectify the wage situation in the country. One of the questions I hear constantly by visitors who come here to enjoy our sun, sea and sand, is, *'Where are the Caymanians? I came from the United States for a vacation in the tropics and when I checked in at the hotel, the receptionist was an American, [or Irish or some other nationality]. I proceeded to my room, and there was another nationality there. When I go to the restaurant, there is somebody different. When am I going to meet the Caymanians we hear so much about?'*

I believe that if we did something about the wages that are paid in this industry, we would find more Caymanians prepared to consider the hospitality industry as a career. I am not only talking about maids, who seem to come to mind whenever we talk about the hospitality industry, but I am aware of a young Caymanian who had spent a number of years in the hospitality industry and had risen to a high level. With the odd hours involved in this industry, the gentleman was still in a position where he was making less than \$2,000 per month. He subse-

quently left that industry and went into some other area where he can make more money, and the hours are better.

Unfortunately, the cost of living in this country continues to rise. There is very little that has been done in regard to wages keeping pace. There are two reasons for that. I believe that we are too lenient in the issuance of work permits. There are tons of people out there who would come to work in this country for, maybe, \$1.50 per hour if they were allowed to do so. Where they come from there is no opportunity for employment. The other reason is because most employers are not sensitive to the needs of their employees. They look at them in terms of what they can produce for them, and that is their attitude.

I am involved in a number of businesses and we make it a point to create a working environment where people are happy and comfortable, where we take care of them. In turn they take care of the business. That is the way it should work. During my research on the motion I brought in March in regard to gratuities, I was pleased to learn that at least some establishments were doing what they are supposed to do in regard to gratuities. For example, at two establishments, the hourly gratuity was in excess of \$5.50 per hour. At another major establishment it was \$2.00 or less. They are all competing for the same clientele. Why the difference in the hourly gratuity? The conclusion I came to was because of abuse in this area.

I want to congratulate establishments that are trying to do what is right, establishments that have a genuine interest in doing what is right by way of their employees. I have heard about minimum wages for a long time, ever since I became a Member of this House, which was in 1988. It is time for us to get on with the job. Let's err, for once, on the side of attempting to do something rather than hiding behind excuses such as select committees in order to get things done. I, for one, have brought many motions calling for very genuine and legitimate services and issues on matters that affect our people. It goes into a select committee and that is the last anyone hears of it. I am afraid that if we do send this issue to a select committee that is exactly what is going to happen with this issue as well.

The other argument I would put forward is that if you have a committee already established for the purpose of looking at the minimum wage which involved a good cross-section of people involved in the industry, some credence must be paid to what they had to say on this issue.

So I believe that the right approach would be for us to get on with this issue, put in place some measures for improving wages in the hospitality industry where, on average, I think the starting wage is less than \$4.00 per hour. I am aware that at some establishments the employees have been there for ten or fifteen years and are still making less than \$4.00 per hour. Now, with the cost of living in this country they simply cannot survive on those wages.

I urge the Minister to treat this issue with the utmost urgency because it affects many of our Caymanians and even people from her constituency, that is, Cayman Brac and Little Cayman.

Thank you.

The Speaker: Would this be a convenient time for the afternoon break? We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.17 PM

PROCEEDING RESUMED AT 3.57 PM

The Speaker: Please be seated. Debate on Private Member's Motion No. 9/98 continues. Does any other Member wish to speak? (pause) Does any other Member wish to speak? (pause) If not, does the mover wish to exercise his right to reply?

Hon. W. McKeeva Bush: Yes, right now.

I would like to thank the seconder of this motion for his contribution. As I said in opening, the Third Elected Member for Bodden Town is always willing to assist in matters affecting the people, especially the workers in this country. He made some very valid points when he said that this group of people has no one working for them. They have no voice, as such, except for Members of this House. They have no unionised situation as in other countries. These are the reasons why we put the Labour Law in place, so that people could be protected from both sides. But we know that in these instances the people who have the voice are the employers.

I would like to thank my colleague, the Third Elected Member for West Bay, who also usually speaks on these kinds of matters. I would like to thank all Member who supported the motion otherwise. I am not really satisfied that this motion is going to a select committee because I don't believe that the political will or the strength is there in the Government—which is very weak at this point in its term. It does not have the will to go through with it. Coupled with that is the fact that Government has organisations like the Chamber of Commerce pressuring it not to do anything about it. These are the reasons we don't have the report today.

The report came from a committee made up of several people from the condo and hotel management area, and I thought that the Minister would have been well advised to put the matter to rest by discussing it with her people.

I can understand the predicament she found herself in, in that she had people on Executive Council who did not support minimum wages. She found herself in a predicament and a good way for her to get out of taking action is by sending it to a select committee, so that they can come back and say everybody is involved. As I said, it is sad because I know that they are not really going to try to do anything about the situation. As the old West Indian saying goes, "It's nothin' but a sham." That select committee is a sham!

Although the Backbench voted against the amendment (that is we in the majority) we support the original motion. That is why we are supporting the motion as amended. We don't feel that the select committee is going to meet now, and if it does, we do not have the confidence in the Government—those leading the Government—to get anything done. It is not that something does not need to be done because back in 1995 I pointed out, from the Government's statistics, the gross inequity that existed in that sector. At that point I was using 1994 statistics to show that an average household in the Cayman Islands needed \$1176 per month in order to cover their basic needs. In 1994 the average monthly household expenditure on a basket of basic goods, that is, staple foods, clothing, mortgage, utilities, mortgage/rent, school expenses, toiletries, and so on, was \$1076. Approximately \$700 per individual. These were Government's statistics, not McKeeva's, Mr. Speaker. This is not the so-called, Backbench Opposition, this is what the people needed to live on in this country.

Also, according to a survey that Government did at the time, there were over 1,000 Caymanians earning less than \$833 per month. If you look in the latest Compendium of Statistics you will see that in the hotel industry there were just over 1,000 Caymanians employed. We do know that there are hotels paying less than \$4.00 per hour, using gratuities to bring it up to sometimes less than \$5.00 per hour, and some areas less than \$4.00 per hour in other areas. in than \$5.00 per hour , and it wouldn't be so bad if the gratuities were coming as they should.

The least that should be done is to make increases so the people's wages meet the Government's statistics. They should at least be raised to that extent. These are needs—not wants—that we are talking about. I do believe that salaries should be upgraded in this industry to the amount Government says it takes them to live.

To make matters worse, the same statistics showed that there were (at that time) 2266 non-Caymanians making less than \$833 per month. Now, we know that we have a large domestic worker population. But also in the hotel industry there were some 600-odd (according to the latest statistics I had at that time because I didn't have the very latest ones). What will this do to our social life in this country? We had 317 Caymanians in the wholesale/resale industry making less than \$833 per month. In the hotel and condominium group, there were 155 persons making less than \$833 per month. There are some other services where 104 persons make less (according to the same statistics) than \$833 per month.

In public advertising there were 23 employees making less than \$833 per month. In the construction industry there were at that time 76 Caymanians making less than \$833 per month. It is good for people who don't understand what poverty is. . . and we carry on in this country believing that none exists, that there are no people worse off than what we are in this House! Some people believe that! They don't understand what it takes to live! they don't understand that when a man has four children and he goes home with this kind of salary what

it takes for him to face those children. Or if they do understand, they don't care about that type of person in this country! They don't understand, or they don't care! They shove their heads in the sand like that ostrich saying all is well with them. This House should take cognisance of the fact that all of us here have a good standard of living but that there are persons in this country much worse off than us. Among them are the elderly.

My good friend just said that they have to share the same costs as we must. They have to pay the same price for food. And we are going to allow people who only care what their bank account looks like, and what their checking account looks like? I am not saying that businesses must not prosper. I have a business myself. One goes into business to make a profit. But I have always believed that other people must be able to live.

We brag about how good our economy is. And we trot out the numbers every year, fantastic looking numbers, patting ourselves on the shoulder believing that there are no persons out there suffering. The greatest laugh of all, and I say laugh, but the greatest joke of all is this so-called level of per capita income. We sit down satisfied ourselves saying, 'Oh, we have one of the highest per capita incomes of the western world.' Oh yeah? We all know that income is relative.

When you read the statistics that Government puts out. . . and you know how old they are, because I was unable to get new ones. They are over four years old. When you have business establishments not giving people a raise for over eleven years, and when they do it's twenty cents, this is a joke! And it is indictment on how we run this country.

I know that you will see a letter in the press that McKeeva is back to his old habits again, like the one I read from a certain individual to His Excellency the Governor. I took it to mean they were trying to chastise me for bringing this motion. I also read one letter in the *Caymanian Compass* from the same individual. . . . You know, it is really funny, because while those people criticise how we run labour, do you know how many times we had to go and defend that same person? That same person moving from one job to the next, moving from one job to—yet he criticises me? I wouldn't sit down and talk to him? I sat down and had a discussion with the Chamber of Commerce. What more was I to do? Was I going to do what this Minister is allowing her Executive Council to push her into?

[Addressing the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture] Well, Madam, if you count it a joke, no wonder the ship is floundering.

[Inaudible interjection]

Hon. W. McKeeva Bush: *[Addressing the voice across the floor]* You should say that on the microphone.

I really support the lady Minister, but this business of her sitting down and talking without getting up and explaining herself while somebody else is speaking should really stop. I take political bantering as it comes

because I can deal with it, but if she has a case to make she should have made it when you called so often for them to speak. Anyway, she's my friend and I will handle the matter (to use a phrase I coined) gingerly. *[laughter]*

I believe that we are doing a disservice by putting this into select committee. But I am not going to prolong the debate. I think we have made our case, and I don't think that we can do any more. But to restate the situation, unless someone jumps up and asks why I did not do it when I was there, there were at least two motions on the floor of this House. We, as the Government, rejected them because we were putting mechanisms in place. We were attempting to work at the situation to do something about it. Everybody agreed—including the Minister. That issue was put to the appointed committee. They made a report. That report could not get out of Executive Council. It could not get tabled, it could not be made public because there were people in Executive Council. . . . I simply did not have the majority to bring it to Executive Council. Those are the reasons why it was not done.

While the Minister says she is under no pressure, I believe she is speaking with tongue-in-cheek because she is under great pressure, she was under great pressure to do exactly what she did. It is a good way of getting out of it. It is nothing but a sham. We have done our job. Let's wait and see what Government is going to come with.

I am disappointed that my good friend, the lady Member, the Second Elected Member for Bodden Town, once again assisted the Government in doing something wrong. I hope their consciences prick em'!

The Speaker: I shall put the question that Private Member's Motion No. 9/98, as amended, be passed. I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 9/98 AS AMENDED PASSED.

The Speaker: I have approximately nine minutes until the normal time for the adjournment. Shall we adjourn?

[Inaudible interjections]

The Speaker: Okay, if that is what you wish. We will move on to Private Member's Motion No. 13/98, Problems with Public Education in the Cayman Islands. The First Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 13/98

**PROBLEMS OF PUBLIC EDUCATION
IN THE CAYMAN ISLANDS**

Mr. D. Kurt Tibbetts: Thank you. I beg to move Private Member's Motion No. 13/98, entitled Problems with Public Education in the Cayman Islands.

**[BE IT RESOLVED that this Honourable Legislative Assembly debate the problems of public education in the Cayman Islands;*

BE IT ALSO RESOLVED that the Honourable Legislative Assembly arrive at the necessary, relevant and practical solutions to these problems;

BE IT ALSO RESOLVED that the Government give a commitment to act immediately to bring about these solutions;

AND BE IT FURTHER RESOLVED that these matters be treated as top priority and that whatever funds are needed be redirected, if necessary, from elsewhere in order to effect the necessary corrective measures.]

[*The Hon. Member did not actually read the motion at this time.]

The Speaker: Do we have a seconder? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to second the motion.

The Speaker: Private Member's Motion No. 13/98 has been duly moved and seconded. Does the mover wish to speak to it? But we have an amendment, do you wish to move the amendment first?

Mr. D. Kurt Tibbetts: Mr. Speaker, I am quite happy to hear the amendment, to follow in the procedure you have encouraged us to, to sort the amendments out and debate the entire motion together with any amendments at one time.

The Speaker: The Honourable Minister for Education, Aviation and Planning, do you object to moving your amendment?

Hon. Truman M. Bodden: Mr. Speaker, I would rather the mover open, and when he has finished I will put the amendment. If you wish to combine the debate after that, I could discuss with him how we move forward from there. But I am not ready to move it now.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, we have tried to comply with what you have proven to us makes good sense with these motions. I find it strange at this point in time that the Leader of Government Business, who fully understands the reasoning behind it, has tried to shift the whole way of procedure. It is not for him at this point in time, in my view, to be asking for it to be done in a different fashion to satisfy his request now. The way the motion will be debated, both in my opening and in the

debate of others, will certainly depend on whether these amendments are added to the substantive motion or not.

The Speaker: The Standing Orders say that the amendment can be moved at any time before the question is put on the motion. But I would suggest that we take the adjournment at this time in order that there will be time for everybody.

The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, if you don't mind, sir. I will hear what you wish for this afternoon, and I want the Leader of Government Business to think about this because it matters not to me, I can deal with it however he pleases. But he has been around here a lot longer than I, and if he tries this now he is going to regret it down the line. I want him to think about it tonight because if he tries this *simidimi* business now, then forever and ever I will be a thorn in his flesh as long as I am here with whatever he wishes to do in the future.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, with respect, this is supposed to be an Honourable House. I don't have to stay here and take threats when I am within these Standing Orders, and you need to do something, with respect, Mr. Speaker, about this.

The Fourth Elected Member for West Bay raised this with you. This is an Honourable House, I am within the Standing Orders and I should not have to put up with that type of language, with all due respect, sir.

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order.

POINT OF ORDER

Mr. W. McKeeva Bush: Mr. Speaker, I think that you are doing your job. We have debated several motions during this meeting, one after the next, and you have asked us when an amendment comes to take that amendment immediately and get it over with so that we can debate the substantive motion altogether, which made some sense. So, Mr. Speaker, I find it strange that Government is calling upon you to use some order, and I don't know which one you would use after you have asked us to take certain steps—which we agreed with you on, Mr. Speaker. We have followed that in every motion since we've been here these last few days.

I think it is just political manoeuvring on the part of my friend, the Minister for Education, and I don't think that you should allow anybody to be pushing these things at you because I don't think you are wrong right now. There is no general disorder here.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The last Member who spoke knows the Standing Orders. He knows the amendment can be put at any time. What I am saying is that I am within the Standing Orders and I don't have to take the treatment I was getting from the First Elected Member for George Town.

Now, if they wish to have something worked out further down. . . but at this stage I am going to stand on my rights. I would like to hear the opening by the mover, and I will decide at that stage what I do with my amendment.

[Inaudible interjections]

Hon. Thomas C. Jefferson: Mr. Speaker, I would suggest we take the adjournment.

SPEAKER'S REMARKS

The Speaker: I have heard Members on both sides talking about the time being elapsed here. I would like to say a little something about that.

I might be getting the blame for the time lost, but most of the time it is being lost because of lack of decision, and prolonged breaks. *[applause]*

I now ask for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Thursday morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock Thursday morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.28 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 9 JULY 1998.

**EDITED
THURSDAY
9 JULY 1998
11.07 AM**

The Speaker: Prayers by the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture.

PRAYERS

Hon. Julianna O'Connor-Connolly: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I would like to apologise for the late start of the Sitting, we had an informal meeting in the Common Room. I have apologies for absence from the Hon Second Official Member, who is off the island on official business, and from Third Elected Member for George Town who is off the island.

Item 3, Questions to Honourable Members/Ministers. Deferred question 108 is standing in the name of the First Elected Member for West Bay. Before we take that, I would like to have Standing Order 23 (7)

& (8) suspended in order to take questions after 11.00 AM.

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

Mr. D. Kurt Tibbetts: I so move the suspension of the relevant Standing Orders.

Mrs. Edna Moyle: [*microphone not turned on*]

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. I shall put the question. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE.

The Speaker: The First Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

Mr. W. McKeeva Bush: I wonder if we could move on to question 119, since the Honourable Minister responsible for Agriculture, Environment, Communications and Works is not in his seat.

The Speaker: Certainly. We will move on to question 119, standing in the name of The Third Elected Member for Bodden Town.

QUESTION 119

No. 119: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to provide a list of persons given Caymanian status or permanent residence by Executive Council as a result of appeals against the Immigration Board's decision.

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

Hon. James M. Ryan: Six persons were given Caymanian status and 53 persons (plus 41 dependants) were given permanent residence between 1994 and 1998 by

Executive Council as a result of appeals against the Immigration Board's decision. A list of these is attached.

Year	Caymanian Status Breakdown by Year	Permanent Residence breakdown by Year
1994	0	1
1995	3	5
1996	1	16
1997	2	67
1998	0	5
Total	6	94

Permanent Residence Breakdown by Year		Permanent Residence breakdown by Nationality	
1994	1	Nicaragua	1
1995	5	Cuba	6
1996	16	St Vincent and the Grenadines	1
1997	67	Malaysia	1
1998	5	Jamaica	42
Total:	94	Pakistan	1
		Belize	1
		Canada	8
		United Kingdom	13
		Honduras	5
		Trinidad	6
		Brazil	2
		United States	3
		Colombia	1
		India	3

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say what some of the general circumstances might be that would lead the Executive Council to overturn decisions made by the Immigration Board, seeing that the Immigration Board has a history of passing down conscientious decisions?

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

Hon. James M. Ryan: While I appreciate the Member's desire to have a response to this, I regret that I am unable to answer because the deliberations and the reasons of Executive Council are confidential.

The Speaker: If there are no further supplementaries, the next question is No. 120, standing in the name of The Third Elected Member for Bodden Town.

QUESTION 120

No. 120: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to provide a list giving position, qualification and years of employment of all foreign nationals employed at the Public Works Department.

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

Hon. James M. Ryan: There are 54 foreign nationals employed in the Public Works Department. Eight of these occupy established posts and 46 are group employees.

The following is a list of the established posts showing qualifications and years of service:

Position	Qualifications	Years of Service
Executive Engineer (Civil)	Bachelor of Science with Hons in Civil Engineering	16 yrs 3 mths
Engineer	Bachelor of Science in Civil Engineering	11 yrs 9 mths
Graduate Architect	Bachelor of Science in Architectural Studies	1 yr 5 mths
Sr Superintendent	Diploma in Mechanical Engineering	5 yrs 9 mths
Sr Superintendent	Degree in Building Construction Estimating Technology Degree in Paving and Construction	9 years
Executive Architect	Diploma in Architecture ARIBA Chartered	12 years
Sr Superintendent	OND, HND, Building 1992 and 1995 C and GQS Part 1 (1995)	13 years 1mth
Architect	HND Civil Engineering Member Institute of Asphalt Technology	3 yrs 9 mths

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: In positions which could be described as professional positions, that is, positions in which the applicant holds university or college qualification, can the Honourable Minister say whether or not these persons are being understudied by Caymanians?

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

Hon. James M. Ryan: I believe that in at least some instances this is happening. I would not say that in all cases. I am not sure. I can find that information for the Member if he so wishes.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: That would be my request, sir. I also have a follow-up question: Is the Honourable Member in a position to say whether or not those persons in the category I described as professional (for lack of a more

apt description) are contracted or temporarily employed, as we know it exists sometimes.

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

Hon. James M. Ryan: These positions are contracted. They are contracted officers.

The Speaker: If there are no further supplementaries, we will return to deferred question 108, standing in the name of the First Elected Member for West Bay.

DEFERRED QUESTION 108

No. 108: Mr. W. McKeever Bush asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works if Government has been advised of any intentions by Cable & Wireless (CI) Ltd to re-route its directory enquiries through another jurisdiction, thus eliminating the need for its local operator staff.

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

Hon. John B. McLean: Mr. Speaker, I apologise. When the question was called a while ago I was in the Common Room talking to the family of one of my PWD staff members trying to make arrangements for funeral services on Saturday. As somebody who has served this country for almost thirty years, I think it only fair to say to the family of the late Bosworth Rankine on behalf of Government that we extend our sympathies.

The answer to the question is, no.

The Speaker: The First Elected Member for West Bay.

SUPPLEMENTARIES

Mr. W. McKeever Bush: Can the Honourable Minister say whether or not he has had any indication from Cable & Wireless on the matter of directory inquiries? If not re-routing it, changes in the local operator staff?

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

Hon. John B. McLean: If there is anything that actually happens in this respect, I will be happy to make a report to the House. Thus far, as with any other company that I am responsible for, we continue to have talks. But, as I mentioned in my answer, I just have to say no, we have had no talks on this.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say whether, if in fact this were to be a situation that did occur, this be something the company involved would be discussing with Government prior to taking any action?

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

Hon. John B. McLean: As I mentioned a while ago, we have ongoing negotiations and talks with companies such as Cable & Wireless, CUC, etc. I am certain that if there were such a thing it would be brought to Government's attention and we would have discussions on it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister give an undertaking that if and when such discussions take place that this Honourable House will be made aware of them?

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

Hon. John B. McLean: I mentioned that if anything should come up I would be happy to pass it on to the House.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning. Moving on to item 4 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 13/98, Problems of Public Education in the Cayman Islands, continuation of debate thereon. The Honourable Minister for Education, Aviation and Planning.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 13/98

PROBLEMS OF PUBLIC EDUCATION IN THE CAYMAN ISLANDS

AMENDMENT TO MOTION

Hon. Truman M. Bodden: I move an amendment to Private Member's Motion No. 13/98, Problems of Public Education in the Cayman Islands. In accordance with the provisions of Standing Order 25(2), I, the Honourable Minister responsible for Education, Aviation and Planning, seek to move the following amendment to Private Member's Motion No 13/98 as follows:

"WHEREAS this Honourable House having approved the 1998 Budget's prioritisation on the 4th of May, 1998;

"BE IT RESOLVED THAT Private Member's Motion No. 13/98 be amended as follows and that each amendment be put to the vote separately:

- (i) In the second resolution after the word “problems” the addition of the following words:-

“in accordance with the National Educational Strategic Plan 1995 - 1999 which represents the wishes of the public after extensive public consultation and having been prepared and recommended by 353 members of the public (of which over one half were professional teachers and educators) in accordance with the public’s view and accepted by the Legislative Assembly on the 30th day of March, 1995”;

- (ii) In the last resolution the deletion of the words ‘be redirected if necessary from elsewhere’;

- (iii) In the last resolution after the word ‘needed’ add the following words [and the little “a” in brackets is not relevant and should come out]:-

“in accordance with the capital expenditure to be laid on the Table of this Honourable House and will support approval for the 1998 expenditure and that the 1999 and 2000 expenditure be raised by such measures recommended by the Honourable House as priority in the years 1999 and 2000.”

The Speaker: The amendment has been duly moved. The question is that Private Member’s Motion No. 13/98 be amended as in the notice provided to Members. Does the proposer wish to speak to it? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Thank you, Mr. Speaker—

Mr. D. Kurt Tibbetts: Mr. Speaker, would the Minister would just give way for a point of clarification? Thank you.

It is obvious that we will be debating these amendments before they are put to the vote. I just wish to have it clear: The third amendment the Minister has moved is one I have not been able to fully understand. I just wish to explain what it is I don’t understand and perhaps we can get the matter cleared up.

What the Minister has moved will cause the third resolve section to read as follows: **“AND BE IT FURTHER RESOLVED that these matters be treated as top priority and that whatever funds are needed in accordance with the capital expenditure to be laid on the Table of this Honourable House and will support approval for the 1998 expenditure...”** I won’t go any further than that. That is where I have the problem. What I do not understand with the way it is worded is where it says **“the capital expenditure to be laid on the Table of this Honourable House and will support...”** I do not understand this. It doesn’t make sense to me. Perhaps the Minister could explain that.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, Mr. Speaker. This part of the motion is asking, when expenditure which I will lay on the Table comes up for approval at Finance Committee, . . . I am asking for the support of the House at that time for the approval of it. I am asking the House—I will be laying a list on the Table and when that comes up I am asking the House to please support the expenditure that will be needed to deal with some of these things. That is the intent of it.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: I appreciate what the Minister has said. I do understand the intent. Where I have the problem is that the wording does not read correctly to me. I may be wrong, and it may be something I cannot see through. Perhaps if one of the Clerks can get involved, I think it is necessary to clear up the way it is worded, otherwise I think it is going to be difficult for us to vote on it the way it is worded. I am not trying to cause any problems, but maybe the Clerk could better explain what I am trying to say.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Is it the word ‘approval’ that you. . . or is it the word ‘support’?

Mr. D. Kurt Tibbetts: No, it is where the phrase “and will support” starts off into the continuation of the sentence. It just doesn’t flow to me.

Hon. Truman M. Bodden: Would it clarify it if it said “and this Honourable House will support”? That is what the Clerk has suggested. I have no problem moving what the Clerk has said, “that this Honourable House will support.”

Maybe I should speak on it, then the intent will come out clearly. The First Elected Member for George Town has stated to me the reasons in relation to his motion. What he was referring to in relation to the problems of public education. This is what gave me some difficulty in the beginning, not understanding what this motion was in some detail. And I still do not have details but I have an indication of what those problems are. Therefore, I am able to move this at this stage.

That Honourable Member has said that the problems he is referring to mainly come from the speed with which the Strategic Plan is being implemented. Therefore, I am able to deal with those areas in generalities now, and once I get specifics I can deal with those specifically on the full motion. So I am happy, therefore, to move on with this amendment at this time. I guess the Member has the same difficulty with my amendment that

I had with his motion in really not seeing or understanding the full intent of what he was trying to achieve.

The amendment to this motion seeks to ensure, first of all, that the National Education Strategic Plan—which is a five year plan updated every year (and would actually be 1997 because the update is not here yet) to 2001—it is a rolling plan. Every year there is an updating by the team, many of whom were on the original planning team that dealt with this. I think it is important for the stability of education and the continuity of education that the motion itself in dealing with whatever problems exist does remain within the National Education Strategic Plan.

Indeed, the First Elected Member for George Town has indicated that his concern is with the implementation of the National Education Strategic Plan (and I will get details of that when he opens). His concern is when he refers to the several sections relating to problems and also practical solutions to the problems in the first three recitals of his motion.

So what I would like to do is to first have a look at the Strategic Plan and reserve a fair amount of what I have to say until I speak on the original motion. What would assist me somewhat, and I would have to move quickly, is for me to move through the main areas of the Strategic Plan itself. I am not certain that implementation referred to by the First Elected Member for George Town relates to system, or system and capital works, or both. It relates to both, in which case I believe I should move through areas relating to this Strategic Plan, then, in some depth.

Mr. Speaker, there can be no doubt that we have a very solid educational system. While people in the Cayman Islands quite rightly expect more out of it, people are satisfied with the system itself. There is no move from the public side to change the system, as such. What I understand from this motion is really the implementation or the speeding up I should say, of certain areas of the Strategic Plan. Actually, one main plan deals with the area that has been a matter of concern. Perhaps I should deal with that strategy first, but it would mean that this would be somewhat out of sequence because some of this arises out of strategy 9. But I think I will move quickly down the plan itself so that the public can see what has been implemented and what has not, and what needs attention.

The first strategy is 1, which says, **“We will establish a national curriculum with standards at every level which will fulfill the needs of students of every ability.”** “[The objective] 1. **To establish national guidelines to govern educational policies.”**

I will be reading the implementation updates. **“National guidelines were developed by the curriculum team and accepted by the Ministry for Education.”**

Objective 2: **“To establish a committee which includes a cross-section of society, to advise on curriculum content.”** Update: **“A national curriculum advisory committee has been established. This committee consists of 16 members. The Chairman is the senior education officer for curriculum and test**

development and this committee has met on two occasions.”

Objective 4: **“To provide a wide range of subjects, knowledge and experiences for students of all skills and aptitudes at every grade level.”** Update: **“Work is continuing on the National Curriculum in four areas: language arts, mathematics, science, social studies. As assistant education officer for language arts has recently been appointed. Learning outcomes for years 1 to 3 have been developed in the areas of mathematics and science. Learning packets have been developed for each year and level in social studies.”**

I answered a question yesterday in depth on this so I need not go any further into it. But progress there is satisfactory and this is well on the way with the core subjects.

Objective 6 is: **“To provide programmes of work which promote mastery of basic language and mathematical skills at each grade level.”** These programmes are in operation and ongoing. So that has been dealt with.

[Objective] 7: **“To incorporate in the curriculum strategies to provide cognitive, affective and psycho-motor behaviour, self-motivation, self-confidence, independent cooperative working and thinking, curiosity and other skills.”** These strategies are in operation and efforts to continue to upgrade them are ongoing. I should add that this is a very specialised area of the plan.

[Objective] 9 (sic) [10]: **“To infuse key elements of Caymanian culture in all subjects of the curriculum.”** Much effort is being made to infuse key elements of our culture across the curriculum, there is more integration of subjects. Older members of the community have been invited to talk to students about life in these islands long ago and students have been on numerous field trips in order to learn more about our culture.

[Objective] 11: **“To promote a sense of responsibility towards local and global environmental issues.”** Schools have been placing much emphasis on environmental issues. Most schools are participating on various projects or have formed recycling clubs. Students participated in a Caribbean sea project and won prizes. Field trips, beach cleanup, etc, are ongoing activities, much assistance is given by the Department of the Environment. That deals with strategy 1.

Strategy 2, and I should mention that these plans that I have spoken on are plans that were put together by the 353 of the different action teams of which over one-half were teachers or educational specialists. So this has had a very high input from professional teachers and professional educators.

Strategy 2 says: **“We will develop and implement a personal education plan for each student that assures his/her success.”**

“Objective 1: Centralize professional services so that all children will have equal access to services provided by the Multidisciplinary team.” The

implementation: There is a special services committee and also a multidisciplinary evaluation team in operation. There operate according to specific guidelines which outline their roles and functions. It is anticipated that we will have a computerised records management system soon. It is proposed that the new Lighthouse building will contain a diagnostic and treatment centre.

Objective 2: **“Develop a comprehensive, non-discriminatory evaluation policy for all students.”** All schools have school-based teams that make referrals, and assessments are done regularly. Individualised education plans and treatment programmes have been developed and are reviewed termly or annually. A policy for testing students was created and approved and is used for criterion referenced tests. Monthly staff development training sessions were held and referral assessment procedures were formalised. This plan is for the advanced stage.

Objective 3: **“Provide a continuum of alternative placement and related services to meet the varied needs of exceptional students, from the least to the most restrictive environment.”** All schools with over 200 students have full time resource teachers. Other schools have part-time help. The old Teachers' Centre in Cayman Brac has been converted into a unit for special needs students. The early intervention programme, as well as home-based programme for school-age children continues.

This is an area where there has been progress, but as I will refer to later on, it is very important that the Lighthouse School and the Sunrise Centre be given proper facilities in which to develop this action plan.

The next action plan is [6], **“To ensure that all personnel within educational institutions are suitably qualified and receive opportunities for further professional training.”** Periodic surveys are conducted to determine the topics that teachers would like to have addressed. As a result of this identification, workshops are being held to address these needs. Only trained personnel assess students and implement specialised programmes. There has been a constant move to upgrade Caymanians in the teaching profession. Scholarships are given to any student who qualifies...well, in many of the subject areas, but especially in teaching and nursing. Also, as was done with the training from the University of Miami, and also with the United Kingdom University, there has been a steady upgrading of teachers in the teaching profession with specific emphasis on the masters programme that upgraded teachers who at that stage had a teaching certificate.

[Objective 7] **“Establish early detection screening procedures to identify developmental delays which may result in learning difficulties.”**

Students who appear to be at risk are referred for comprehensive assessment. Entry behaviour tests are also administered to beginning students. As I said earlier, the early intervention programme and the home-based programme for school age children is one that continues.

The next action plan under Strategy 2 is [10] **“To establish a national policy on the education of the gifted and talented.”** Guidelines have been created to identify the gifted students. However there is a need for additional staff to implement these programmes. Too many times we focus only on students who may be under average, and sufficient effort is not put on gifted and talented students. But like students who may be under average students, students who are over average will burn out in a system the same way as their counterparts. It is important, I think, that this strategy, which I must say (if I remember) exists in the West Bay and Savannah schools, there is in fact a programme for gifted and talented students. So we are behind in that area.

Strategy 3: **“We will establish throughout the system individual and school accountability while preserving the unique character and effectiveness of each school.”** The objective on Plan 1 is **“To establish a localised system which will preserve the unique character and effectiveness of each school.”**

The Speaker: Would this be a convenient time to take the morning break?

Hon. Truman M. Bodden: Yes, Sir.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.47 AM

PROCEEDINGS RESUMED AT 12.15 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 13/98, the Honourable Minister for Education, Aviation and Planning, continuing.

Hon. Truman M. Bodden: Thank you, Mr. Speaker. I was on strategy 2 of the Five-year Strategic Plan, which stated, **“We will develop and implement a personal education plan for each student that assures his/her success.”** I had gone on to deal with the third action plan, which says, **“[The objective was to] provide a continuum of alternative placement and related services to meet the varied needs of exceptional students, from the least to the most restrictive.”** I had gone down to where I was talking about gifted students.

The third strategy, which says, **“We will establish throughout the system individual and school accountability while preserving the unique character and effectiveness of each school.”** Plan 1 is **“To establish a localised system that will preserve the unique character and effectiveness of each school.”** On the implementation side, at the end of each school year principals do an inventory and submit it to the Education Department. Any furniture or equipment not fit for future use is referred to a Board of Condemnation. Annual reports from schools outline projects for the follow-

ing year. This information is also attached to the budget that is submitted each year.

When I visit schools once each quarter along with the Permanent Secretary and the Chief Education Officer, I always sit with all staff in the school—not just teachers, but all staff—and say that I would like to discuss any areas of concern and hear anything they may wish to say that could improve the system. Other than areas that relate to personnel (which under the Constitution I cannot discuss) I sit with them, and I believe I can safely say that I am the first Minister of Education (or Member of Education as it used to be) who actually goes to all schools. And I invite MLAs—as Honourable MLAs know, for that district—to come to the school. I always sit with staff and try to discuss, as far as I can along with the Ministry and the Department, areas of problems. I look at these lists which are sent in, which come on for the budget. But I think, as they will tell you in areas of supplies for schools, this is one area that I know was a concern five or six years ago, but they now have, by and large, sufficient supplies within the schools.

I am reading from the strategies and updates that came from the planning team in the '97 update. **“To create an independent school inspectorate to ensure that standards are maintained.”** An independent school inspectorate has been established and the inspections began in November 1997. This has been a success. The inspectorate is there to assist schools and to look at the problems, to find them and isolate them, and then discuss solutions to them.

“To establish a community-based school board for each school to promote more effective schools.” The second phase, which has just about been reached, is first, we had PTAs, home school associations, and now we are on the verge of forming the first national school-based association, one for each Island, which I understand will have the principal from each school and each president of each PTA. This body will be able to look at schools and the system as a whole, and they will have direct access to me in the Ministry, along with the Permanent Secretary and the Chief Education Officer for meetings. It is important, and this was clearly understood, that areas relating to staff, conditions of service, . . . obviously I cannot deal with, and that has to be dealt with directly with the Chief Education Officer. I have very good hopes and aspirations for the national home associations, and I believe that they will be a tremendous asset in promoting education in each Island. After all, it is the partnership between the parents, the teachers, and the children, but especially the parents and teachers, that will provide the effective school system we need, and bring out the full potential of each and every child.

Action plan 4 is **“To establish and promote a system of consistent accountability for principals in order to maintain efficient and effective management of schools.”** Summer sessions have been conducted by the schools inspectorate and the Education Department which helped to focus principals' attention on self-assessment and improve administrative procedures.

This has been one area that teachers welcomed, and has really been good to develop teachers in any areas they may need development.

[Objective] 5: **“To establish and promote a system of consistent accountability for teachers to ensure that maximum educational standards are maintained.”** The planning team, on implementation, stated, **“Teachers do maintain up-to-date information in the school record books. Lesson plans are seen and reviewed weekly.”** This did not happen some time back in the past. **“Principals hold conferences with individual teachers to discuss the appraisal system established by the Government and to set objectives for each year.”**

Six: **“To establish and promote a system of parental accountability in schools to engender parental responsibility and develop a working partnership with schools.”** One school has developed a parents' charter. **“Parents are kept up to date on student progress, either through parent conferences or PTAs or HSAs and other forums. There are many parents who assist their children with research work, and other parents have been instrumental in holding fun fairs to raise funds to buy things like playground equipment or organising events such as banquets.”** This is one area, I must say as Cayman has developed more and more, that has become more and more of a problem because parents many times are working long hours and they do not have the time these days as they did twenty, thirty or forty years ago. But it is so important that parents spend the time with their children on homework and they take interest in their child's progress. I would really ask parents to please support the PTAs and HSAs, because this is one way that they can show joint support for the school system.

Action plan 7: **“To establish and promote a system of consistent accountability for students in order that they may be made aware of their role and responsibility within the school.”** Student accountability is addressed on an individual basis. All schools have discipline plans, and one school has a students' charter, as I mentioned earlier. One had a parents' charter. **“The charter is subject to review and update when necessary. No central committee has been formed to standardise student accountability.”** This is something I would be asking the Chief Education Officer to look into.

Eight: **“To establish a High School Council in order that the students may be aware of their role and responsibility within the school.”** School councils have been established in some schools. These councils include both the staff and the students, and they identify areas of responsibility and accountability. Students also have input on behaviour standards and the monitoring of these standards.

Strategy 4: **“We will [identify] and counteract the social problems affecting our students education.”** The first plan, the objective is **“To provide the students and parents, skills to cope with the trauma of family breakdown.”** These objectives I am reading were ap-

proved by the Legislative Assembly in 1995. **“This area is being addressed through the life skills programme, and with the assistance of the counsellors in the school.”**

Plan 2: **“Teach parenting skills within the Life Skills curriculum.”** **“Topics on parenting are taught through the life skills curriculum, and parenting sessions have been held for parents in each district.”** In fact, these are quite popular, the parenting programmes that have been held. It has assisted many parents.

Plan 3: **“a) Develop an ongoing programme designed to establish greater communication between parents/guardians, students and educators.”** **“At present, we have schools producing monthly or termly newsletters, conducting parents’ assemblies and home visits. There are also parents’, teachers’, principals’ conferences, and good news progress reports are sent home regularly. Workshops for parents have been conducted by psychologists, school counsellors, overseas personnel, and also CASA, Cayman Against Substance Abuse. Some schools have termly forums, while parents and teachers freely share their concerns, thoughts and ideas.”** I have asked—and I know this happens—that the teachers in each school meet with their principal, preferably once a week, and principals meet once per month. In relation to Cayman Brac, one principal comes down for each meeting here, but also the Chief Education Officer goes to the Brac, normally each month, and meets with the principals there. There was considerable lack of communication between the Brac system of education (I should say, the teachers) and Grand Cayman. But this has finally, I think, been worked out, and these last few times we have been to Cayman Brac—and it was quite recently, within the last month or month and a half or so, I believe—I did not get any reports that teachers or principals felt left out, and that Cayman is doing one thing and the Brac the other. I think the Chief Education Officer has done a good job in that area. It is so important to have the communication going.

Another objective of strategy 4 is **“b) Provide opportunities for parents to acquire the necessary parenting skills in order for the parent to positively influence their children.”** This was initiated in February 1998 with workshops in all districts, and this will be continued.

Objective 2.1: **“To use all types of media, electronic and printed, to bombard the students and their families with positive messages.”** The Ministry hopes to develop a media policy. Some schools have produced their own newspapers and also supplied the media with much information on school activities.

The next objective is **“To provide parents and students with ideas on how they can effectively make use of the media.”** This plan has not yet been implemented.

The next one is **“To motivate students to obey the rules of the school.”** Students are encouraged to share their problems with their teachers and counsellors.

I think this is very important. The counsellor and teacher have to have the child’s confidence that they would come to them and discuss their problems. **“Role models are invited to address students during devotions. Personnel such as the police and social workers also assist in addressing students. School rules are prominently displayed in classrooms, assembly halls and lunchrooms.”**

Another objective is **“To develop incentives intended to reward and reinforce good character traits and behaviour.”** I am happy to say that **“incentives for good behaviour, given on a daily, weekly and termly, as well as an annual basis”**—and some schools operate a student of the month scheme. **“House points are awarded for good behaviour, punctuality, neatness and deportment.”**

Another objective of this strategy is **“To develop a support system for students, parents and teachers to increase their awareness of abuse and their ability to counteract its effects.”** I am happy to report that **“there is a liaison group that meets monthly with representatives of the Social Services Department to address these issues. This group has made presentations to the schools and hopes to now make presentations to the PTAs and HSAs.”**

Objective 5: **“To reduce incidence of delinquency among the student population.”** **“Students are constantly reminded to accept responsibility for their own behaviour. The schools have discipline codes that outline a system of rewards and punishments. Students also receive counselling on a regular basis. Some schools have after-school programmes and summer school is now held each year at three centres.”**

Objective 6 is **“To establish support for the Young Parents’ Programme.”** We continue to support it in various ways the young parents’ programme.

“Provide students with knowledge of sexually transmitted diseases.” **“Representatives from the Public Health Department have been invited to discuss sexually transmitted diseases and AIDS, and this is done dependent on the maturity level of the students.”** That is important. I stress that: **“This is done dependent on the maturity level of the students.”**

Objective 8: **“To educate teachers, parents and students on the issues relating to suicidal tendencies.”** **“These are addressed through the Quest life skills social education programmes at schools, as well as through counsellors.”**

Nine is **“To collaborate with the Ministry of Health and Drug Abuse Prevention and Rehabilitation to ensure that all services and facilities currently available, and those proposed, will include the needs of the student population.”** **“The needs of students in relation to drug abuse are constantly being addressed by the Ministry of Health and by the Ministry of Education. Both Ministries share resources and support each other’s programmes.”**

This joint Ministry partnership to fight drugs is very important.

9(2) is **"Initiate a drug awareness programme involving all schools."** I am happy to say that **"a health and drug curriculum is being implemented in schools. Several Quest workshops have been held for teachers. We now have two trained trainers for the Quest drugs programme. Schools participated in the Drug Free Week, Police Week and No Tobacco Day activities. Police beat officers from Community Relations sections of the Royal Cayman Islands Police visited schools and spoke to students about the misuse of drugs."** I think it cannot be over-stressed, the importance of these programmes. It is one of the things that has come out very clearly in the polling of a thousand people in Cayman that I will refer to later.

Objective 10: **"To establish and encourage participation in an attractive comprehensive vocational programme for school children."** Careers officers assist students with their interests and needs. A work experience programme as well as a yearly job fair has been expanded. This, I think, can be looked at and perhaps we could look at attempting to expand that further, which I understand is now being worked on.

Objective 12: **"Provide counselling facilities on Cayman Brac for school and community."** A community counsellor has been employed and therefore is addressing the needs on the Brac.

Thirteen is **"Create a Big Brother/Big Sister organisation in Cayman Brac."** As I understand it, at present this is not operating. It is one area that needs attention.

The last one is **"Expose 100% of the students to instruction which is intended to instil a strong national identity and foster cultural pride and an appreciation for Caymanian Heritage."** As we know, **"some schools have instituted the Caymanian Heritage Day. Volunteers have shared their knowledge, experience and skills, particularly in the areas such as thatch and rope-making, quadrille dancing and storytelling. Posters depicting national symbols and heroes are displayed in most classrooms."** We see this especially in the Festival of the Arts when we see the children performing.

Strategy 5: **"We will strengthen the relationship between parents, students and educators."** Plan one: the objective is **"To ensure effective communication between parents and teachers."** **"We now have five completed site-based plans, and one in progress, which includes their missions, objective and tactics."** As I said earlier, one school has established a parents' charter. "Schools continue to hold welcome sessions for new parents in each term."

Plan two, the objective is **"To ensure better communication between teachers and students."** **"Pupil-teacher ratios ensure optimum communication with individual groups. Comfortable classrooms have been provided."** I will be dealing with the structure at a later stage. A functional student monitor system is in

place in some schools and this has resulted in more responsible and respectful students. Some teachers are using daily and weekly diaries and journals to communicate student progress. Notice boards are also placed at strategic points, and they display current projects and future events.

Strategy 5, still Objective 3, is **"To involve parents, teachers and students in a partnership in education."** **"They have been encouraged to use more positive reinforcement in dealing with students. Parenting workshops were held, for example, a workshop on attention deficit disorders. Community persons have been assisting in the teaching of dance, pottery, and holding discussions on substance abuse and social skills."** This implementation is taking place.

Plan 4, Objective 5: **"To ensure that all parties will be responsible and accountable."** On the implementation side, **"Schools have various discipline plans. Some schools have devised and are implementing contracts with students."** This was discussed in a question earlier in this session, or maybe last session.

Plan 5, the objective: **"All sections of the community will be involved in schools."** What we have done here is that **"positive reports relating to school activities, parents, teachers and students, are frequently sent to the news media. Community agencies are sometimes invited to assist with some school events."**

Number 7: The objective is **"Highlight and enhance the value of the Parent Body in the life of the school through involvement in Home School Association."** I have discussed that a bit earlier when I mentioned PTAs, home-school associations, and now a national home-school association is being formed.

Objective 8 [Strategy VI]: **"To establish a programme which will alert parents and the community to the need for effective disciplinary standards and practices in the home, the school and the community."** **"We have asked parents, constantly made them aware of the need for students to be exposed to consistent, loving discipline."** I stress that: **"consistent, loving discipline."** **"The forums used to provide awareness are parent conferences, reporting sessions, PTAs, home-school associations, and cooperation and partnership are encouraged."** This is most important because if the child is being disciplined in the school but that same discipline and love are not in the home, then the child will suffer as a result of it. It has to be an effort and partnership between the parents and the teachers.

Objective 9: **"To establish a programme of activities for parents which will guide them in their interaction with their children."** **"Some of the schools have conducted parenting workshops,"** as I mentioned earlier. **"Videos have been used in some of these sessions to assist."**

Plan 10 is **“To create a supportive programme for students who lack parental guidance, control and/or support.”** **“Some students are assisted through a peer group system. Churches and some organisations have been asked to assist in encouraging students to attend youth groups and after-school programmes.”** In fact, churches run some of these after-school programmes. **“Enrolment in many of these programmes has increased, and the services of the homebound teachers are fully utilised.”**

Number 11 is **“To provide students with information on how to relate to one another.”** Poster competitions, essay contests, and role play are ongoing activities in the schools. Audiovisuals are available and are fully utilised in life skills and social education classes.

Number 12 is **“To develop a programme that will counteract the negative effects of peer pressure among students.”** **“These topics are being addressed on an ongoing basis, and peer counselling is encouraged and promoted.”** This is important because peer pressure is perhaps one of the most difficult pressures a student faces. Dealing with this is very important, that it be effectively addressed. Effective role models go a long way toward counteracting this.

Plan number 14 is **“To help students be aware of the National Symbols, e.g., Flag, Coat of Arms, Flower.”** As Members here know, we go to schools. The national symbols are normally displayed there. **“Flags are flown at each school. Students are trained to raise and lower them. Kits on the national symbols are used in the schools.”**

Plan number 15: **“To create an awareness of National Days and National Heroes.”** I mentioned that earlier—I am sorry, I thought someone said something.

Number 16 is **“To develop respect for National Song and National Anthem.”** This, once again, is also done and students are trained in this area.

I have two more left, sir, if I may just finish those two, I will finish this strategy.

Still on strategy 6, **“To recruit teachers with Christian principles and commitment whenever possible.”** **“Applicants are not required to sign any statements relating to moral and ethical principles. At the orientation session for new teachers, they are briefed on the standards, and a code of ethics is now being dealt with.”** But I think it is very important, sir. We have a very Christian community, and this has to remain a very important part of our school system. Prayer in the schools is something that, God forbid, regardless of whatever bill of rights or fundamental rights ever to come in this country, is ever touched, because in my view it has been the reason for the serious decay in the American school system. This is a God-fearing country, and our children must be taught this. It must be kept in our schools. I will do everything I can to ensure that.

Lastly, number 18 is **“To identify and communicate a Code of Ethics for teachers.”** This has been drafted and submitted to the Legal Department to review, and some comments have come back. I think it will

be going back in some areas, so this is being dealt with. So that part of the written code is not in; however, there is a very clear code of conduct and ethics within the schools for teachers themselves, same as every other professional body disciplines itself, be it lawyers or accountants or doctors, whatever.

Sir, that ends strategy 6 and I could break now if that is your wish.

The Speaker: We shall suspend proceedings until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 2.30 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 13/98, the Honourable Minister for Education, Aviation and Planning, continuing.

Hon. Truman M. Boddén: I will be skipping over the next two strategies and will come back to these at a later stage. I would like to go on to strategy 9. It says: **“We will provide and maintain all necessary facilities required to achieve and support our stated mission and objectives.”**

Plan 1. The objective is **“To establish ‘Health, Safety and Building Standards’ for schools.”** Mr. Speaker, health, safety and building standards are maintained through liaison with the Public Health, the Public Works Department and the Department of the Environment. At present these are separate documents.

Number 2 is **“To establish procedures needed to maintain and upgrade schools to minimum standards.”** The implementation of the monitoring and maintenance is by the Assistant Education Officer for monitoring maintenance and planning. Recently a Facilities Officer has been appointed, now new procedures have been devised. I dealt with this in depth in a question recently, but the principals now have to sign off. This has been very important. During the summer I get a list which sometimes runs into the hundreds. Normally it is 600, 700 or 800 items, close to 1,000. Every Friday I go through this with someone from the Education Department and I personally monitor this because we only have a short period of time when there are no children in school to do a vast amount of maintenance. It is a mammoth job.

No. 3: The objective **“To determine future building needs and develop a building Time-Line.”** Future building needs have been determined by the Chief Education Officer with his team, in liaison with members of PWD. At this stage I would like, as is mentioned in the motion, to lay on the Table of this House the following list of capital works for priorities.

The Speaker: So ordered.

Hon. Truman M. Bodden: Thank you.

This list of capital works priorities is comprehensive and it is a very expensive list. But it is something that has to be looked at by this Honourable House. While I appreciate that everything cannot be done at one time, these are the things that need to be done. The amendment to the motion, the second one, is asking for a commitment or the support for the approval of expenditure on these. I would like to go through and read these out because if we are truly expecting to move education forward and help implement these areas of education, then we are looking at quite a sizeable sum of money. Over the last three years we have put a tremendous amount of money into health, and I accept that a person's health is extremely important. I think the time has come to put some money into education, and that is what my amendment to this motion is now calling for.

First on the list is:

- New Lighthouse School, with \$6 million in 1999, and \$1.9 million in the year 2000.
- Lighthouse school plans and upgrade of Cayman Foods Building for the hall: We have \$550,000 approval for this year and that will move on.
- Classroom block at East End Primary School and the Hall: We have \$160,000 approved this year, in 1999 we are looking at \$1.3 million.
- The Cafeteria/Hall at George Hicks High School: \$250,000 now and \$275,000 for 1999.
- The Library for the George Hicks High School: There is \$5,000 in for plans and \$500,000 for 1999, and \$500,000 for the year 2000.

Some of these, as Members will see, I do not have specific estimates on. But I think it is important that the Chief Education Officer and the Ministry settle this list.

- Multi-purpose Hall at the John A. Cumber Primary School: \$600,000 for 1998, with another \$600,000 in 1999.
- Admin. Block at Red Bay Primary: \$850,000 for 1998, and \$135,000 will be needed in 1999.
- Hall at Red Bay Primary School: We figure it will be another \$600,000 or there about to complete that in 1999.
- Community College multi-purpose Hall and Hurricane Shelter: \$1.3 million for 1999.
- Purpose built Law School Building at Community College: \$1.2 million for the year 2000.

- One extra classroom at each primary school: \$1.26 million in 1999.

This was dealt with in depth in a question. If we are to have extra capacity to deal with students coming in, then one extra classroom that can be used for some other purpose until it is needed as a classroom will have to go in at the ten primary schools.

- Air conditioning: \$70,000 for 1998. We need an extra \$500,000 this year which will come through supplementaries if that is the case. With a further \$800,000 in 1999.

The schools of the country have to be air-conditioned. We have a fair amount of classrooms air-conditioned. What I would now like to do this coming year, or the beginning of this year, is for the Legislative Assembly to give us the money to move ahead and air-condition the schools.

- New Primary School at West Bay is \$10,000 for this year, \$4 million for 1999, \$1 million for the year 2000. That school is now our largest school. And some new school has to be built to split it.
- New Primary School George Town/Bodden Town: \$10,000 in this year for plans, \$4 million in 1999, and \$1 million in the year 2000.
- New High School: \$10,000 for this year for plans, we need \$7 million in 1999, and \$8 million in the year 2000.
- Administration block extension George Hicks: \$50,000 more is needed this year, \$800,000 next year with \$200,000 in the year 2000.
- New Science block, John Gray High School: \$3 million for 1999, \$500,000 for the year 2000.
- Construct Hall at Spot Bay: There is \$10,000 for 1998, we need \$600,000 in 1999.
- Additional classroom at Creek: money in this year is \$120,000.
- Completion of Alternative Education Centre at Dr. Hortor site: We would like to get on with that and we will be requesting \$600,000 to start this.
- Flashing lights at all remaining schools: I have had pressure from questions on this. We need \$111,500 and we can complete all of these.

- We don't have a costing on the land acquisition for the Creek Primary School at this stage, but that will be to come.
- Land acquisition at West End: We will need \$35,000 this year for that.
- Various refurbishing and minor works: \$850,000.

This shows the \$3.49 [million] in 1998 that has been approved, with a further \$1.2 million needed for 1998. In 1999 the total is \$34 million. As I said, we may not be able to get all of that, but I would like to see a firm commitment from this House. I don't think talking about priorities is good enough. I think the House has now to forget about the past and look forward and start building for the future of our children in this country. And in the year 2000 it is \$16 million.

That is what I believe is needed for plan 3 of strategy 9. The amendment to the motion I am seeking will do two things: It seeks to deal with the problems of the country in accordance with the National Education Strategic Plan; and what it will do in the third Resolution is commit this House to support the approval of the expenditure for 1998/1999 and the year 2000. I believe commitment is necessary in this. It is no good to talk about this anymore. I believe that we have to get on in dealing with education.

There are several strategies that I have not dealt with so far, I will just do an overview of the funding that has gone on over the past five years to show how this part of the amending motion fits in.

In 1993 Recurrent Expenditure was \$14.9 million, and Capital Expenditure was \$828,000. In 1994 that increased to \$15.8 million, Capital Expenditure moved up to \$2.8 million. In 1995, Recurrent Expenditure was \$16.8 million, and Capital Expenditure increased to \$2.9 million, making a total of \$19.8 million. In 1996 Recurrent Expenditure was \$18.9 million, and Capital Expenditure increased to \$3.4 million, a total of \$22 million. In 1997 (and these are unaudited figures) Recurrent Expenditure was \$21.1 million, and Capital Expenditure has increased to \$3.4 million, and at present \$24.5 million of the budget is spent on education—possibly one of the largest expenditures, perhaps only subject to health.

We have seen the student enrolment increase over the past five years. In the primary and secondary schools we have seen this move from 2,976 to 3,092, to 3,424, and in 1996/97 3,699, and this year 3,832 students. So there is a rapid increase over the past five years. If they are to be accommodated, and if education is to remain free, then it is important that the capital commitment for the schools be given by this House.

I would just like to deal with some of the building programmes, major works that we have done since 1993. The John Gray High School has had a major re-roofing project on the sixth form. The English Block has had a major upgrade of all electric facilities, installation of fire alarm system, air-conditioning of computer rooms,

the hall and the Islay Connolly Hall, and upgrading and extension of walkways.

George Hicks High School: Upgrading of the technical studies building, we built a new art complex and PE changing rooms, installation of air-conditioning in the hall, upgrading of walkways and roofs over walkways, replacing of the fence around the field, installation of fire alarm system, construction of new hardcourt, reinforcement and reroofing of all buildings in phase 1. As far as I can recall, eleven buildings had to be re-roofed.

George Town Primary: A new four-classroom block was constructed that included a fully equipped computer room. By the way, we built four classrooms here and four in Savannah, and they are now full. And that was just two years ago. That is the speed at which this education system is moving. The toilet block was upgraded, the infant department was re-roofed, and the library was extended and air-conditioned. Additional sidewalks have been constructed; a new drop-off area was created. Electrical system in the hall was upgraded and the hall was air-conditioned. There was various refurbishing and painting.

East End Primary: Corridors were tiled, fire exit doors were constructed, new fencing installed.

John A. Cumber Primary: New classroom block constructed for the infant school. Notwithstanding that, that school has now reached its capacity and it is the largest school we have. That is why it is important that we get the school in West Bay. A new administration block including resource room and office has been constructed. A new library and computer room constructed.

Savannah Primary School: New four-classroom block constructed including fully equipped computer room. New car park, playfield upgraded. Air-conditioning and carpet in library. Air-conditioning in hall. All walkways tiled, as well as two classrooms.

Red Bay Primary: Four new rooms have been constructed. The hardcourt has been constructed. Playfield developed.

Bodden Town Primary: Reroofing of main building, storage facilities constructed, walkways tiled, electrical system in hall upgraded, air-conditioning installed, kitchen facilities upgraded, hardcourt resurfaced and painted, walkways constructed.

North Side Primary: Toilet facilities upgraded, storage facilities constructed, walkways tiled, new outer fence and parking area developed.

Lighthouse School: The kitchen has been air-conditioned, walkways tiled, toilet facilities expanded, car park resurfaced. As Members know, the priority now is the building of the Lighthouse School.

Cayman Brac High School: Hall air-conditioned, upgrading of the field, reroofing of parts of the school block.

Cayman Brac Teacher's Centre: A new Teacher's Centre has been constructed, the old one has been refurbished to serve as a centre for special children.

Creek Primary: New two-classroom block constructed, playfield enhanced.

West End Primary: New administration block and classroom block added, air-conditioning of library and administration block.

Spot Bay Primary: Lot acquired and cleared for playing area, reception class air-conditioned, new administration block and classroom constructed.

I spoke about air-conditioning earlier, and that remains a priority. At present, 76 classrooms are air-conditioned, nine libraries are air-conditioned, eight school halls and 30 offices that include counsellors offices and staff rooms. This year another 11 classrooms are scheduled to be air-conditioned. But that still leaves the bulk of classrooms to be air-conditioned and that is in the area close to 200 more. I would like to get on with that. This has been a hot summer. I do not really want to go through another summer the way this has been. The children have undoubtedly felt the heat in there. And I should say that after the reprioritisation was finished about a month ago funds, as I understand it, were released to try to get on with the air-conditioning during the summer in places such as Savannah, the two classrooms and the other eight classrooms that are being done.

Also, I would just like to point out why it is important in my amendment that any problems of the school system be dealt with in the National Education Strategic Plan. That plan has stood the test of time. It is not my plan, it is the people's plan. It came from 350-odd people from the public. Half of them were professional teachers. It came to me; I accepted it as it was. There was no major change to anything, I was not a part of the planning team, it came to this House and this House accepted it. It is the people's plan for education and we must work within the framework of that plan.

The question of vocational/technical subjects. At John Gray High School, the vocational studies that are taught are:

- . Motor Vehicle Studies
- . Information Technology
- . Work Skills
- . Technical Drawing
- . Child Development
- . Food Nutrition
- . Woodwork
- . Electricity
- . Electronics
- . Typewriting
- . Textiles
- . Building Technology
- . Commercial Studies
- . Art

At the Community College, the vocational studies there are:

- . Auto mechanics
- . Construction
- . Electricity
- . Hotel Operations
- . Professional Cookery

- . Computing
- . Accounting Secretarial

In relation to the extension services, these include:

- . Computing
- . Air-conditioning
- . Architectural Drawing
- . Telecommunications
- . Wiring
- . Plumbing
- . Electrical Licensing
- . Caribbean Cooking
- . Bread and Pastry making
- . Developmental classes such as numeracy and others, Biology, Maths, History, I won't go into those.

There is a very wide range of technical/vocational subjects. Members of this House went through the college some time ago and saw the extent to which that college has been developed. We know it is now into the Associate Degree.

If we look at the advance in the results that have been achieved at the school, I think we can see very clearly some things that I must say I am personally very proud of. For example, some of the primary schools that in the past were unable to get into the upper ten when we did the California Achievement Tests, several of those are now coming at the top. Some years ago they would have been at the bottom of the ladder. This is a 'hats-off' to the teachers and principals, but also to the parents. Many parents do take the time with their children.

There is another thing I would like to mention. Many times there may be one or two children who do something wrong. For example, in the John Gray or George Hicks High School there are 850 children who are good children. We have to be careful not to pull the good children down because of a few who may have fallen by the wayside. We have a duty to correct that and to try to get them back on the right path.

I am not going to go into Alternative Education because that question was asked just recently in this meeting and I answered that in some considerable depth. But I would just like to point out that many times the press will headline behavioural problems by four or five children, but it would be good to acknowledge that we have good children in the system. The vast majority—99.9% of them—do well. They progress well; they have different levels, as in every society, of learning ability. But we should not hurt the many children who do well in the schools with the fact that there are some occasional discipline problems.

What speaks best is if we look at this year's graduation, and I thank Honourable Members who came to this at the John Gray High School. For the first time over 30 students achieved over seven higher grade passes. One student sat an additional subject and obtained eight higher grade passes, while 31 students

earned seven high grade passes. I am very happy to state, as announced by the principal that night, that there were 32 honour students in 1997 compared to 16 in 1996. The number of good passes doubled. This speaks for itself.

In fact, if we look at the results, and I don't want to go much further into this, in the CXC and IGCSE, we find that the CXC results are the best in the Caribbean [for] many years. So the results are there. But I accept that parents demand more and more of the system, and I believe that the time has come when we must do what is necessary to deal with a further upgrading of the system.

Where does the system of education fit in? What are the views of the public generally? Some time ago the international firm of Penn, Schoen & Berland did a polling of 1,000 completed phone calls in relation to this. That polling was clearly summed up in a paper that I laid on the Table of this House. Mr. Bernard Whitman of that firm (which, incidentally, does work for the White House, in Germany and in the United Kingdom, they are international and it is an independent polling which they felt was within about 4% accuracy) said this [on page 7]:

“The Cayman Islands’ education system is fundamentally sound and residents have placed a great deal of confidence in the teachers.

“At the same time nearly three in four respondents believe the islands need to:

- ⇒ **Work on maintaining strong educational standards**
- ⇒ **Toughen up discipline in the school**
- ⇒ **Prepare Caymanians for the jobs that exist in the 21st Century.”**

That, in my view, sums up where we are. It also sums up the challenge. While I will not go into these results in detail now, what I will say is that when it came to a question of whether the percentage that was worried about the educational system, that was maybe tenth or twelfth down the line. It was only 7% from what I can remember, but I do have the report here that dealt with that.

What is clear is that Caymanians are demanding more and more from the education system. Therefore, in my view, as representatives we have to rise to the challenge. It will be expensive, it will take a lot of time, but if we do it we are investing in the future of our country, the future generation.

So the three amendments to the motion that I am now seeking to put, the first one would actually read as follows: “BE IT ALSO RESOLVED that the Honourable Legislative Assembly arrive at the necessary, relevant and practical solutions to these problems...” That is the original motion. What we are asking to add is: **“in accordance with the National Educational Strategic Plan 1995 - 1999 [and we know that is now 1998 to 2003] which represents the wishes of the public after extensive public consultation and having been prepared and recommended by 353 members of the**

public (of which over one half were professional teachers and educators) in accordance with the public’s view and accepted by the Legislative Assembly on the 30th day of March, 1995;...” That is a very simple amendment. It says that whatever practical solutions to the problem we arrive at should be done in accordance with the National Educational Strategic Plan.

As I said, that is not my plan. That plan was prepared by the people. It was the first time that a politician had a full plan prepared by the public, given to me and I moved it into the legislature. And we accepted it. So we must go in accordance with the National Education Strategic Plan. I see no way out of it. It is the plan of this House. That seems to be a simple [amendment] asking Members to support it.

The third one deals with extending the present section of the original motion. What that original motion says is: **“AND BE IT FURTHER RESOLVED that these matters be treated as top priority and that whatever funds are needed be redirected, if necessary, from elsewhere in order to effect the necessary corrective measures.”**

Mr. Speaker, let us not kid ourselves. If we are going to deal with education it is going to mean a lot more than redirecting money. It is going to mean, in this coming year especially, committing to the public education system of this country. We did it for health—and I agree health is critical because without one's health one really has very little on this earth. I am not talking of one's spiritual feelings because, obviously, one's religion comes first. But next to that is health. I believe that next to that, surely, must come education.

What my amendment to the motion is seeking to do is go beyond making it a priority. I do not think that is good enough. I believe that this Legislative Assembly is prepared to commit itself to solving the problems of the educational capital programme and the spending needs necessary for the future. Now, I am not saying—and I would never say—that we have to go overboard. The list I gave is a very extensive list. It is very large sums of money. I know that. I am not saying that everything has to be done now. We can't do everything now. But what I am asking is that we amend that motion and move beyond talking about top priorities, and state that **“in accordance with the capital expenditure to be laid on the Table of this Honourable House [which I have] and will support approval for the 1998 expenditure and that the 1999 and 2000 expenditure be raised by such measures recommended by the Honourable House as priority in the years 1999 and 2000 in order to effect the necessary corrective measures.”**

So I have gone one step further. We have gone beyond saying it is a priority. It's the difference between our talking about it being a priority, I my asking for a commitment. Let us commit next year and the year after to putting the bulk of capital expenditure in this country into the future of this country, which is our education system. Mr. Speaker, the system is in place. There can be no doubt. I have read extensively and I hope that Members of this House, and the public, realise how de-

tailed and important the Strategic Plan on Education is. It deals with every aspect of education.

Now, not everything can be implemented at one time, the same as this long list here cannot be implemented at one time. But I believe that we must go beyond talking about it and give a firm commitment. That is all I am trying to do with the amendments to this motion.

In summary, I think what was said independently, that the Cayman Islands' Education system is fundamentally sound and that the public wants to work on maintaining strong educational standards and toughen up discipline in the schools and prepare Caymanians for jobs of the 21st Century, is the view of the public. Therefore I believe that my amendment which moves from talking about education to committing to education is where we must go. I ask Members of this Honourable House to please support the amendment.

The Speaker: Does any other Member wish to speak to the amendment? The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Had I not known better, half way through the delivery by the Honourable Minister for Education, Aviation and Planning I would have thought that this was his motion! Really, I guess it is not vitally important whose motion it is. Be that as it may, the amendments called for here are, in my view, not necessary to achieve what is being sought by the motion. I will take each one of these amendments individually and give my view as opposed to the views just expressed by the Honourable Minister for Education, Aviation and Planning.

First of all, in the second Resolve, the original motion says, "**BE IT ALSO RESOLVED that the Honourable Legislative Assembly arrive at the necessary, relevant and practical solutions to these problems;...**" Let me make it abundantly clear that the motion and its Resolve sections were crafted by the Backbench with total acceptance of the existence of the National Education Strategic Plan 1995-1999. There is no question in our minds to deal with solutions not in line with that plan. I stand and say that, because I mean it—there is nothing in our minds to do with any changes to the plan at present. So if the motion is not addressing any change to the plan, why then should we have to add these six lines of amendment to this section?

The amendment is talking about these 353 members of the public, *yadda, yadda, yadda*. We understand that those 353 members of the public spent a lot of time and effort in contributing to the development of this plan. But their job is done. The plan is made. What we are focusing on presently is the implementation of the plan. Now, while the play on words is going on here, and since everybody is talking about sincerity and commitment, when this is all over I would like everyone to judge who is playing politics.

As I said before, the first amendment being requested is totally unnecessary because all of this is in-

cluded in the premise under which the motion is being brought.

The second amendment is the deletion of the words "**be redirected, if necessary, from elsewhere. . .**" Let me just read the way it is in the original substantive motion: "**AND BE IT FURTHER RESOLVED that these matters be treated as top priority and that whatever funds are needed be redirected, if necessary, from elsewhere in order to effect the necessary corrective measures;...**" That is precisely why the motion was crafted the way it was. It simply reads "whatever funds are needed be redirected *if necessary*." It is not presuming, assuming, or expecting that any funds have to be redirected, it is simply saying if it is necessary, to do so. That's all it is saying. That will tie in with the third amendment begging sought.

Let me just say clearly that the if the Minister for Education was multiplied ten times as a person, he would not have one reason in the world to try to convince me—ME!—about any commitment on my part in regard to what has to be done in the line of the development of education in this country. And I know that the Minister knows that!

What the Minister seeks with his third amendment is to have carte blanche commitment, so that whatever is brought to this Honourable Legislative Assembly through Finance Committee or otherwise in the years 1999 and 2000 in regard to this list (and perhaps there are others) we will approve them. I think it is unfair for the Minister to expect, for one second, to hog-tie us to that type of commitment now—because we do not know what is going to happen in the country between now and 2000! Besides that, it shows a total distrust for the integrity of the people in this House.

In bringing this motion asking for corrective measures to be taken in regard to educational problems in this country, we are not talking about today and tomorrow. That is the reason we are bringing the motion. There are other matters that need to be discussed along these lines, but I am not going to get into those right now. I am not going to fall into that trap. That is part and parcel of the substantive motion.

I hold the view that all of the amendments that are written and expected from the Minister for Education could easily be debated and discussed in totality with the motion as it is worded now. I do not, and I sincerely pray that it does not happen, want to get into any argument with anyone over this motion.

Respect has to be given where respect is due. This motion is not the motion of the Honourable Minister for Education, Aviation and Planning. In fact, if all of these figures. . . . I am going to tell you something else, Mr. Speaker. All of these figures and all the items quoted thus far, . . . if we did not have a pile of letters and a pile of other activity going on recently and if this motion were not coming, next year we would never have heard *zing* about them. I contend that.

Mr. Roy Bodden: True!

Mr. D. Kurt Tibbetts: I have personally been questioning, begging, cajoling, pleading and rowing for as long as I have been in here. And I have heard nothing since!

Mr. Roy Bodden: True!

Mr. D. Kurt Tibbetts: But I really do not want to get into that. The point I am making is that what we are asking the Minister for Education to do is to deal with the motion as it is. We, the Backbench, are giving him a window of opportunity—since he would not bring it himself—to get total support in this Legislative Assembly in regard to whatever has to be done with education.

He is going to come back, when he winds up on his amendments, saying that is exactly what he is doing. What I am saying to him—and I am not asking—is to not let us get into this pitched battle over this issue. Everything he has talked about so far in regard to his amendments and whatever else he may wish to talk about after that in the substantive motion can be dealt with and taken care of with the motion as it is. I contend that, and I repeat again, I do not believe it is fair to expect a commitment that goes beyond any other discussion for 1999 and 2000 in regard to whatever capital expenditure is needed.

He has a projected capital expenditure list for education that encompasses some \$55.6 million—which is not news to me. He turns around and says, while he is discussing the amendments, that he knows that not everything can be done at one time. As far as I am concerned, the Minister should allow for the fact that the other Members of Finance Committee and/or the Legislative Assembly are responsible enough, once given proper information, to make sound decisions. In my view, what he is saying to us, whether he intends to or not when he asks for the third amendment, is, *‘Listen, you guys might wake up tomorrow morning and have a different thought about this thing. We want to corner you now so that once you say yes, if something happens afterward I can come back and say you said “yes.”’* That is not necessary, Mr. Speaker.

I am saying pointedly, and I am giving total assurance to the Minister for Education, to every other Member in this House and, in fact, the entire country, that the Backbench—and I do not speak for myself today, because we have discussed this issue—the Backbench of the Government, meaning the elected representatives of this country—I do not mean the elected Government—the Backbench is totally committed to seeing education put right in this country. We understand that there is a lot of capital that has to be spent, and we understand that we have to sit down and work it out and see how best we can do it in a prudent fashion.

It is not for the Minister to now grab hold of this motion and try to put it the way he wants to put it. I assure you, Mr. Speaker, his commitment is no greater than mine or the rest of ours. I take nothing away from his commitment; I only want him to know that our commitment is equal to the task.

I know it is difficult to deal with it like this now, but I am going to make one final plea: I do not—DO NOT—want to get into a pitched-tent battle over this motion. If given the opportunity to deal with it, the Minister would fully understand it is totally with good intentions, the right intentions will give him the latitude, authority and impetus to move on with what he knows he has to do. If he continues what he started now it is going to end up with a whole, long, nasty battle with the possibility of the motion being withdrawn because politics has come into the middle of it.

I am going to say right now that we do not support the amendments. We are asking that the amendments be withdrawn so that we can do justice to what we are seeking here. He can come back and say to me, *‘Well, if you want it to happen so bad, why don’t you leave the amendments?’* My answer, before he asks, is *‘If you wanted it so bad why didn’t you come and do it?’* I don’t want him coming to do it after we did it! That is the politics of the matter, to be very blunt. If he doesn’t want to handle it like that, then let him go and do his own show.

Again I repeat: we are giving the window of opportunity for everything to work smoothly. We are not supporting the amendments for the reasons I have given. We would like to see justice done to the motion so that we get on and all feel good about what we are doing for this country. I trust that what I just said is understood, Mr. Speaker. Thank you.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I rise to coin a phrase in regard to this amendment brought by the Honourable Minister for Education, Aviation and Planning. The phrase is: Political witchcraft!

[Laughter]

Dr. Frank McField: As I—

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, on a point of order. I submit that to refer to my speech as witchcraft is unparliamentary and should be withdrawn. That is a criminal offence.

The Speaker: Fourth Elected Member for George Town, I would ask that you withdraw that, please.

Dr. Frank McField: Mr. Speaker, what should I withdraw?

The Speaker: The term “witchcraft.”

Dr. Frank McField: Did I say his speech was witchcraft?

The Speaker: Political witchcraft. That is unparliamentary. I ask that you withdraw that.

Dr. Frank McField: Mr. Speaker, I think we all know what witchcraft is. I do not necessarily see how using that particular phrase is unparliamentary. I did not say that the Minister's speech was witchcraft. I said that I was rising to coin a phrase.

The Speaker: I did not question how you moved it. I said the word is unparliamentary and I am asking you to withdraw it.

Dr. Frank McField: Mr. Speaker, I withdraw it—

The Speaker: Thank you.

Dr. Frank McField: —with all respect, because I think I have come to the conclusion as to what I am supposed to expect in regard to rulings in this House.

I would just like to say that in all honesty the problem of education in this country is something that is debated not just by parliamentarians, but by parents and other concerned individuals. We obviously see that our society is becoming less functional, that our young people are becoming more dysfunctional in portions. No one is saying that our young people, as a group, are negative because the majority of our young people continue to be positive and the majority of our people continue to benefit from education and from the educational system.

Now, this does not necessarily mean that this is a plus for the educational system. It could mean it is a plus for the family system. There are a lot of things involved here, and what I was hoping was that the debate on education would not be made into a debate that had to do with physical properties, with school buildings and school halls, the number of seats and chisels. It is not just a question of economics here, it is a question of ethics, of character; it is a question of the type of character that is being built and instilled in the minds of our children.

Therefore, to get the whole interest of a Member of the Backbench in education confused by a Minister of Government using this opportunity to out-craft, to use political strategy, to circle in and zoom in on, to manipulate the good intention of the First Elected Member for George Town, . . . I feel that whatever we call it, it needs to be called something that is not correct. It is not correct at this particular point for us to not listen to one another.

Obviously, if the Backbench has concerns about the educational strategies and the ability of the Government to fulfil those promises; if it brings a motion in order to have a sensible debate about what can be done to improve or redress the crises in education today in this country, its politics should be kept out of it. Politics is not being kept out of it when we recall what happened in these chambers yesterday, when an attempt was made by the Honourable Minister for Education, Aviation and Planning to say that the procedures being followed were not correct in that he should have been allowed to make

his amendment long after the First Elected Member for George Town—

Hon. Truman M. Boddén: Mr. Speaker, I would like to take a point of order.

The Speaker: Let me hear your point of order.

POINT OF ORDER

(Relevancy)

Hon. Truman M. Boddén: First, I don't see how this is relevant to the debate, but, secondly, it is very clear what the Standing Orders say 24(4) or 26(4) and it may be better not to go back into this area.

The Speaker: I have been listening to him very carefully. I cannot see where it can benefit us. Please go on to another subject. [Pause]

[addressing the Fourth Elected Member for George Town] Do you have nothing further to say?

Does any other Member wish to speak? The Third Elected Member for Boddén Town.

Mr. Roy Boddén: Mr. Speaker, you know, I marvel at the tolerance level of some people. The lesson is that all of us need to be careful or we get drawn in to defend the indefensible. When they were winning, the rampage of calling people 'defunct,' and telling them they are out of date by 15 or 20 years never ceased. But when they are losing they are quick to cry foul.

Anyway, this amendment does not surprise me. Patchwork! Culling of ideas from someone else put together in a potpourri to try to steal somebody's thunder. This amendment—and I dare anyone to say this is unparliamentary—is nothing but a political *ad hoc* racy. According to the *Oxford Dictionary of New Words*, this is what an *ad hoc* racy is, "A system designed to be responsive to the needs of the moment." Now, let them get up and say that is unparliamentary!

Mr. Speaker, I have sat in these hallowed halls for years and listened while attempts made by myself and others were shot down, buffeted; we were lambasted, we were run out of town, we were told we were defunct. And I marvel at those people who get up now in self-righteousness and ask for support when. . . . I am going to read, Mr. Speaker, what they said. This is from the *Hansards* of this Honourable House on 7 June, 1995: "**I reject the views put forward by the two Opposition Members when it comes to giving advice on education and the school system. They have been defunct as teachers for a very long time.**" Yet now, they call and say they need my help.

I have always had the interest of education and the children of this country at heart. It is, in spite of what the Minister might believe, my chosen vocation. And he should know why I am not there now, because the *Hansards* of 11 April, 1979 on page 25 will tell him that he was the author—the craftsman—of my not being there now. And he has the gal to come here now, in an appar-

ent self-serving manner, trying to put the shoe on the other foot; trying to get a commitment from this Honourable House which is not only unreasonable but ties the House down to sums when who knows what will be unexpendable and unrealisable; trying to manipulate a motion which was well-meaning in such a way that it makes little or no sense at all?

Mr. Speaker, all I have to say on these amendments is that they were crafted right out of *Alice in Wonderland*, and the *Hansards* of this House will show that I have always been interested in education. I have nothing against the Strategic Plan which, the Minister claims, was crafted by 353 persons. But if the Minister had been doing his job it would not have come down to this, because this motion should not have emanated from the Backbench, it should have come as a bill from him! He must stop playing Chief Minister and do his work!

I am not going to be long on this because I guarantee that I will have much to say on the substantive motion. It proves that I have outfoxed the Minister. Let him get up now and call the First Elected Member for George Town defunct. Thank you.

The Speaker: I think this would be a convenient time to take the afternoon break. We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.36 PM

PROCEEDINGS RESUMED AT 4.03 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 13/98. Does any other Member wish to speak to the amendment? The First Elected Member for West Bay.

Mr. W. McKeever Bush: It is really surprising to see the amount of Government amendments to Private Members' Motions. I really thought that the motion before us, the substantive motion, was short and to the point, and that it made a tremendous amount of sense in light of the debate going on in the country. I really have to commend the two movers of the motion, and the people who support it.

I have studied both matters, and I am confused by the amendment put forward by the Honourable Minister for Education, Aviation and Planning. There has to be something wrong when you see such a short motion being amended with an amendment three times as long!

I must congratulate the First Elected Member for George Town and the seconder. They have both really paid attention to the matters raised today. In fact, since 1993, when he entered this House, he has been calling for these things, asking questions trying to get these matters straightened out. I am convinced that the two of them have nothing but good intentions in dealing with this matter because that is what they have been doing since they came into this House. Nobody can question that. Whether you are against them or with them, the facts are the facts.

The reason for Private Members' Motions is so that private Members can get matters addressed that Government is not addressing. That is the reason for them. But here of late, every time we put a motion the Government comes back with something that is much bigger, something more controversial that does nothing but stir up a lot of problems. This cannot be right, and Members of the House have to understand that Private Members' Motions are meant for private Members to get their business across. The Government has complete leeway to bring a bill or a motion on its own accord and volition.

I don't really see why an amendment is needed to the substantive motion. Not to say that the Honourable Minister for Education, Aviation and Planning doesn't mean well. I think he is manoeuvring a lot in these stormy waters. But I don't think he has done anything with the substantive motion in bringing this amendment.

The paper he tabled amounts to \$55,631,510 starting with \$3.5 million this year, and for another \$1.2 million later on in the year some time. I have always said to him that whatever he needs for education we would support. I think that is the position of every Member here. The questions I must ask, having seen this paper, are: Have these matters gone through Executive Council? Have they been voted on in Council? Has the Financial Secretary's department gone through it and okayed it, and do they now have PSIC commitment? We need to know all these things about these matters. It is no joke because these are projects that the schools need—not just today, as the Minister said, but for several years. And he now wants to get on with the job—after, of course the Backbench drew it to his attention with this Private Member's Motion, tabled by the First Elected Member for George Town and the Third Elected Member for Bodden Town!

There seem to be, even in these what he called capital works, priorities. And this is the problem I have with the Government. Here we are talking about priorities. The classroom block for East End Primary School is very badly needed—not just today, but for two or three years—and the hall, as I understand, since the reintroduction of the babies class (I call it) the reception class, these things are needed.

Now this is \$1.3 million, in total \$1.4 million. When you are going to spend and prioritise, for instance, we are just spending \$1 million on the hall in Gun Bay. Well, which one was more important to the country—or to East End—the hall in Gun Bay, or the reception classes for the school? These are questions that Government has to deal with. This is not a matter of being against anyone, or for anyone, it is a glaring fact. The reception classes have been put back and East End School has swollen in numbers. That is a fact.

In looking at this list, when I was asking the Minister for Education whether or not these matters had been to Council and all those other questions, I should have asked whether or not this is a final list, or are there other things needed?

[inaudible interjections]

Mr. W. McKeever Bush: No, it is not. The Minister is saying that he thinks this is all. But, Mr. Speaker, missing from this list is the Sunrise Centre. If it is on this list, I don't see it. It is not on this list. Perhaps he meant to put it on this list.

During debate in the country, which we will call an Education Needs debate, one of the things I saw in the press at the beginning of this debate was the needs as pointed out by the parents of Sunrise students. I know that the Minister is aware of the needs of that school, as we have discussed it several times. It is not on his list for \$55 million. Sorry, I am saying that this list contains \$55 million and the school is not on that list.

Let us not think that this is political bantering, because this list is a serious matter. The needs are there. When you go and look at the new high school, \$7 million in 1999 and \$8 million in the year 2000, . . . I might be missing George Hicks, 4, 5, and 6 in the High School, hall, library, cafeteria. What we know as the middle school. That has swollen to the size beyond what it was meant to be, as I understand it. So where is the additional room for that school? Maybe he will talk about that in the winding up. But this cannot be final. As I pointed out, the Sunrise Centre, which I know can be done for less than \$1 million if they move quickly and take some ideas that were given to them before, is not on this list so you are going above \$55 million.

I will wait to hear the explanation in regard to the size now of the Middle School and the plan to deal with it.

I cannot knock the Education Plan. What I have to be disgruntled about is that there are things that have not been done that should have been done for a long time. One of them is our school in West Bay, the John A. Cumber Primary School. From the time the last Minister of Education was there, that plan for a hall was there. That is one thing needed. I know the Minister has moved ahead and identified land. But this is July and I asked about this school some time ago and was told that it would be started by May. Where are we with the school hall?

I don't care who the Minister blames, as long as he gets it done. Let there not be any more wasting of time on that issue—I don't care whether it is Public Works or the Department—the fact remains that that is needed.

I am also not satisfied with the amendment. With all the good intentions of the Minister, it only confuses the situation. I think he should withdraw the whole thing, allow the motion to go through and, for once, take the Backbench in a genuine manner. We are trying to address the problems that have been going on in debate, the needs of the country in education genuinely together.

I have more to say, but I think I have taken it as far as I want to on this amendment. I think to keep the peace the Minister should withdraw the amendment, leave the motion as is and let us get on with the good intentions of the Backbench.

The Speaker: Does any other Member wish to speak to the amendment? [Pause] If not, would the mover like to wind up? The Honourable Minister for Education, Aviation and Planning. [Pause]

He does not wish to reply, so I shall put the question. The question is the amendment to Private Member's Motion No. 13/98. Those in favour, please say Aye. Those against, No.

AYES and NOES.

The Speaker: The Ayes have it.

Mr. W. McKeever Bush: May I have a division?

The Speaker: Madam Clerk, please call a division.

Deputy Clerk:

**Division No. 9/98
(Amendment to PMM 13/98)**

Ayes: 8

Hon. James M. Ryan
Hon. Samuel Bulgin
Hon. George A. McCarthy
Hon. Truman M. Bodden
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden
Hon. Julianna O'Connor-Connolly

Noes: 8

Mr. W. McKeever Bush
Mr. J. D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mr. D. Kurt Tibbetts
Dr. Frank McField
Miss Heather D. Bodden
Mr. Roy Bodden
Mrs. Edna M. Moyle

Absent: 1

Mr. Linford A. Pierson

The Speaker: The results of the Division are eight Ayes, and eight Noes. The amendment fails.

Mr. W. McKeever Bush: Mr. Speaker, out of an abundance of caution, I think you better say that the Speaker casts his vote to keep the status quo.

SPEAKER'S CASTING VOTE

The Speaker: I intended to do that. The rule of procedure states that I should not change anything. So the status quo remains, and I cast my vote with the Noes. The amendment fails.

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 13/98 DEFEATED BY MAJORITY.

The Speaker: Does the First Elected Member for George Town wish to begin speaking on the substantive motion?

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. It is so close to that hour, and we have had a difficult day. If the Government would be so kind as to call for the adjournment, we would be happy. If they refuse to do that, I will have to continue.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, the Government is always kind. I move the adjournment of this Honourable House until Friday morning at 10 o'clock—sharp.

The Speaker: Thank you. The question is that this House do now adjourn until 10 o'clock Friday morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 10 JULY 1998.**

**EDITED
FRIDAY
10 JULY 1998
10.20 AM**

The Speaker: Prayers by the Fourth Elected Member for George Town.

PRAYERS

Dr. Frank McField: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Proceedings are resumed. Please remain standing for the administration of the Oath of Allegiance to Mr. Donovan Ebanks, MBE, to be the Temporary Acting First Official Member.

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

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF ALLEGIANCE

by Mr. Donovan W. F. Ebanks, M.B.E.

Mr. Donovan Ebanks: I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law. So help me God.

The Speaker: Please take your seat. On behalf of all Honourable Members, I welcome you to this House during your period of service.

Please be seated. Reading by the Speaker of messages and announcements.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I have received apologies for absence from the Honourable First Official Member responsible for Internal and External Affairs, who is acting as our Governor. The Honourable Minister responsible for Tourism, Commerce and Transport will be arriving later this morning, and the Third Elected Member for George Town is off the Island.

Item 4, Questions to Honourable Members/Ministers. Question No. 121, standing in the name of the Third Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION 121

No. 121: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning how the acquisition of the third aircraft will improve the revenue-earning ability of Cayman Airways Limited.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The primary purpose of the third aircraft is to eliminate the need for Cayman Airways Limited (CAL) to lease foreign jets when covering periods of down time on its own aircraft, particularly during the scheduled maintenance checks.

The policy of purchasing rather than leasing aircraft has proven to be an excellent decision and received wholehearted support from the Members of the House during the recent Finance Committee meeting which approved the purchase of the third aircraft.

The third jet will ensure an extremely high level of reliability of CAL's operation and by doing so will protect and enhance the national airline's earning ability. It will mean that passengers of CAL will be flown by CAL's pilots and will receive CAL's high level of service from its own cabin attendants.

The airline will also have the opportunity of earning further revenue from charter flights. A key element of the decision to purchase the third aircraft was Government's determination to support the economy of Cayman Brac and Little Cayman through the Development Plan. As air service is an integral part of the national infrastructure, CAL will be able to enhance its support for Cayman Brac by using the third jet to provide a market-driven schedule between Grand Cayman and Cayman Brac.

CAL will be paying a rental of approximately \$1.8 million per annum to a leasing company wholly owned by the Cayman Islands' Government which will own the jet. CAL will also pay the usual reserves for scheduled checks of the jet and the engines that will be approximately \$750,000 per annum.

CAL's accounts will show losses for rental costs of \$1.8 million per annum or \$10.5 million over the seven years. But the Government's leasing company will show profits on average of approximately \$1.5 million per annum over a seven-year period, giving a total profit of \$10.5 million over seven years; and will own the jet after seven years.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say how the prospective charters of this third aircraft will be handled?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I am not sure what the Member means, but CAL would do the charters for third parties.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I mean whether the charters will be routed through existing companies or whether CAL will set up a special company to deal specifically and exclusively with such charters as has been mentioned.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It will be done through CAL.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether the acquisition of a third aircraft means that CAL will be looking to expand into other destinations not currently flown at this time, or will it be moving to in-

crease flights on popular destinations flown to at this time?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: By and large, I think we will remain with the routes we have. But, obviously, we are always doing feasibility studies and checking on alternative or extra routes. But the intent of this third aircraft is not to have rapid expansion into new routes. Definitely not. If there is something more lucrative that we can run with the extra jet, obviously, we will look at it.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether any investigations have been entered into to ascertain if the current subsidy will need to be increased or whether the current subsidy will be sufficient to service the three aircraft that CAL now has?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I think it is very obvious that the present subsidy is not going to buy three aircraft. Remember, we are buying three aircraft now. For example, the third aircraft that we will look at purchasing will mean a loss to CAL of \$10.5 million over seven years. But one of Government's companies, fully owned by Government, will show a profit of \$10.5 million.

On the present two we are purchasing, VP-CAL, the first one we purchased, we are paying \$1,236,000 and another \$540,000 in reserves. That is a loss to CAL and that works out to \$1.68 million per annum. That is a total loss to CAL. We are paying rent, but we are paying it to the Government. I am sorry, that is the second one, that is CKX.

The first one that we purchased, we are paying \$1,236,000 per annum and another \$540,000 in reserves. On the second one we are paying \$1.68 million per annum and \$732,000 reserve.

At present, for example, the loan on the first aircraft (which is valued at about \$7.5 million) has been paid down to about \$2.3 million. What has to happen is that somehow Government, which is building up assets with these three jets (or the third one when it goes in there), has to offset and pay some of this back to CAL because what is happening, . . . and I think it is clear here and I see Members smiling. If I put three jets into CAL it will destroy the legal structure we have. That is why I think it is very important that Members try to bear with me on this because what is happening is that CAL will continue to take a larger loss which will be offset into Government's companies on every jet we purchase. And I will discuss with the Financial Secretary how we can have this offset.

If we just look at this, we are now paying (if we add these three together, to give you some idea of the cost

of purchasing the jets) \$4.7 million per annum to Government that CAL could show as a profit in its accounts. I know that this may be hard for the public to understand, but for legal reasons each jet is isolated into a different company owned by Government. And each one of those companies is building up assets. So where we were paying that \$4.5 million per year to a company in the United States, or England, instead we are paying it to Government. Legally it makes good sense, but it does show CAL accounts in a very bad state because instead of the money going into equity every year and going into buying the planes, we are leasing them and Government is buying the planes, so to speak.

But there is a legal reason for separating the three jets into three separate legal entities away from CAL.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. In the Minister's answer to the last supplementary question, he discussed leasing as opposed to buying. I have a few supplementaries to ask him, but before I deal with that aspect—in the substantive answer, the first sentence is, **“The primary purpose of the third aircraft is to eliminate the need for CAL to lease foreign jets covering periods of down time on its own aircraft, particularly during the scheduled maintenance checks.”** My understanding is that it would be less costly for Government to purchase the aircraft and for CAL to lease it from Government, basically having access to it on a continuous basis, compared to what it costs Cayman Airways at present to lease foreign aircraft sporadically, whenever there is down time on the other two aircraft. So when the Minister is answering and saying that the third aircraft must mean it is costing the airline more, when he quoted all those figures, what good business sense does it make (if it is going to cost the airline more) to lease an aircraft permanently or continuously rather than sporadic leases? The answer states that the primary reason is to avoid having these sporadic leases by Cayman Airways whenever necessary. I want to understand from the Minister—and perhaps he could explain why it is costing Cayman Airways more if it makes good business sense to engage in this lease, rather than to lease when necessary?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: That is a good question. It costs Cayman Airways more, but Cayman Airways is paying that amount of money to Government, and Government is making that profit. For example, if last year it cost a million and three-quarters or two million dollars, that would have been paid away to whomever we lease from—Arrow Air, or Miami Air or someone. The Member is right. Cayman Airways is worse off, or no better off, but the Cayman Islands Government is better off by \$2 million, because the money that Cayman Airways would

have paid to lease a jet in Miami, or wherever they get it from (I just say Miami because we normally get them there) would have been gone. Okay? So it makes no difference to Cayman Airways, and the Member is quite right. That is why it is difficult to understand the legal structure of this.

The people of the country are benefiting in that Government now owns two jets, basically, through a subsidiary company. When we go into accrual accounting those two companies will be shown as assets. We will take the value less the depreciation and will take off what has been paid. So like on the first one we are purchasing, that one would show a company with \$4.5 or \$5 million of profit. That is why I keep stressing that has been a hard decision for me to take politically, but I know it is legally right and in the interests of the country for those jets to sit in Government, and not in Cayman Airways. Legally it does make good sense. This is a policy used also with ships, and it avoids liability by creating a separate legal entity away from the company that is leasing.

So the Honourable Member is quite right. It hurts Cayman Airways, but it helps the country. It helps the Government in so doing.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, I think I understand what the Minister has just said. I wish for him to explain a little further—if Cayman Airways has to pay the money in any case, whether it is to a foreign entity or to a company owned by Government who has engaged in a loan to purchase the aircraft and then lease it to Cayman Airways, if it does not matter to Cayman Airways then how can it hurt Cayman Airways? He just said, “It hurts Cayman Airways.” If the money is going out either way, how, then, can Cayman Airways leasing from a Government-owned enterprise hurt them more than if they rent it as they need it?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: I take the point the Member has made. If we were paying out, say, \$2 million a year (and we are still paying out \$2 million a year—now that is for the third jet, not on the other ones) then Cayman Airways, on that specific jet, is still paying out the same amount. So depending how that fluctuates, Cayman Airways would not have improved, or would be a bit worse off or a bit better off depending on the amount. I guess the real benefit here—and the Member is right on this—the real benefit is accruing to the Government, but Cayman Airways is still paying out what it would have paid to lease it. The only difference is, if this transaction had been structured differently and Cayman Airways had owned the jet, Cayman Airways would have saved the cost of the lease. So really, it is—I think what the Member is saying, in effect, is right on that third aircraft. It should not hurt Cayman Airways much further, but it will

hurt it from the point of view that we do not own the jet. That is really what I was hoping to get through.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. The other question I wish to raise is when the Minister discussed in his answer the leasing arrangements, he mentioned that he was going to speak to the Honourable Financial Secretary regarding the possibility of Cayman Airways acquiring—basically, my understanding was—some of the equity Government is acquiring.

I understand quite clearly why the Minister uses the term 'legal reasons,' and why he is couching his words. I will not get into that because I appreciate what he is saying. I do not have a problem with that, and I am not trying to dig that up because I think we both understand each other in that respect. But the fact that it is a Government-owned separate entity owned by Government, which borrows the money to purchase the aircraft, and that entity in turn leases the aircraft to Cayman Airways, . . . how can that relationship—not because the umbrella is Government—how can that relationship be one which will sustain Cayman Airways acquiring equity? I do not really grip that at all.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, maybe I should have explained what I meant on this. It would not be possible, and it is not possible, for Cayman Airways to acquire any equity in those companies, otherwise it would destroy the reason for setting them up. So the Member is quite right. That is why I referred to the Financial Secretary, since Government, for example, would receive, I don't know, say they are receiving \$4.5 million a year, then I would be asking Government to give back even a part of that to Cayman Airways. What is happening now is that Cayman Airways is giving \$4 million, it being—receiving, I'm sorry. Government is giving a \$4 million subsidy to Cayman Airways. That has been fixed for five or six years now or more. It was there before. Since Government is receiving—and I could work out exactly how much—okay, say, \$4.5 million a year—then I feel it is only fair that since Government is building up these assets to the detriment of Cayman Airways, Government itself should give some, if not all, of that money back to Cayman Airways to assist it. Cayman Airways would be showing quite a good profit in fact with the subsidy, and maybe a profit even without the subsidy nearly, if it owned the jets.

When you multiply that out over five years, you are looking at about \$22.5 million over five years that will be going into Government from Cayman Airways. I do not know if you follow what I mean. So the Member is right. I am not saying that Cayman Airways can own a direct equity in the three companies, but since they are building up equity, the Government should offset that against those assets, if you like to put it, by recycling some of

that money from Government, not from the companies—into Cayman Airways. Because the way the transaction is structured, Cayman Airways is losing \$4.6 million a year that it would not lose if it owned the three jets.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. The Minister is obviously not—and I promise him, we are not fighting, I am smiling—but the Minister is obviously not putting into his formula the fact that if Government had not purchased these aircraft through their own companies, companies owned by Government, Cayman Airways, if it were still existing, would still have to pay out that money somewhere else. If Cayman Airways were leasing aircraft, whether it be two, three, one or two dozen, Cayman Airways would still be making lease payments to companies that owned these aircraft. So if I may use an example and ask the Minister if this is what he is saying, to make sure I understand: If I own a house and the Minister is renting the house from me, the Minister is then saying that when I collect the rent from the Minister I should give the Minister back some of the rent. Is that what he is saying?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, if the Member who is renting is also the Member who owns the property, it matters not what happens. The difference is this: Government owns Cayman Airways. Government owns the leasing companies. I do not want to go too far into this, but let me just tell you why it is costing considerably more. We can go on the market. . . and we were leasing that jet we bought at a considerable amount under what we are paying to purchase it! And the difference in the transaction, Mr. Speaker—I don't want to go too deep into this—is that, for example, we may be paying \$150,000 per annum or \$158,000 per annum on this jet. We could probably lease it for \$85,000. There is a difference between buying and leasing, and the structure of the leasing costs, because the lessor is owned by Government. Cayman Airways is owned by Government. The leasing companies, which are the lessors, are owned by Government. Cayman Airways is owned by Government; therefore in effect we are paying a very high cost. These jets are being bought—one over five years, and the other two over seven! Well, we don't have the other two yet, we just have one, but it is a very sizeable amount of money to buy! And the First Elected Member for George Town knows it is much cheaper to lease than to buy. Surely that does not have to be explained. That is obvious. All I am saying here, sir, is that the buying and the leasing are basically by Government.

The Speaker: The Fourth Elected Member for George Town. We will have two more supplementaries on this question.

Dr. Frank McField: Mr. Speaker, I just need a quick answer to one question which will lead perhaps to another question, but this question is very simple. I would like the Minister to define what he understands 'profit' to be.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Profit is recurrent revenue, less recurrent expenditure under the accrual system.

The Speaker: If there are no further supplementaries, we will move to Question 122, standing in the name of the Third Elected Member for Bodden Town.

QUESTION 122

No. 122: Mr. Roy Bodden asked the Honourable Minister for Education, Aviation and Planning how much of the annual subsidy provided in the 1998 Budget for Cayman Airways Limited has been spent up to 30th April 1998.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Cayman Airways Limited has to date received C\$1.950 million, which represents the first two quarters of the annual subsidy.

SUPPLEMENTARIES

The Speaker: Supplementaries? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Is the Honourable Minister saying that this money has been spent?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, the larger part of it has been paid back to Government through its leasing companies.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, if Cayman Airways is receiving an annual subsidy, if Cayman Airways is leasing and Government has to provide the capital for the purchase by the leasing companies, how is it possible to redress the profits, or how is it possible to directly explain the profits to the Cayman Islands Government, when in fact it is not only subsidising the airline but providing a loan or guarantee to the leasing company to purchase the airline? The same entity is doing this—the Cayman Islands Government—regardless of how legally

we try to operate it. That is what I think the Minister was saying. So if the Government of the Cayman Islands is not only subsidising but paying the interest as well on the airline, how is it really possible to formulate or to see the real profit? How are you able to distinguish what the real operating expenditures are, and the income really is, when you have so many different entities, and so many different accounting systems?

The Speaker: The Honourable Minister for Education, Aviation and Planning. I really do not see where this came out of the substantive answer, but you may answer it if you wish.

Hon. Truman M. Bodden: Mr. Speaker, since it has been nearly an hour, hopefully these will soon come to an end. But the Fourth Elected Member for George Town has posed a question. The structure of Cayman Airways and the three leasing companies is complex. There is no doubt about it. In effect, the only way you can see this is to produce, what in accrual accounting is called, a consolidated balance sheet which is normally only done between a holding company and its subsidiaries. These are totally separate entities, so what would have to happen is, I guess informally there would have to be two things done: There would have to be accounts in each of the three companies, once we get the third plane, but on the two we have now; and accounts on Cayman Airways. Then there would have to be a marrying, or a consolidating, and, for example, if Cayman Airways showed a loss and the company showed a profit, between the two you could work out what it is overall.

But let me say this, Mr. Speaker. The subsidy of \$4 million to Cayman Airways is something that has been that amount for about six or seven years, and you have to remember that there are areas that (politically) Cayman Airways flies at losses which we have to fly, or we would have to subsidise anyway, which is basically the routes in between, but. . . it is complex, Mr. Speaker. That is why I find it difficult to continue answering some of these questions, but I do my best on it. I can assure the public that, say, in another two years, for example, Government will own the jet outright. In August of the year 2000, we will own that jet outright. We will not owe anything on it, and—

[inaudible comments]

Hon. Truman M. Bodden: Well, that was just when we bought it. But Government would then own it outright, and that is a good asset. It would have—well, the market goes up and down, but it is now valued at about \$7.5 million. That is quite a sizeable asset.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, let me assure you that these questions are in no way intended to be frivolous.

We just want the Minister and the House to know we are serious about responsibility and accountability.

The next supplementary to the Minister is this: Is this subsidy being earmarked to specifically address certain needs or obligations? Or is the subsidy handled in a way that it just sits in escrow and is used or utilised according to the overdraft position, or the pressing needs that the airline may have?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The treatment now is the way it has been over the last fifteen or twenty years. It is paid; it goes into the general revenue but is shown separately in the balance sheet as a subsidy. In the early days it was shown as revenue, but some years ago, I don't know whether during the last six years or before, it changed from that point of view.

The Speaker: Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, if that is the case, has there been any attempt to wean, so to speak, the company from the subsidy? Or has there been any analysis to see that the airline may be able to operate with perhaps a lesser subsidy?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, the Board of Directors of Cayman Airways has continuously tried to increase revenue and cut the expenditures. And, as that Honourable Member knows, we went through a very hard and harassing period when we cut staff to the bare bone.

The fact is, the airline business is not a business to be in to make profit, especially if you are small, because the scales of what large airlines could do. . . for example, our administration could probably run five jets or seven jets. But I would like to remind Honourable Members that when that expansion programme was on—in one year, Cayman Airways lost nearly \$15 million. So you can look at the amount, . . . and an airline can lose money so quickly. It has to be watched the whole time. In a month, half a million is nothing if the market or marketing goes wrong, or we have a jet down for, say, an ingestion or something. Like a bird, when I say an ingestion. It is basically a very, very hard business. I will be very frank. Normally, it is not viewed as a good investment, but it does provide for this country the stability of guaranteed communication which continues to make us the most prosperous island in the Caribbean—both from the point of view of tourism and also from the point of view of investments.

Believe me, if the day comes and there are no jets running in here, people who have money invested or who are trying to come on vacation would be very unhappy. So I believe it is money well spent. All I am say-

ing is that at least for six years I have been able to contain the subsidy of the \$4 million. As the Third Elected Member for Bodden Town remembers, we used to run into Finance Committee every two or three months in the early days, just trying to scramble to put more money from Government in. At least it has stabilised to that effect, and the subsidy has remained at \$4 million instead of perhaps a 10% increase each year. Costs have gone up.

The Speaker: The First Elected Member for George Town.

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

The Speaker: Before you ask your question—

Mr. D. Kurt Tibbetts: I am going to do that, sir. I would like to move that the relevant Standing Order be suspended so we may continue Question Time.

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

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended to enable Question Time to continue. A seconder please?

Mr. Roy Bodden: I respectfully beg to second that, Sir.

The Speaker: The motion has been made and seconded. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. Question Time continues. The First Elected Member for George Town.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE.

Mr. D. Kurt Tibbetts: Thank you. Regarding subsidy, the question was how much of the annual subsidy provided in the 1998 budget for CAL has been spent up to April 30, 1998. The answer the Minister gave was, "**Cayman Airways Limited has to date received C\$1.950 million, which represents the first two quarters of the annual subsidy.**" The question did not specify the amount. Would the Minister outline to us any other amounts with which Government in effect subsidises the airline, outside of the \$4 million which is given to the airline on an annual basis? To explain what I am asking of the Minister, not only actually in dollars and cents, but in any services provided which are not charged for.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: All the services are charged for, but I think what the Member is referring to is landing fees and the like.

Mr. D. Kurt Tibbetts: And the like, yes.

Hon. Truman M. Bodden: Well, it would be landing fees, Immigration overtime, and—

Mr. D. Kurt Tibbetts: Legal fees?

Hon. Truman M. Bodden: Well, the legal fees are \$50,000 that would be paid to the Attorney General's office for work done.

[Inaudible question]

Hon. Truman M. Bodden: Sorry?

[Inaudible question]

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Mr. Speaker, just to clear up the question, so the Minister might be able to give a reasonable answer: We know there are some other costs that Government pays either directly or indirectly, for which Cayman Airways actually receives the benefits. The question is not trying to paint any picture of gloom for Cayman Airways. We are just trying to get a clear understanding. The truth is, we are trying to have a fairly good and reasonable idea of what it actually costs this country on an annual basis for Cayman Airways to operate. We know we have a fixed subsidy, but we also know there are other costs that are picked up by the Government, for which Cayman Airways receives the benefit. I am asking the Minister if he can give us some idea of what these costs are, and which areas they come from.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It is basically what I mentioned earlier. It would be the landing fees, overtime to Immigration or Customs, and the legal fees.

[Inaudible comments]

Hon. Truman M. Bodden: I'm sorry?

Mr. D. Kurt Tibbetts: What about advertising?

Hon. Truman M. Bodden: We pay for our advertising. You mean the benefits Cayman Airways gets from tourism advertising? Mr. Speaker, this is getting into—I know—I just do not follow. Those are the three things that—

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. The Minister mentioned three things. Can the Minister state if in the recurrent expenditure for 1998 and/or 1997, in his Ministry, there were any amounts included for advertising which the Estimates did not show was for Cayman Airways, but in actual fact was for Cayman Airways?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The Estimates showed that clearly, and I guess why—I understand what he is getting at. It is either six or seven hundred thousand in there for advertising, and that, as I understand it, has not been paid yet. We are well down into the year and it has not been paid yet. But it is shown in the Estimates, as far as I know, as CAL advertising, or words to that effect.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister give us any idea—he mentioned a figure for advertising—of what the costs are on an annual basis for the other three items he mentioned?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: There is no way of me giving that offhand. I really do not know.

The Speaker: Two additional questions. The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Minister state if, outside all we have just talked about, there are any other figures in the Estimates which will go directly to pay any debt Cayman Airways has? Meaning, if Government is using Government revenue to either pay interest or to actual monies borrowed, in the name of Cayman Airways.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I now understand what the Member is referring to. There is \$1 million that will go toward paying a pre-1992 debt of what was originally close to \$40 million which this Government in the last term inherited. The Government put in US\$20 million, which had been approved by the previous Government in the middle of 1992. They could not raise the money. We raised it in the middle of 1993 and it went to pay \$20 million. It left \$17 million or \$18 million that has remained there. And yes, sir, there is a million dollars—the Member is quite right—in there to pay toward that.

At present, the interest on those debts has always been serviced by Cayman Airways. It is a sizeable amount of money. So that is another area which, I

guess, if Cayman Airways had come to me clean with no debt, Cayman Airways would not have had to deal with this, but the—

[inaudible comments]

Hon. Truman M. Bodden: Well, Mr. Speaker, yes, there is \$17 million owing! But it is not debt that was created by an amount by Cayman Airways. And I said to this House quite honestly, sir, at some stage the Government needs to look at paying it because it is hurting Cayman Airways to pay the interest. Now they have given a million to pay toward it, and like the \$20 million—the \$20 million went straight to pay those old debts, Mr. Speaker.

I know a question was asked before, so I may as well answer this because it will probably be a supplementary: The amount of money in debt may not necessarily be exactly the same debt as existed six years ago. For example, we may have owed Texaco x amount [of money] then, and we owe Texaco x amount now. So what is on a current account basis. . . but the accumulation of the debt is still there. What we were hoping to do is, at the end, when the Cayman Airways \$20 million was paid off (which was an eight-year. . . it was a very short-term loan, or between short- and medium-term loan—and I think it is up in another two or three years) then if there could be a draw-down on it—

Mr. D. Kurt Tibbetts: There goes your education package!

Hon. Truman M. Bodden: —to. . . I am going to get the Schools before three years, Mr. Speaker, I think I've got the House with me on that!

But it is still there, and I really cannot pay it off. We have been paying some money, we have been paying \$50,000 a month, which is \$600,000 a year on principle. But then that is also. . . I have to pay interest on it, you see?

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Just a final supplementary. Could the Minister give an undertaking, so that the Members of this Honourable House will have a very clear picture, because, as is obvious, I think the Minister realises now, no one is out to crucify anyone. We simply want to know what we are up against. That is all we are seeking. Could the Minister give an undertaking to gather all these figures—and I am not asking for a balance sheet—leaving no stone unturned, so we can get an actual costing of what it costs this country on an annual basis for Cayman Airways to operate, so that we may be able to seriously look at it in the long term?

I am not trying to take away the Minister's job, or anything like that. But I think what happens with the whole affair is that whenever requests come to Finance Committee the Members are not fully aware of what is

happening; suspicions arise, people wonder what is going down and we do not really get the interaction we should to get the best results.

So I am asking if the Minister would provide us with those figures, just with a view to the Members of the House having a fairly good idea of the state of affairs and what it takes to make it happen.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, I give that undertaking, and we can do that. I would just like to say on that comment about taking away my job, one of the most difficult jobs in my life has been Cayman Airways. Every company I run makes a profit, and trying to run a company that makes a loss is not easy. But I would point out, safety is always first, and it is always up front. Everyone is told safety is first, regardless of cost. But we can get those figures, by all means.

The Speaker: Moving on to Question 123, standing in the name of the Elected Member for North Side.

QUESTION 123

No. 123: Mrs. Edna M. Moyle asked the Honourable Minister for Education, Aviation and Planning to provide the number and nationality of persons employed by Cayman Airways Limited at Miami International Airport. (The Minister may want to take a drink of water first.)

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I have finished my water. Before answering this question, I would like to remind Members of this Honourable House that in the United States of America (USA), recruiting and hiring practices are defined by a complex set of legislation and monitored by numerous government agencies. Cayman Airways Limited in the USA is required to comply with all US laws. The current nationality of persons in the USA at the Miami International Airport is as follows:

American	6
Mexican	1
Cuban	7
Caymanian (1 Lead agent- Cust. Serv; 1 Cust. Serv)	2
Jamaican	5
Indian	1
Panamanian	1
St Vincentian	1
Haitian	2
Trinidadian	2
Total:	28

SUPPLEMENTARIES

The Speaker: Supplementaries? The Elected Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, I thank the Honourable Minister for his clear reply. I too am aware of the recruiting and hiring practices in the United States. I am sure we have recruiting and hiring practices in the Cayman Islands also. If we can allow these American airlines coming in here to employ someone to run that airline, have we ever requested the same in return from the United States Government?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, whenever possible, the policy of Cayman Airways is that they shall employ Caymanians. We have done a very good job of this within Grand Cayman and Cayman Brac, within the Cayman Islands, I should say. But I understand what the Member is saying, and I too would like to see a lot more Caymanians at the Miami Airport. It is good seeing familiar faces.

However, I have questioned the recruiting staff on this, and this seems to be as good as they have been able to do. I do agree, with only two Caymanians there it is not very good. But all I can do is give an undertaking to try to get more and more Caymanians at the airport. I would say, and this is more where the treaty operates, in relation to crew staff, cabin staff, we are not caught by these laws, but we are caught by them when they actually go into the office. In other words, internationally, our pilots can fly in, our cabin crew, whatever is needed for international flights are exempted.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. The Honourable Minister just said we are not caught by cabin crew in going into the US, but we do not have too many Caymanians in the cabin any more, other than pilots, but be that as it may, I would like to ask the Honourable Minister if he could tell us exactly how Cayman Airways advertises in Miami, so we can get Caymanians who are legally resident in the United States applying for these jobs, and if they are qualified, being employed?

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I understand that we advertise it internally and also in the *Miami Herald*.

[Inaudible comments]

Hon. Truman M. Bodden: Well, we have to advertise internally in Cayman Airways first. There may be staff, say, in Grand Cayman, who may wish to go to Miami, or Miami to Cayman. But the policy is, whether there are or

are not, it is first put out as courtesy within the airline. It is advertised within the whole airline, so if there is a vacancy in Miami, it would be posted down here as well as Miami, because there may be staff here who may wish to go to Miami, and who may have the US citizenship or whatever. Then it is advertised in the *Miami Herald*.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. Let me make a comment before I ask a question. The figures show you have a total staff of 28, two of which are Caymanian. My comment, first of all, is that this, as far as I am concerned, is totally unacceptable under any circumstances. It is a Caymanian entity, and we should be in a position in which we can ensure that Caymanians who are legally resident in the United States, living in that area, have an opportunity to be employed by one of our entities. If that cannot happen, I think we should ensure that when those foreign entities come here to operate, we treat them the same way.

My question is: Has any Caymanian left the employment of CAL recently at the Miami International Airport? If so, why?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, to the second part of that question, there was one who resigned.

[Inaudible comments]

Hon. Truman M. Bodden: One resigned, Mr. Speaker. I understand, and I guess it is up to the Member how far he wants to go on this, but I understand her family was living in Alabama and she wanted to move there.

[Inaudible comments]

Hon. Truman M. Bodden: I am answering on the instructions I have. I do not know any more than that.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I wonder if the Honourable Minister can confirm whether or not the manager at Miami International Airport is a Caymanian.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I understand he is of Mexican origin, and is a US citizen or resident.

The Speaker: Do you have a follow-up?

Mr. John D. Jefferson, Jr.: Yes, Sir.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. Was the manager's position advertised? If it was, did any qualified Caymanian apply? If they did, why were they not employed?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Let me first point out that I do not get into the staffing aspect of this, so I do not have any firsthand knowledge. I am not a director of Cayman Airways, but this would be handled by personnel. I understand that the lady the Member is referring to did not apply for that position.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. Did any other Caymanian employed at the airport in Miami, who is considered qualified, apply for that position?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The general manager has said to me he is not sure. We would have to get answers to this and get it to the Honourable Member.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can give us a brief summary of how the recruitment process takes place. If the Minister is not responsible and the general manager is not responsible, then who is responsible for advertising and recruiting staff at the Miami International Airport?

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The senior manager of Human Resources would be the person who deals with it. Obviously, the general manager does know what is going on. I am just saying that I do not have that detailed information the Member has asked for, and the most I can do is try to get it and get it to him. I answered to the best of my ability, but I just do not have that information.

The Speaker: Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I wonder if the Honourable Minister can confirm whether the personnel manager he referred to is a Caymanian or non-Caymanian.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: She is a US citizen, sir.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Mr. Speaker. I wonder if the Honourable Minister could say how many of these 28 employees are full-time and how many are part-time, and if any of them are college students attending universities in the United States.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It appears that just about all of these are full-time, but I could get a breakdown to the Honourable Member.

The Speaker: Elected Member for North Side.

Mrs. Edna M. Moyle: I would ask the Honourable Member to provide me with that information, because I have spoken to employees at Cayman Airways at Miami International Airport, and their nationality is not even on this list, but they are students attending university in the United States, and I know of Caymanians attending university who are legal residents of the US and who have requested employment at Cayman Airways in Miami but have been refused.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I can only undertake to provide the list. I would just like to remind the Member, sir, I have now run out of water!

The Speaker: Third Elected Member for West Bay. Two more supplementaries, please, and let us conclude.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. The employment of Caymanians is of paramount concern to me. I wonder if the Minister could give us an undertaking that as much effort as possible will be exercised to ensure that when positions become available at not only Miami, but other destinations to which we fly, that Caymanians at least have an opportunity for employment.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Yes, I give that undertaking. I would just like to point out that the United States laws make it very clear that equal opportunity is the overriding factor, not necessarily nationality. But I understand what the Honourable Member is saying. My aim would be to have Cayman Airways staffed fully by Caymanians, and I am sure everyone would like that. But I must tell you the truth. United States laws—and we have had to deal with other personnel matters there—are very complex. Their Bill of Rights, equal opportunity, the open skies policies in job employment, as well as the protection of

minorities. . . . It is not—you cannot even get a company in some states that is fully American-employed. You must hire a certain number of minorities in some of those states. But it would be good, and I will pursue this, and I will also pass on the concerns of the Third Elected Member for West Bay and the Elected Member for North Side to the Board because I think this would be good for them to perhaps review.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning. At this time, we shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.32 AM

PROCEEDINGS RESUMED AT 12.05 PM

The Speaker: Please be seated. Item number 5 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 13/98, Problems of Public Education in the Cayman Islands. This is the commencement of the debate on the substantive Motion. The First Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 13/98

PROBLEMS OF PUBLIC EDUCATION IN THE CAYMAN ISLANDS

Mr. D. Kurt Tibbetts: Thank you. Although this motion, or rather some amendments attempting to be brought to this motion, caused a fair amount of debate yesterday, I think it is only fair to read the motion as it stands before we get on with the debate. Private Member's Motion No. 13/98 reads as follows:

“BE IT RESOLVED that this Honourable Legislative Assembly debate the problems of public education in the Cayman Islands;

“BE IT ALSO RESOLVED that the Honourable Legislative Assembly arrive at the necessary, relevant and practical solutions to these problems;

“BE IT ALSO RESOLVED that the Government give a commitment to act immediately to bring about these solutions;

“AND BE IT FURTHER RESOLVED that these matters be treated as top priority and that whatever funds are needed be redirected, if necessary, from elsewhere in order to effect the necessary corrective measures.”

This motion has its genesis out of genuine concern. Although I am the mover, and the Third Elected Member

for Bodden Town is the seconder, this motion was discussed by the Members of the Backbench. It is going to be putting forward the position of the majority, if not all, of the Backbench on the problems we face today in the public education system.

As others mentioned previously, the public, the parents, those people involved directly in the system and others, have been vociferous in the past in regard to several issues which are obviously very pressing issues. In order to give a reasonable and, what I would consider, proper perspective in my initial contribution, I am going to go back a few years and walk us through a few problems which have been obvious over that period of time, so that we can really understand what we face today.

In 1990, there was a review done and a document was produced entitled “The Education Review of the Cayman Islands.” A report was given and a Mr. James Porter who at that time was the Director General of the Commonwealth Institute carried out this review. That review was very similar to what was done in 1994. It took into consideration a wide range of aspects, it also involved talking to a cross section of the Caymanian community, professionals and lay persons alike. I will prove that many of the problems we still have facing us today were obvious even eight years ago.

When the review was completed and the report given, in the ‘Setting’ (as they called it) the people who completed the report observed that the Education Review assumed at that time that the main objective of the future growth oriented adjustment was to bring a supply of trained indigenous manpower more closely in line with the demand. They thought at that time that the emphasis should be upon the twin objectives of realising full human potential and improving the quality of educational provision—much the same view the Minister for Education has put forward as the basis for the 1995-1999 Educational Strategic Plan.

As we pave our way through this review, they have a section called “Resource Implication and Timetable.” And let us bear in mind that that this was 1990. One of the statements made was this (and this was in 1990): **“Early action will be needed regarding a building programme which would incorporate the adaptation of the Grand Cayman High School and Middle School, the building of a new High School, two primary schools, the construction of an education centre, and the establishment of nursery education and daycare centres in local communities. The projection of population for the next decade would also suggest the necessity for additional classrooms and the requirement to provide additional accommodation for the larger student numbers who will be using the Community College.”**

Then it said, **“It is to be hoped that the major building work will have been completed by 1994.”** This was in 1990. It goes on to say, **“Essential elements of the timetable would be to set up a National Curriculum Council, preferably by the end of 1991, and to appoint the key staff required to carry out the recommendations. Also, the programme of advice**

and technical support should be established as soon as possible and extend over a period over 1991 until 1993.

“The timetable for carrying out the changes proposed in the system will need to relate closely to both supply of teachers and the physical accommodation.” That is very important: the supply of teachers and the physical accommodation. **“However, students should be encouraged from the beginning to stay on beyond 16.”**

This was when they were changing the length of time that students were going to be staying both at primary and at secondary levels. In saying that, we have now discussed two main issues, that is, buildings that would be required based on population growth, and the need to establish a firm and acceptable curriculum. This was in 1990.

As the report goes on, it recognises all of the changes that have been taking place which have not stopped now eight years later. And it addresses the influx of foreign nationals to fill the gaps in the job market. It also points out where the accelerated economic growth drew more women of working age into the work force which in turn induced lower birth rate and an increased growth in the demand for immigrant domestic workers. So that statement I just read is giving an idea on the wide range of collating information to come up with reasonable solutions in the short, medium and long-term, for the problems that would arise by the increase in population.

Mr. Speaker, my reason for going back to 1990 is simply an attempt to prove that many of the problems we face today in 1998 were recognised eight years ago. That is one of the reasons why the motion is crafted the way it is. We believe that if we continue the way we have been that eight years from 1998 we will be saying the same things, the same problems will still be there only they will have multiplied another ten fold.

It also goes on in its recommendations that, **“the Portfolio [the Portfolio of Education which is now the Ministry of Education] establish a governing body for each school.”** That was 1990. In the last two weeks we will see where the Minister for Education in correspondence to some of the parents made mention of the same thing. I will quote from his letter of 19 June. **“In the five year National Strategic Plan for the development of Education in these islands approved by the Legislative Assembly in March 1994, under Strategy V action plan 6 you will see that it is Government’s intention to establish school boards for each public school.”**

So we see where in 1990 recommendations were being made about these school boards. I won’t go into all the details of the functioning of these boards, but suffice it to say that it is an acceptable thought that the establishment of these school boards will enhance the operations of the schools. So in 1990 we had talk of recommending school boards, and in 1998 we have the

Minister writing to the parents saying that a subsequent plan intends to address the same issue.

What is key here is that eight years later these school boards have still not been established! Without getting into any acrimonious debate here, the point I am making is that I believe if the parents had not aired their grouses, perhaps next year and the year afterwards, and the year afterwards, we would still not be hearing any more about these school boards, simply because it appears that we involve ourselves in being reactive.

Mr. Roy Bodden: “Ad-hocracy!”

Mr. D. Kurt Tibbetts: As the Third Elected Member for Bodden Town quite aptly put it yesterday afternoon, we engage in “ad-hocracy.” Of course, I will leave that to him to define.

But to retain the seriousness of the situation, . . . and I will move on shortly, I just want to say again, using that small example (and others will be quoted) that what has been happening to us and the reason why the Backbench has brought this motion is because regardless of all the good intentions, it seems that we have to spur things on at times—even getting into heated debate—in order to get action. At this point in time I am not pointing fingers, but what is obviously obvious (if I can say it like that!) is that someone has to be in charge, and leadership must offer direction. Not only offer direction, but also offer timely direction.

Repainting the picture: We had a review done in 1990, and as a result of that review had a Five Year Education Plan from 1991 to 1996. Then we had an election in 1992 the 1991 to 1996 plan was scrapped. Then we had a new strategy, which was called Strategic Planning which went into operation. By March 1995 another plan was approved and we are in the middle of that plan now. That is going to beg the question, when another election happens in 2000 and this roll-over plan being done now, with a year being added as each year goes by. . . : Will that also be scrapped and a new one put in place? We are certainly not suggesting that.

As the report goes into a little bit more detail, it refers, under the Physical Recommendations to, **“The office of the Portfolio pays particular attention to the building programme, the maintenance of plant and the provision of equipment. The standard of maintenance is high and there is a wide range of equipment available within the schools. Detailed discussion must be conducted with the Portfolio with regard to the provision of new school buildings, the provision of hurricane relief and site landscaping and beautification.”**

It goes on: **“Future planning will also require special attention for the proposals regarding the size of schools.”** And then right after that it says: **“The Portfolio should establish a five year capital development programme for education to include the provision of new schools, the adaptation of existing buildings and the establishment of an Education Centre. Plans should be informed by detailed demo-**

graphic projections and linked to the wider development plans of the Cayman Islands Government.”

That was in 1990, Mr. Speaker!

Yesterday, the Honourable Minister for Education, Aviation and Planning produced a list of capital works priorities for 1998, 1999 and the year 2000 in the field of education which totalled \$55 million. It makes me wonder, Mr. Speaker, what has actually gone on between 1990 and 1998 in regard to any type of capital development programme.

What I am doing now is simply outlining certain situations. So, we are not going to be hearing about proposed solutions in my opening delivery. I am going to be providing certain scenarios to bring everyone in line in regard to the specific problems that we see existing. Then I am going to trust the Government Bench to reply by saying what the Government plans to evolve as solutions.

As the report continues, and as the Honourable Minister for Education, Aviation and Planning spoke about yesterday, it noted under the recommendations for the curriculum that **“employers, after being interviewed, stressed the need for better prepared, skilled and motivated young people for the world of work, and there was an overall emphasis on the quality of education as opposed to merely quantity.”** It pointedly states that, **“there must be an agreed National Curriculum covering the complete period of school life and ensuring the closest linkage between the primary and secondary stage.”**

If memory serves me right, the Minister, in his delivery yesterday, mentioned certain levels which the new curriculum has reached. But what I would like to hear from him in his reply to the motion in regard to curriculum is a fairly concise update as to how far the process is as of now and what is envisaged in regard to a timeline as regards the completion of the national curriculum. Unlike what may be thought, our intentions are not to show up any inadequacies in the system or in any one individual. What we want to see is where we are at and we want to find out what all of us together can do to make it happen faster to get to where we want to get. I think it is important that everyone realise that that is basically what we are trying to achieve in this motion.

When it gets down to specifics in this report regarding a building programme, it mentions, **“Both the present Cayman Islands High School and the Cayman Brac High School, as well as the Middle School have viable buildings and resources to become the base for three high schools.”** We are not going to debate whether the Middle School should have become a full high school or not. I want to make that clear from the outset so that the Minister does not get his defence shoes on and deal with it in that fashion. That is not the intention. That is for another time and another place.

But it goes on to say, **“A fourth new high school [and the fourth new high school being referred to is over and above the John Gray, the George Hicks and the Cayman Brac High Schools] will need to be built at a distance from George Town. But such a school was**

already envisaged in the Education Plan.” That is, prior to 1990. It also says, **“It is likely that two new primary schools will need to be built in the near future, and these will also accommodate the additional numbers arising out of the extra year at the primary level.”**

You see, Mr. Speaker, sometimes—I have said it before, but repetition bears emphasis. In 1990 we were talking about the two new primary schools which would have to be built. And that was included in what they were recommending as a five-year capital works building programme for the needs of education in the Cayman Islands, which would have been from 1990, or let us say 1991, into 1996, regardless of which Government. Here we are in 1998, and as of now, where have we reached with that? We are now trying to identify land to purchase, talking about these two schools, and we are eight years later. It is obvious that we are in problems. And the problems we are in, if it is one thing I agreed with the Minister yesterday, . . . although he did not stick to his word, because today he started talking about the past. . . the Minister said yesterday, “Let us forget about the past.” I do not have a problem! I only want to learn from what happened in the past. I do not have to dwell! I just want to learn, and use that to do better today and in the future.

So I am not going to waste all the time in my contribution to say whose fault it was, and why this was not done, and who did not do what. I am sure we all agree that whatever has not been done, some other stuff should have been done by now regardless. And no amount of excuses can justify the lack of action. No excuses!

I also noticed during certain parts of the Minister's (of Education) debate that he mentioned a lot of money has been spent on health, that is, the building of the hospital over the past three years. I do not have a problem with that. I think we all understand and accept that. But the difference is how we should be thinking. If we are forward-thinking, we will not say we are going to buy a car today because we need transportation, then only concentrate on buying that car, and then, because of the way we have structured our lives, not be able to buy gas for the car. What is the sense in paying for the car for four or five years if we can't use it because we can't buy gas?

So we cannot isolate any one of the areas and say we have to deal with this one, then we go deal with the next one. That is not the way a home runs, and that is not the way Government can run.

Mr. Speaker, at this point in time, I really cannot resist this. I have been begging and pleading for years, when I first got to understand the Medium-term Financial Strategy, and the Public Sector Investment Programme. What we have not been doing is engaging in the productivity of such an exercise. This is perfect proof of why we have been doing it wrong. The capital projects, which the Minister produced as a list of priorities for 1998, 1999 and 2000, the Minister will quite readily admit it is not a list that has been known about today. It is not a list

that has been known about last year or the year before, or the year before, or the year before. I have drawn certain references from the 1990 review, which show that it was in the minds of the people from then. To be starting to engage in it in 1998 is certainly not acceptable.

You see, Mr. Speaker, as time has gone on some of us who try to be conscientious get a pretty good understanding of what happens. And sometimes, even when we seem to be sailing a little close to the wind, it really gets frustrating. But I won't get frustrated today, sir, you have my word on that. You can relax. Not a problem. But it gets frustrating because—let me just take the time to show what is happening here. I am saying this without acrimony. And if the Minister for Education or anyone else wants to take me on to tell me, or to prove to me that what I am saying is not true, I do not have a problem with that. I am willing to risk that because the intention is not how good I look—I just want what is right.

I am sure the Department of Education has been producing all the necessary statistics on an annual basis, giving any forward-thinking chain of command the ability to understand and appreciate the growth trends in population. New births every year give us a pretty good idea of how many individuals you will need to provide space for in your school system five years hence. You won't have an exact figure because you also have an immigration variant, but there are also enough statistics from that point of view. While you cannot be exact—I know that!—but I have involved myself in the exercise purposely to try to understand it, and it is easy to get enough information to make sensible projections.

We also know that every year, when we talk about our budget and we discuss projected recurrent revenue—and let me show you where it is good. The Department of Finance has been able (and I have taken the statistics from the Estimates over the past five years) to project the recurrent revenue of the country to within less than 5% error, which is their job. They have done that based on information available to them using the Economics and Statistics Office and whatever other Government agencies they need. If we can project what the country is going to earn, and do that pretty well and within a very small margin of error, why are we not engaging in looking down the line at what our needs are going to be in the other areas? I am going to tell you why, Mr. Speaker. I have said it in different ways before, and I will say it today the quickest way it comes to mind. I don't need any fancy words. We have the Ministries, which make up the Government. We have each Ministry and its Minister and its Permanent Secretary and all the other members of the civil service in those ministries, developing their own plan for what their ministries need now, and what they are going to need down line. That is their job! But it does not end there, Mr. Speaker.

We have failed to look at all those individual situations, put them together, and say, '*This is what we are saying all of us need, put together, but this is what money we have to work with.*' Then, if we know how much our earning power is going to be this year based

on our track record, next year and the following year we simply have to accept the fact that in order of priority this is what we engage in when it comes to our capital projects. And we have failed miserably at that. And I contend today that is exactly why this list of capital works priorities in Education is the size it is, and much more has not been done before.

Now, on everything I count holy, I am not trying to blame the Minister. I see the signal, sir. After the lunch break he can come back and sit down and relax, because I will not be firing anything at him. In fact, when I am through, he is going to get up and agree with me. But we can take the break now, sir.

The Speaker: We shall suspend proceedings until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: Please be seated. Proceedings are resumed, Private Member's Motion No. 13/98. The First Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. When we took the luncheon break, I was just painting a picture regarding the way the Government has been operating. I was alluding to the Medium-Term Financial Strategy and Public Sector Investment programme. I was getting around to explaining that in each of the Ministries, there are, should I call them, individual plans for whatever subjects those ministries are responsible for. The time comes when the budget is to be prepared. The country, by way of historical data, has a pretty good idea of what the recurrent revenue will be for the coming year, and possibly the next year and maybe another one after that. But what is happening, as I was saying, is that the Government is not listing priorities, having put all the wish-lists together, so that what needs to be done first is done first, what is to be done second is done second, and so on.

What is very glaring and obvious in this list of capital priorities in the Ministry of Education handed out to us yesterday, totalling \$55.6 million, is that many of the items on this list were a priority before now. That means the Government has engaged in capital expenditure in other areas which were not as much a priority as the capital projects needed in education.

I said I was going to try to paint the picture of how it works. I will come to that right now. I have never been personally involved in the process, but the way I figure it is as follows: I figure that when the time comes to decide what projects are done for the year and what comes into the Estimates, there are those who scream the loudest that '*I must get this done.*' We also have the Minister of Education, who is the Leader of Government Business, trying to balance the act trying to keep everyone happy; and at the same time no one but no one is really ad-

dressing the global picture—gobal picture in this instance meaning the national priorities.

It is not for me to waste time now casting blame. As I mentioned earlier, I only wish to learn from past experiences not to dwell there. But this is exactly what has happened. We must be willing to admit that this is what has been happening, and now engage in running the country the way we should, the way we know how. We are here advocating all types of reforms—fiscal reforms, public sector reforms, we just got through dealing with a Private Member's Motion about freedom of information. If we do not actually start to do the basics right, we are going to be in for some serious shocks when these reforms are put in place, and we all have to live with the disciplines that they will, by nature, create.

Earlier the Minister of Education mentioned how much money was spent on health in the past three years. I was saying earlier that we cannot take care of one situation, not address another situation, and as soon as we figure one is out of the way we will be able to go to that. The reason that cannot work in Government is that we continually need to address all of these situations, because none of them remains stagnant. Because we have just engaged in spending a fair amount of capital in the construction of a new hospital does not mean that when that construction is over, the Ministry of Health is not going to have other things in the pipeline that need to be addressed. It is not going to stop! We simply have to have the whole picture painted in front of us, and be willing to deal with it in order of priority.

There are other areas of education that have problems. Let us go a bit further with the picture we are painting here. We just picked up on some areas in a review done in 1990. As a result of that review we had a Five-year Education Plan approved in 1991. If we extract a few paragraphs from this plan (the result of the 1990 report), there will be a bit of repetition. But it will solidify the argument I am making about too many hands spoiling the pot; too many things getting scrapped and begin started all over again instead of engaging in the true meaning of nation-building. I will explain that as I go along.

On page 2 of the 1991 Five-year Education Development Plan, under the section "Background," the plan reads, ". . . **it is imperative that the following initiatives be taken;**"—and I will not read all of them, I will just pull two out—one of them is "**Develop a national curriculum that will be more applicable to the needs of society, attractive to a wider range of interests, aptitude and intellectual capabilities, and which will improve articulation between levels of schooling, as well as relationships among subject areas and the community at large.**"

The Queen's English will prove me out, that if we look in the existing plan which started in 1995, while different words are used, what is said about developing a national curriculum is exactly what the sister is stating. But here is what happened: We had a plan that was supposedly from 1991 to 1996 and, as I mentioned earlier, we had an election. Instead of looking at a plan that

had started and simply building on that and enhancing it, we get a gap from 1992 to 1995 before anything is talked about developing a curriculum. Again, my statement is not to say that the 1995 to 1999 Strategic Education Plan is one without merit, that is not the point. The point I am making is that we, as the leaders of this country, must recognise that the only way we can take the country forward is to build on what was there before—not to engage in our own agendas just for it to seem like it is ours.

I am not here this afternoon to debate whether the 1991 to 1996 plan was better than the 1995 to 1999 plan, or *vice versa*; or whether one plan was the plan developed during a certain Minister's tenure or another Minister's tenure. It does not matter to me who the persons are! I am saying that this is where we have continually failed. I believe, to be fair to the situation, that if we go back before the 1991 review we will find there were other things in place prior to that which were probably shoved aside when something else started. So it is a revolving situation, and the country suffers. In this instance, while the country at large suffers, in truth and in fact, the people who suffer initially are the children we all preach about and talk about who are so near and dear to our hearts. We all say how they are the future of the country, and without them, the country will not move forward. We know all that! But let us prove it! Let us do what is right! Let us stop paying lip service.

Another one of the programme components of the 1991 plan is the establishment of school boards. I mentioned it before, but here we are. This is the plan now, not the proposal. This is the plan itself, and one of the programme components in the plan is the establishment of school boards—1991! The year 1998 comes by, and because there are arguments going on between parents and teachers and the Education Department and the Ministry of Education, we are hearing about school boards again now—1998! Seven years later! I mean, if that does not prove the point, what does?

If we were building on what existed, rather than fighting over matters, we would have had school boards already! The curriculum would have been much further advanced! We would have been engaging in building projects as per the needs that statistics call for, long before now. Let me tell you what would have happened. We would be further ahead. It would have cost the country a lot less, and we in here would not have had to spend all the time we spend now fighting about who is right and who is wrong, and who did not do what. I am quite prepared to go beyond that and forget about that. But this ain' no one-sided street now! So if the Minister of Education wants us to forget about the past, I want to see him acting about the future.

And in making the point, it is not that I am trying to say for a minute that the Education Department, the Ministry of Education or, for that matter, the Minister, are not interested in their jobs and do not want to do their jobs right, but I firmly believe—and if there is a stronger word than 'firm,' then someone tell me—but I seriously believe that if we do not change the mindset we have, . .

. instead of being the representatives we should be for the country, they should get rid of all of us!

Mr. Roy Boddén: True, true! True enough! Well spoken!

Mr. D. Kurt Tibbetts: The country cannot take that way of thinking any more. Too many things are happening, they are happening too fast. If we even do it right, it is going to be a task to keep up with it, much less if we continue to fight over it. So I am saying that we are here with this motion saying, *Listen, the time has come for us to act. Forget about the politics of it!*

There is another thing I want to bring up, but I would not say it until I saw the Minister come inside of the Chamber. I want him to understand exactly what I am saying.

I am totally convinced today that the Minister would have brought these capital projects for education before now. But in his deepest mind he could not figure out how to do it without it causing him problems, because the Backbench was going to be arguing and going on, trying to show him up. That is the way it has gone on up to this point. I speak for myself, because I am part of the process! I know sometimes we are going to wrangle, and I know sometimes we are going to deal with one another and all of that, but I want one and all to understand that if we are going to show any semblance of success at being the representatives we should be for the people, we have to deal with it differently.

Mr. Roy Boddén: Rise above that, yes?

Mr. D. Kurt Tibbetts: We must! As a result of all that has happened, . . . and I am going to lay it as it is. If this motion had not come, the Minister would not have provided that list. He would be fearful of how to deal with it without someone getting the upper hand over him politically! I am telling him, and I am telling everyone, that is not going to help us any more!

Mr. Roy Boddén: True, true!

Mr. D. Kurt Tibbetts: Let us choose the moments to fight! Let us not have to fight all the time. Let us forget about the way we are used to doing the business. Mr. Speaker, we understand as well as the Minister understands that the country needs all of these things. But the Minister needs to understand—the entire Government needs to understand—that we on the Backbench can only sit down and ponder, we can only wonder what these things are unless we get the facts. We do not have access to an entire department putting information together and providing us with lists like that. That is no excuse that we should not be doing our jobs, but we try to do that.

The point I make in all of this is that, . . . a perfect example is that list with the capital projects. If the mindset was different, if the political atmosphere was at a more mature level, we would not be at a stand-off when

we know what is right and what should be done, and know the timelines we should be following. Instead, we have to wonder. And let me tell you something! Let me do justice to the situation here!

The way it has been going, if the Leader of Government Business, the Minister of Education, was a different person, the same thing would probably happen! So I do not want him to feel like I am coming at him, because I am not! I am simply saying in total honesty, that we have to shed that way of doing business for the country. We must!

If we really want to get down to brass tacks, I ain' gon' hide it! I am a representative for the District of George Town and, just for example, the Minister is a representative. If I want to continue to be a representative, I am going to show my colours too, just like him! And I know there is a natural competitive edge there! But, you see, the nation is growing. The minds of the people are different. The competitive edge they want now is performance, not who sounds the best, or who looks the best, or who can act the best. The country wants performance. And I recognise my role as a representative who sits on the Backbench. I respect the situation that there is a Government Bench. I understand all of that! We on the Backbench understand that!

So I am not going to go on and on in my initial delivery, because I have a lot more information, but it is very possible that time may be saved in this House if certain things are able to transpire. Let me state a few things. I have not come to the 1995-1999 Strategic Education Plan yet. Perhaps I may not have to deal with that right now. But let me state a few facts.

In the 1995-1999 Strategic Education Plan, the Minister has touted on more than one occasion the 105 action plans that were there. I do not expect the Minister to stand up and expect the country to listen to him list them one by one. But I do expect the Minister to be able—since we are all being open and the motion is calling for us to debate the difficulties we face and to come up with solutions—to point out to us where those action plans are falling down; where the timelines are not meeting what was hoped for, and if the Minister faces insurmountable odds in his eyes, and he faces specific problems for which he cannot find the answers to date, then let us talk about it! Let us get them aired openly, so we do not have 50 letters running back and forth every week, and this one talking bad about the other one, and this one saying the other one na' no good! Let us get it all out in the open, and let's knock heads, and let's move forward! That is what this motion is all about.

Better be careful here, Mr. Speaker, because someone might get up and talk about threatening again. I am not threatening anyone. But let me make it clear here. Because I have not listed more specific areas than I have—I just want to let everyone know they are here. I do not want to get into all of that, because the Minister will understand that in this one he does not have the last say, I do. But again, that is not a threat. That is just a fact. I do not want to have to get into all that. I would like us to be able to hear, *Listen fellas, this is where we want*

it to be, this is where we actually are, this is where we have not been able to achieve what we hoped to achieve within the given time. These are the problems, and these are the reasons we have not been able to do it. Let us see how we can catch up and move forward.

Let me tell you something else. This list of \$55.6 million is a serious contender! That is not an easy pill to swallow here, but there is nothing else we can do if we want to see education continue to develop properly in the country. And we are going to have to sit down and figure out how to do it! So let the Minister not think, please, that we are looking for him to be shown up for lack of performance. That is not the idea, Mr. Speaker. Neither he nor his staff at any level. Let us show the country by example the leaders we are. There is already, on the outside, a bunch sitting this way, another bunch sitting that way, and so on and so forth. Little pockets who have taken their positions. They have their own agendas, and they want a piece of someone. That is how it is, because that is the way it runs. That is the nature of the beast. Let us get beyond that, so those people's involvement will be positive.

As the new reform initiatives would say, let us get everyone wanting to buy into improving education in the country. If the Minister is going to get full co-operation, we must get the whole picture. I do not make any suggestions about him hiding anything, because this goes to his staff, too, because I know he relies on them. I don't want anything hidden, because if we don't hear it now, and we hear it later—because it must come!—and if they want to really get down to the brass tacks—because I am not afraid of it!—this is the one time they can do it right. Because if they don't do it right now, it becomes a real political issue. If they want it like that, that is fine with me. I do not want it like that! I would much rather spend my time being productive! Even though at times, even you, sir, I believe, might think different. And I can understand that.

So for now, I will not bother to get into any more specific details. I hope the Minister understands the intention. I would hope also that we will get information free flowing. We do not really need four or five hours of a long list. We want the problems that exist to be identified, and to understand why the problems are like that; and for all of us together to provide whatever necessary energies, thoughts and substance, as the saying goes, necessary to bring about these solutions. Because the truth is, I have children also. The Minister has children. Just about all of us in here have kids. What about our constituents who have children? It is pretty obvious that we should be doing what we need to do within the constraints we have, to get it right. I will back off for a bit now, and give the Minister full opportunity to advise us on the circumstances prevailing.

[Inaudible comments]

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker, as I was saying, however it has to pan out, all we are asking the Minister to do is inform us of what his situation is regarding

education. Let us not try to hide any of the problems. Let us get them out in the open. Let us seek to arrive at solutions, and let us find the ways and means to get the solutions to happen as quickly as possible. I will rest my case for now, and I hope that by the time the exercise is over, we will all feel better and have positive thoughts about it, and reasons to throw our energies in the same direction.

The Speaker: The floor is open to debate. Does any other Member wish to speak? [Pause] The floor is open to debate. Does any other Member wish to speak? I cannot wait too much longer, so please make up your minds. [Pause] Does any other Member wish to speak? The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, this motion before the House is a very important one, not one to joke around with and play wait and see. I would have preferred, after the number of things enumerated by the first speaker, to have heard from Government on this all-important matter.

This matter of education is something we all are concerned about. The debate throughout the country involving the schools, the parents, and on every street corner, people are talking about the situation. I feel there is some crisis in education, and this crisis is for more reasons than one. If you go back several years, when the report which was done by the previous Minister (before the present Minister held the post), there were many things lacking, many things neglected, and the problems had existed for many years. The present Minister has not been able, for whatever reason, to do much about those things. I do not have to enumerate everything already said, but I recently received a letter from the heads of the PTAs. I think most Members did. They were inviting the Minister, . . . and there seems to have been some confusion as to whether he was going with them. Whether or not he met with them, I do not know. But I feel the exercise of him sitting down with them and discussing the grievances of these parents, or heads of PTAs would have been a good one.

They rightly pointed out that on many visits to the schools—and I have been among the Members of this House who have visited the respective schools in our districts, and the High School. Before I go too far, I better say who 'they' are: Dervyn McLean, John H. Ebanks, Danita Myles, Mary Trumbach, Jackie Scott, Pat McField, Joey Ebanks, Chastine Rankin, Shirleyann Tibbetts, Elaine Rivers. It would seem to me, from the letter, that there is serious concern about inaction. They point out that the numerous visits to the public school, as well as meetings with the HSA and PTA groups with the MLAs and Executive Council Members over the past years have regrettably not yielded the desired results.

I can say there have been some things done, yes. In the school in my District, certain things have been done, but a lot is left to be desired. I know that in other schools, whether it is plant or personnel, there are serious gripes about the existing situation.

I know the Minister does not employ people. That is left to the department of Government responsible for hiring. But recently there has been some furore about moving teachers from one school to the next. I recently had one letter from the school in my District, concerning . . . and parents signed it. I don't have the letter in my hand, but I don't think teachers signed it. It was regarding the movement of one of the teachers from West Bay to Bodden Town. They rightly pointed out the needs of the person, the kind of person they were moving, how that person is conversant with the problems in that particular school, and how moving him and putting him somewhere else will not serve any great purpose as far as those problems are concerned. I have to be in some support. As I said, I know the Minister himself cannot hire or fire, but the Department is responsible for the movement of these teachers.

I do not want to have to get back into when these presidents of PTAs point out that the visitations have not amounted to a lot, because not a lot got done because of the visits. But I must bring to the attention of the House the situation in our school, with the hall. I hope there can be some early relief for the situation, because in a question asked to and answered by the Minister some time ago, I was promised that by May (I think it was) we would have started on the construction. This is July, and nothing has been started! I do not know at what stage they are, whether or not they can start before school begins, but I remember well in Finance Committee when we talked about this matter, and Public Works put in their information regarding when we could and could not start. But whoever is at fault, there is no good pointing fingers at this time, the fact is that come Christmas, again they will have to be on the field with their Christmas programme. If it rains, they cannot have it. We had to be at the Harquail Theatre for school closing and graduation.

These are matters that did not just crop up, they have existed for some time! I am tired of asking and getting nowhere. That is just one situation. I am sure other Members of this House can talk about situations existing in their schools. I just pointed out those two situations, one with the teacher, and one with the school hall. One dealing with personnel, one dealing with plant.

There are other issues affecting education. Yes, the Minister has to take some blame, but as I said, it is a line going back several years to past administrations that refused to do anything about it. We are still here talking about these situations. Social needs of our children have to be considered when we are talking about education. The Education Department, the Ministry of Education and the Ministry of Social Welfare have to take serious note of the social problems they face at home and in school, because one is the cause of the other sometimes.

Believe you me, from the reports I am hearing from George Hicks and John Gray High School, there are serious social problems. No one will call to say we are talking to hear ourselves talk, or talking to keep this House in session, as may have been alluded to by the

newspaper. The kind of gangism, I call it, existing in those two schools, needs serious attention. Some time ago, Mr. Speaker, I asked about making a concerted effort by putting together a task force of a few Members of this House, parents, teachers and social workers, and even police, because that problem is not going away!

When you hear young children say, *'I am afraid to go to school because so and so can do this, or so and so can do that,'* then it is time we take note of the situation. When you hear of children going to school, and they have knives and weapons, then someone is not doing their job properly, and not being cognisant of the fact that the social issues and the stress on the children are going to tear them apart. We cannot get away, and we cannot hide the fact that the drugs and non-discipline that exist are prevalent in the two main schools!

The two departments, that is, the Department of Social Services and the Department of Education—need to work together. And I take this opportunity to say that there is not enough of that between the two departments. It is causing problems! Right now it is a problem with the referral system from John Gray High School into the Marine Institute. And why that should cause a problem, for heaven's sake, I cannot understand! While we had some problems in the past with referrals, we went along and got it done. Now we are back to where we were some time ago with the same situation.

If Triple C School can refer students to the Marine Institute, there is no reason why John Gray High School cannot refer them—and refer them fast enough to get them into the programme. The two departments need to communicate, to work together. They need to be more pro-active than they are. Not to say they are not doing anything. I would never say that, because they are. They have their hands full! They are working, but they need to be working jointly. They need to put serious parenting programmes in place, for instance. They need to go out into the districts to get into the homes, because the homes affect school, and school is affecting home.

Mr. Roy Bodden: Talk the truth, brother, talk the truth!

Mr. W. McKeeva Bush: Education needs to be more pro-active with the Social Services Department in approaching programmes, going into homes in the districts, looking at the problems, and dealing with them.

I could talk all afternoon on the negative social impact prevalent in those two schools. I want to say publicly that many times we, and parents, blame the teachers. That is not to say that there are not those who, like everyone else, have their failings, but I want to say that we have some very good, hard-working teachers. When anyone has a particular case, they should go directly to the Department, and if they cannot get any redress there, approach the Minister and try to get some satisfaction. But to group all teachers together and say they are not doing their jobs, is not correct. Not correct!

But there is a problem. I am tremendously happy that the present head of George Hicks High School is

back in her job, deciding not to move, because she is a very capable person, a very capable woman.

In this matter of the gangs at the schools, I call again for that task force to sit down together. As I said, we have Members of the House who are quite capable, willing and able to assist the police, social workers, parents, teachers, ministries, departments. Make an all-out effort, and we can do it, because we must remember that our Island is still small. We still have small problems, and while the problems seem big, they are small in comparison to other areas, so we are capable of dealing with them. But we have to have the will! We have to accept, first of all, that the problems exist! And then do something about it!

And I make that call again! Let's do something. Let's set up that task force. When you have children saying, *'I am not going to school because of too much fighting, and I do not want to get caught up in it,'* and when you hear young people saying, *'I am not going to such and such a place because there is a fight that was planned from school,'* we have to be cognisant of the situation.

The Speaker: Would this be a convenient time to take the afternoon break?

Mr. W. McKeeva Bush: Yes, Mr. Speaker.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.30 PM

PROCEEDINGS RESUMED AT 4.00 PM

The Speaker: Please be seated. The First Elected Member for West Bay, continuing.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker.

When we took the break, I was talking about gangs in high school and middle school. This has to be a situation that is deeper than just children quarrelling. We find it not only in those schools, but also in some of the primary schools. We had several situations that we had to deal with. I thought I would also point that out.

Thank God that we have some very conscientious parents and very good teachers. I want to mention the calibre of teachers we have at John A. Cumber Primary School in West Bay. They are not just teachers. Some students who have problems go to their teachers, and the teacher has to deal with problems existing outside of school. So I consider West Bay very fortunate to have the calibre of teachers we have. The Head Mistress there is doing an excellent job and I like to say these things publicly and have them recorded in the *Hansard* because we have to encourage good teachers when we see them doing a good job.

The problem of personnel is a grievous one, this moving around. Perhaps one of the things that needs to be done if we can't get all the teachers we need now, is get more teacher's aides so that the ratio of adults to

students would be higher. I don't know how feasible it is, but it is an idea I ask them to look at. It is no secret that because of our booming economy many jobs created in our industries cannot, for many years, all be filled by Caymanians. But there has to be a more serious thrust to train more Caymanian manpower for the career of teacher. This is something that the Government, the Department, needs to put an all out effort on.

There has to be something wrong with the system when we find teachers—Caymanian teachers at that—moving from the classroom they were trained for into other jobs. I have taken note of that for many years. It is something that hurts me deeply because I feel that there has to be something wrong with the system when we see so many teachers moving into other careers, other jobs. There must be! I don't know whether it is the salary, or what, but I do know that there is frustration in some cases too. Some of them have come to me, and I have told them, "Hold on. Things will have to improve." Salary is one, but that is not all of it. I know that. Perhaps it is one of the main reasons, but we have to find the way, the wherewithal to put a more serious effort into getting Caymanians trained to be teachers.

To train up a child from kindergarten and see that child graduate must be one of the most gratifying things on earth. To see a child come into school and finally graduate and make something of themselves...that has got to be a very gratifying and self-fulfilling thing. I hope that the Minister will look at this idea of finding a way to train more Caymanian manpower as teachers.

In dealing with that, I knew sometime ago that the Minister had a plan to move the Head of John Gray High School to the Department as a CEO. I hope that that idea is very fertile in his mind. I knew early on that that was in the near future. Not that I have anything personal against the present CEO, let me point that out. He is a very nice man and I know that he is only doing the job as he is told to do it.

There seems to be a growing situation. I don't know why parents come to me (and I know they approach other Members of the House). But there is a problem of students moving from, let's say from Middle School, George Hicks School, to High School and not allowing them to graduate. I am not sociologist, but it has to be a very self-destructing situation for a child, when he reaches that far, to not be able to graduate because of a fight—especially if that fight has not resulted in any wounding or any serious damage. When we talk about gangs, we are not just talking about fights. That is a separate thing. Watching a fight, for instance. If two boys are fighting and another one runs to see the fight. The student should not be told that because he went to see the fight he cannot graduate. I don't know all the situations, because sometimes we only hear one side. But this can't be right. I urge the Minister to look into that situation because that has to be shattering to the child, and to the parents, those parents who are studious and concerned as parents.

It is growing too. As far as I have heard, it is several at a time. That cannot be the solution, even if the child is

misbehaving. The truth is, the Education Department and the Social Services Department working together must be able to find out these problems. Of course, that might take more trained personnel than I may think. But it is something that has to be done. If they are working together and they have the right kind of personnel they can deal with these problems earlier.

Many of the things that I am talking about need other personnel to deal with it. That brings me to the list that the Minister gave. It is a matter of priority for the Government to get these things that are needed for education. The Government has to get its priorities right. I know, because I served in Executive Council, the problem there are so many things to do and little money to do them with. However, when you have agreement from your entire Parliament to go and prioritise, when you have that agreement, when your full House says to you, *'Go and prioritise what you need most,'* you are in a fortunate position as a Government indeed. And then when Government gets up and says it will do that, but then returns with a Budget full of items that were not in the original Budget, that cannot be right. It does not make sense!

And it cannot be right for the Minister of Education to have this list, . . . I am not doubting him, and as I said yesterday I know he needs much more. It cannot be right for him to have that kind of need and then spend \$10 million (US, I guess) on projects like Pedro Castle. You can't! And I know there are other needs—sports, roads, hospital, other infrastructure, we have to pay personnel which takes a large chunk of the money. But when it comes to your projects, you simply have to prioritise. You cannot say that East End needs two classrooms and a hall for their school, and they do need it. . . you cannot say that you need it, have a need for three years and build a second civic centre in the district. You can't!

There is the matter of juggling for (them boys call him the Chief Minister) his support. I know how the hell they do that! But he must also stand up and say no. He must say no to them. Prioritise! And this is not a matter of knocking anyone or beating up on anyone because I don't like them, it is a matter of what is right, what is wrong and what is practical and reasonable for the people of the country.

I would like to thank the mover of this motion who has shown great interest in these matters. As I said yesterday, whether you are with him or against him, whatever the political bent, give the Devil his due. They have always shown that they are interested in these matters of education. I would like to thank them for bringing this because there is what seems to be a crisis in education in the country, and it is good to deal with it. Let's deal with it up front.

Before I sit down, I would like to ask the Minister to move more quickly on the things in my District which are urgently needed. The Sunrise Training Centre needs a new home. There is a situation that can rectify that problem quickly. That cannot be brushed aside any longer and put on hold, let's get the thing done. Let's get what

is needed. You can't say you are going to spend \$55 million, . . . but we are all reasonable legislators. We can sit down and work out with the Financial Secretary and his team, the Department and Ministry concerned, what is needed and they will get our support. I am sure that all the Backbench will give whatever support is needed. But let's address some of these issues—not just build the buildings, not just fix the roofs, but deal with the social problems in the schools as well. That takes a lot of time, putting programmes together, getting the personnel together, but when you see the problem you have to deal with it. You cannot brush it aside.

Thank you.

The Speaker: The floor is open for debate. Does any other Member wish to speak? [Pause] Does any other Member wish to speak? We have twelve minutes before the adjournment. [Pause] Does any other Member wish to speak? [Pause] I cannot wait much longer.

[Inaudible interjections]

The Speaker: I don't want to deprive anyone of their right to speak, but I am going to have to ask the mover if he wishes to exercise his right to reply. No other Member wishes to speak? [Pause] If no other Member wishes to speak, would the mover like to reply? The First Elected Member for George Town.

[Inaudible interjections]

The Speaker: I have done all I am supposed to do.

Mr. D. Kurt Tibbetts: Mr. Speaker, it amazes me, sir, that with ten minutes left to go the Government could not find some song to sing in order to reply to the motion. It certainly changes the whole tone and it certainly causes me, personally, great disappointment. This was a totally genuine attempt to do justice to a situation that was very near and dear to us and that needed some attention. What I am going to do until it is time to close is sing songs. But I have to go home this evening and I really have to deal with my God. I do not know what Monday morning is going to bring.

I cannot believe, even though I witnessed it, that the mood and tone that was set today has been thrown and cast aside once again to ensure that we cannot move this country forward together in harmony. I am not prepared to accept anything that is said regarding the Government not being able to reply. If the Minister for Education was not in a position to reply beginning the last ten minutes left this afternoon, then certainly one of his other four Ministers could have played the tune until it was time for us to go home for the weekend.

Do you know what it makes me believe? It makes me believe that when you try everything to do what is right in this Honourable House, that there are people here who, for their own selfish reasons, refuse to see the light to make it work.

Now, Mr. Speaker, I want you to pray with me this weekend because I have the utmost respect for you. At no point in my life do I ever want you to think less of me, sir. But, really, pray with me this weekend because I do not know what is going to happen Monday morning. I cannot believe that the Government finds itself in a position with a matter like this that is so important that it does not even have the capacity to reply to the altar call, to let the people of this country know that they too are concerned, that they too want to see the right things happen. I cannot believe that.

[Inaudible interjections]

Mr. D. Kurt Tibbetts: I want to say before we close this evening...and the truth of the matter is, through you, sir, if he wants to consider it a threat, he can do so. If he thinks it is bad enough to file a lawsuit, he can do that too, because if he wants me to go outside this Chamber to say what I am going to say now, I will!

The Speaker: Just be cautious with your words, please.

Mr. D. Kurt Tibbetts: Yes, I will be very careful. I am just giving him all the leeway in the world. Don't worry, Mr. Speaker, I still have it together this evening. It's Monday I am worried about. I am not worried about right now.

But if the Minister—because of the fact that he is a Minister—comes back into this Parliament with prepared statements regarding what this motion was calling for, I want him to know that I am going to do everything in my power to make this country chastise him. I mean it! Because for him to shake his head across the floor to tell me that he cannot speak this evening on this motion when there was ten minutes left—when I have seen him talk for one hour and say nothing—to me is totally unacceptable.

What is going to happen on Monday morning, and if it takes me all weekend to call everyone I know to do it, I am going to—

Mr. Roy Boddén: Fill the gallery?

Mr. D. Kurt Tibbetts: No. I am going to help to provide a list of the things that are wrong with education. The Backbench is going to assist me with that because right now I only speak on their behalf because they are as concerned as I am. It really shocks me to know that a situation like this could have arisen this evening, when the day had gone so well—there was peace in the camp. We were willing to get it on together.

Mr. Speaker, it is that time and I am certainly not the best of speakers. I just sang a little song to kill the time. I am only sorry that the Minister for Education did not decide to do what I just did. I will see you on Monday.

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until Monday morning at 10 o'clock.

The Speaker: The question is that this House do now adjourn until 10 o'clock Monday morning. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM, MONDAY 13 JULY 1998.

ADJOURNMENT

**EDITED
MONDAY
13 JULY 1998
10.21 AM**

The Speaker: Prayers by the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

PRAYERS

Hon. Donovan Ebanks: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: I have received apologies from the Honourable Minister for Agriculture, Environment, Communications and Works, who will be arriving later this morning.

Item number 3 on today's Order Paper, Other Business, Private Members' Motions, Private Member's Motion No. 13/98, Problems of Public Education in the Cayman Islands. The First Elected Member for George Town, continuing his reply.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 13/98 PROBLEMS OF PUBLIC EDUCATION IN THE CAYMAN ISLANDS

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. When we broke on Friday, we were still reeling from the shock that the Government had chosen not to reply to this motion. While I will wind up and do the best I can, I am still asking whether the Government is prepared to accept the motion, although in the first 'Resolved' section it reads, "**BE IT RESOLVED that this Honourable Legislative Assembly debate the problems of public education in the Cayman Islands.**"

Since Government has refused to debate these problems, I wonder how it will be minded—whether to accept or reject the motion. If it rejects the motion, that means to us on the Backbench that Government does not consider education a very important part of the success story of this country. If Government accepts the motion, it appears to us that we may as well not exist, because they see themselves as the individuals with all the answers, so our input does not matter. So as I move into the wind-up, Mr. Speaker, I am left wondering whether the Government is functioning at all, much less in the way it should be. What happened Friday evening—I do not know if we will ever know the truth of it, but for whatever reason the Minister of Education was not prepared to reply to the motion. It is obvious to us that he should have.

Whether or not we find out what happened is not really of utmost importance, although it begs many questions. What is important to us is that the motion put before this House be taken in the light in which it was brought, and the necessary action required be done.

When I moved the motion I went back in time to the year 1990. Initially my idea was to bring to the minds of all the fact that while we continue to talk a lot about things, in this specific instance it is obvious that enough action has not taken place. The fact that the Government did not even reply to the motion adds to that, and it leaves us wondering whether or not any action will be forthcoming.

Moving on, I will go through certain instances to prove the necessity of this motion. All we can do at the end of the day is live with the hope that the Government will now get up off its you-know-what and start to do what is right in this area.

By the way, Mr. Speaker, I am sure you prayed on the weekend. So did I. So have no fear today, sir.

The Speaker: Thank you.

Mr. D. Kurt Tibbetts: I want to first revisit the capital works priorities list handed out by the Minister regarding education and what was needed as priorities. As we look down the list, the second item, . . . And before I go further, let me explain the purpose of this exercise. The purpose of this exercise is to show that politics can be the worst thing one can engage in if one really wants to do justice to the job.

The second item is the Lighthouse School plans and the upgrading of the Cayman Foods building for a hall. We all know what the intention was regarding future use of the Cayman Foods building. When pointed questions were continually asked, I remember saying that I was not prepared to vote monies for the purchase of this property unless we knew, or had a fairly good idea, what it was going to cost to make the building user-friendly for the purpose it was intended for. The answers we got back, Mr. Speaker—and this was months ago, not years ago, months ago, sir. The costs to put the building to where it could be used for the purpose intended varied—and not to be exact but I know I am not far off—between \$350,000 and \$500-and some-odd thousand dollars. That is what we were told. That included what was given to us from the Public Works Department, and I believe they had consulted a private enterprise.

Now, Mr. Speaker, what comes to us—and even though it includes plans for the Lighthouse School, I do not see plans costing as much as that. The figure given to us now is \$1,050,000. That tells me that the proper costing was shaved just to keep the strength of the argument to purchase the property. That is what it tells me! But you see, when the right thing comes out of the wrong mouth, the thought process by some on the Government Bench is, *We can't make that sound right*. But the building seems to have been bought, and it is going to move on.

The difference in us is that while we recognise mistakes we are not going to kill anything, given the opportunity. So I guess at some point in time we will have to accept what has been done, and at the end of the day make the best of a bad situation. I do not say this hoping that the purchase of this building will cause more problems than necessary. But I say that the problems it is going to cause from a dollar point of view seem to have been known beforehand but no heed was paid to it. I guess it's not our money—it's the country's money—so it doesn't matter.

If we go down that list we see item number 9, Hall, Red Bay Primary School, 1999, \$600,000*. The asterisk after that figure, if we look at the legend says, **"Money not available until May after Finance Committee approval. Funds to be spent June to November 1998."** That is a bit ambiguous to me, because that figure is in the 1999 schedule of expenditure. Perhaps the Minister, if he is listening to me, would be willing to clear up this matter. The point of that was that I do not know who is

listening, but I have to ask whether it is 1998 or 1999. This is one warning: When this is aired tonight, I hope the parents are all listening. Perhaps they can deal with it and get better results than we can.

I have just been handed the information regarding the Cayman Foods building. To prove the point better, after it outlines all of the information, it says **"the estimated cost of the upgrades [referring to the Cayman Foods building] range from C\$250,000 to \$350,000."** That is one estimate. Another consultant estimated it at \$350,000 to \$550,000. So even if we meet those two figures halfway, let's say \$400,000, and give everyone the benefit of the doubt, what has come to us a few months later is more than twice the amount.

The point in that is that what we are doing in this country today—and I do not really care who likes it or not—is taking the trust given to us by the people, using and abusing it among ourselves to see who looks best. And there is no real concern for what the results will be at the end of the day. I will say no more on that.

The last item I want to mention on this list of capital works priorities is number 21, "Completion of alternative education centre [Dr. Hortor Hospital site]." I am not one to waste too much time because I was not in the middle of the big argument about that site, but I wish to say that it amazes me how this specific site was the topic of all topics in an election campaign. It was used to bulldoze people afterwards, to prove all kinds of theories about how the site was not able to be used, not able to be built up, or was such a bad thing! I wonder how that can be used to house an alternative education centre. All of a sudden, did the good Lord wave his magic wand and make the land useable?

To go on and point out some of the specific problems which exist in the area of education, in recent discussions, and in Private Members' Motions coming to the House, it came to my attention that we are sadly lacking the numbers of school counsellors available for the children. If my understanding is correct, there are calls for eight school counsellors, and at this point in time there are only two for the entire public education system. I cannot swear or attest to this information, but that is the way it was given to me, and it was told in sincerity, so I am going by that unless I am told different.

The other area I want to mention—and I think it is something we need to look at carefully—is that we are continually trying to find answers as to how to get more Caymanians into the field of education. It is only natural that we would want our own to be teaching our children. That is the best case scenario, because who better to take care of our children than our own? One of the avenues by which we can get people interested in becoming qualified teachers is by employing more teachers' aides. There is always the question of money. I know that. But I hold the view that if you were to encourage individuals more and have more openings for teachers' aides, we would give people who after finishing their secondary education have not fully decided what their vocation in life will be, an opportunity to get firsthand experience of what teaching is all about. And I am sure, when it is all

said and done, we would be able to have more Caymanians interested. At that time, whatever it takes, training could be offered for them to become qualified. It must serve us better in the long run, not only as a matter of national pride, but from the point of view of cost, because it has to cost more to go overseas to recruit; it has to cost more to bring teachers here, regardless of whether the salary scale is the same for locals and foreigners. The other costs incurred have to be, by it being a recurrent situation, more than if we spend money to train our own people to fill these gaps. I accept that we will probably always need to recruit some teachers, but I think we must try to narrow the gap existing now.

I do not have any specific numbers of teachers' aides, but I believe if more thought and more leading were put in this direction we would get better results. I sincerely believe that.

In my initial debate on this motion I mentioned the building programme, I mentioned certain areas and reports. I believe there is really a serious lack of initiative in this area. I brought a couple instances out there from that list that had been provided, but I have to spend a few minutes talking about this again. What fails to get me to understand the thought process of the leadership in this direction is this: How can we sit down and talk about 353 qualified people making this wonderful plan? How can we talk for hours about action plans? How can we talk about timelines? How can we talk about implementation schedules? How can we talk about bringing more people into the scheme of things so we can synchronise efforts better and get everything going? How can we do all that, and we do not even have one mention of what type of buildings are going to exist to allow all these things to happen? People cannot work out in the open! Years ago, it was good fun to have class under the guinep tree, but that is not the way it works any more. So to say this plan is wonderful, and to completely ignore the physical parts of the plan, . . . I guess I had best not say any more on that for now.

I am going to show you why I believe there has been almost—because it is a difficult situation—a concerted effort not to address it, because it is not easy to solve. In 1995, March 30, when the Minister of Education presented this plan—and with your permission, Sir, I am going to quote a little of what he said, so we can understand. **“In all, 353 individuals participated in the preparation of the Strategic Plan. Public support often exceeded our expectations and interest was high. I would like to take this opportunity”**—oh, he's good at that!—**“to reiterate the Ministry's thanks to all those people who served on the Education Planning team as Action Team leaders, and on the Action Planning Committees. I would particularly like to thank the trained facilitators who took us through this process and whose belief that we will be successful never wavered. These facilitators were Mrs. Joy Basdeo, Miss Andrea Bryan, Mrs. Hyacinth Conolly, Mr. Colin Ross, Mrs. Mary Miller, Mr. Leonard Bodden and Mr. Michael Hunt.”** Even if I say so, Mr. Speaker, that is a powerful team. **“A special thanks**

must go to Mrs. Conolly, the lead facilitator, who as internal coordinator was responsible for organisation of all meetings and all training. A 35-member education planning team, representative of the whole community, developed nine strategies. This education planning team was made up of 50% teachers and other education personnel, and 50% drawn from parents, students, representatives of commerce and industry, private schools, service clubs, a minister of religion and a Member of the Legislative Assembly. Cayman Brac was well represented on the team.”

Then he goes on to say, **“Action Teams in both Grand Cayman and Cayman Brac developed the strategies into action plans which would get specific results. The major policy areas emanating from these action plans are: the establishment of a national curriculum; the development of four locally accredited Cayman Islands achievement tests; the creation of a school inspectorate; the establishment of a board for each school; the establishment of health, safety and building standards for all schools. However, the 105 Action Plans which were commended cover all aspects of the education system. These have been scheduled for implementation during the academic years 1995-2000, and the first year has been costed.”**

“The first year has been costed.” [Emphasis the speaker's] **“The specific objectives, together with the beliefs, mission and strategies will shape the public education system over the next five years.”** Here is another important thing he said: **“Every 12 to 18 months the Strategic Plan will be evaluated by the Education Planning Team to ensure that we are still on target and that our objectives are being met.”**

This Plan was tabled 30 March 1995. The Minister said that every 12 to 18 months this Strategic Plan would be **“evaluated by the Education Planning Team to ensure that we are still on target and that our objectives are being met.”** I want to talk about that a little more. The Minister—and as I go on, all of us are going to understand why the Minister would not answer that altar call.

The 1995 to 1999 Strategic Education Plan, three years after (because this is 1998). . . it is three years since the plan was put into action. The Minister said that every 12 to 18 months it would be reviewed. Today, I challenge the Minister or anyone else to prove differently when I say that three years later from the plan being put into place in 1995—three years later, in 1998 the plan is close to two years behind!

Mr. Roy Bodden: What? What you say?

Mr. D. Kurt Tibbetts: I am saying it on the floor of this House. Anyone can shake their heads. They can do what they want to do. My definition of timing might not be exact with the day and month, but the plan is close to two years behind. That is what it is. When we bring the

motion because of certain concerns of ours, . . . Mr. Speaker, the motion was not brought to get into any fights. We know there are problems. We know that no one man can solve all the problems. We are not lookin' an argument. But because the problem exists, you are going to try to evade the whole issue by not being able to address it? This is what has happened. The implementation is close to two years behind, and the review was supposed to be taken between every 12 to 18 months afterwards, which means at a minimum, by now there were supposed to have been two reviews taking place of exactly what was happening.

Mr. Roy Bodden: Shocking!

The Speaker: It took place.

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, I am taking a point of order.

The Speaker: Please state your point of order.

Hon. Truman M. Bodden: Mr. Speaker, there have been two reviews of the plan. The first one was in April of 1996, the second was in September 1997, and it will be up for review in September of this year. So there have been two reviews. I would ask the Member to therefore withdraw his statement and please apologise.

Mr. D. Kurt Tibbetts: Mr. Speaker, that man is going senile. I said nothing, sir, about the reviews not taking place. I said his plan is two years behind. If he wants me to apologise for that, he is sick in the head!

The Speaker: Let us understand that the Strategic Plan called for reviews on an annual basis. And they have taken place. I served on that particular committee.

Mr. D. Kurt Tibbetts: Mr. Speaker, I will take my time, but if you want to break and get the *Hansards*, I did not say that the reviews did not take place. I said they were supposed to take place, but I did not say they did not!

[inaudible interjections]

Mr. D. Kurt Tibbetts: Mr. Speaker, I will pause, and the Minister can get the *Hansards*! I know what I said!

I am saying that the implementation of the 1995 to 1999 Education Strategic Plan is close to two years behind. I went on to say that these reviews were supposed to be taking place between 12 and 18 months apart, which means by now that at least two reviews were supposed to have taken place. The Minister did not allow me to continue what I was saying; he stood up on a point of order. What I was going to say was if these two reviews have taken place, why has it not been identified, or why has nothing been done thus far about the imple-

mentation lagging behind. But he did not give me a chance to say that, sir.

The Speaker: Let me have a little something to say now.

Let us understand that the reviews have taken place. Do you acknowledge that?

Mr. D. Kurt Tibbetts: Yes, sir. I am not questioning that.

The Speaker: Will you withdraw that they have not been made?

Mr. D. Kurt Tibbetts: Mr. Speaker, I cannot withdraw what I did not say. I did not say that it had not been made. You can get the *Hansard*!

The Speaker: You have now stated that they have been made?

Mr. D. Kurt Tibbetts: I don't have a problem with that, but I am not going to withdraw what I did not say.

The Speaker: Go on and speak. I will ask you to say that, and if you say they have not been implemented to your satisfaction, that is a different story.

Mr. D. Kurt Tibbetts: Mr. Speaker, I hear what you are saying. We are not going to get into an argument. I will willingly talk about these reviews. What I want clearly understood is that I did not say that the reviews did not take place. I know what I am saying. I am talking about the implementation. That is the Minister's perfect style—to divert the focus of attention from the truth!

He knows that that—

The Speaker: Please, please. Let us not go back into this. That is not really what I am asking. I am saying that the records prove that the reviews have taken place. That is all that I am asking you to acknowledge. If you want to say that the implementation is not satisfactory, continue in that vein.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I have no apologies to make to the Minister, because I did not say anything that was not so. The reviews that have taken place—my question is: It must be obvious, if these reviews took place that—

The Speaker: Let us not say "if they did." They did! the fact has been established in this Chamber that they did take place.

Mr. D. Kurt Tibbetts: Mr. Speaker, I just said that and you too— Okay.

The Speaker: I am talking one type English and you are talking another, apparently—

Mr. W. McKeever Bush: Mr. Speaker, on a point of order, please.

POINT OF ORDER

The Speaker: Let me hear your point of order.

Mr. W. McKeever Bush: Mr. Speaker, a Member's right in the House to speak under the Standing Orders, if he has information that a certain thing has happened, then he can say so. Until he gets the information that it has happened, then he will not know what is in it.

The Speaker: I understand what you are saying. Do you have anymore to say?

Mr. W. McKeever Bush: No, Mr. Speaker, but I think you have to give the Member his right under Standing Orders. Thank you.

The Speaker: And I think you must understand that the Speaker has an authority within the House to clarify a matter. A point of order was raised and I want to settle one point of order before I move on to a second.

Mr. D. Kurt Tibbetts: Mr. Speaker, so everyone will understand—and I am all right, but let me explain. When I said 'if these reviews took place,' I was not insinuating that they hadn't. Again, if I had been allowed to finish what I was saying, it would have been clearly understood that I was not trying to suggest that the reviews did not take place.

The Speaker: I can only go by what I hear. That is what I interpret.

Mr. D. Kurt Tibbetts: Yes, sir. Do you understand what I am saying, sir? That is all I was trying to say, and I have no problem with just moving on.

The Speaker: Go ahead.

Mr. D. Kurt Tibbetts: The information that I am taking about was not tabled in this House. I don't know all of it. We keep getting into that. But we are not going to argue over that. The whole point I wish to make is that there are problems with the *implementation* of this plan. That is the reason the motion was brought to the floor of the House. It appears that not enough action is being taken to bring this implementation process in line with the timing it initially had, and we are simply asking for it to be open, explained and discussed so we can try to get it in line with what was supposed to have been achieved. That is the purpose. Okay?

Now I want to bring another point, which is ancillary to the point I just made. On 30 March 1995, when the Minister was presenting the plan, one of the things he said—and he gave emphasis to this area—he said:

"The job appraisal scheme presently being implemented in central government allowed us to set

up a system of accountability for all officers and to detail which objectives are to be met in a space of time. This is a key element in the Strategic Planning process—that one individual is responsible for the successful implementation of a particular action."

My understanding of this is that the Education Department was being restructured, or had been restructured, to accommodate this plan so accountability could prevail, and people would know their job descriptions properly. I am contending this morning—and saying it as emotionless as I can—that this has had a miserable failure at best. There is no direction in that Department; the leadership is scarce if it exists at all; the individuals involved in the implementation process are having to act like chickens with their heads cut off, and chaos reigns because everyone passes the buck to the other one when something is not done, and no one has done anything about it. That is what I am saying.

Mr. Speaker, let me make what I am saying very clear. I don't have one single problem with the individuals involved in the process. But if the problems that exist are clearly understood, for God's sake, please do something about them. I am saying this is what has not been done. We cannot expect the individuals who hold the posts in the Education Department—who are dealing with this process if it has turned upside down and not working properly—to find the solutions. That is not for us to expect.

We cannot hide what has happened. I say it again: I do not want to stand here this morning, or as I did on Friday, to try to say that it is the fault of the Minister of Education, or the Chief Education Officer's fault. The truth of the matter is it is everyone's fault! But leadership is the only avenue through which we get the solutions. I am calling on the leadership to do something. My voice is speaking on behalf of the majority of the Backbench. It could have been any one of us, it just so happens that this morning it is me. That is our concern. And the concern is genuine. But if there is a problem and it looks as if someone is not going to look so good, you either hide it or bend it, or divert it elsewhere so that it gets watered down. We need to do something about what is going on.

If the Minister had answered the altar call—and he had brought his implementation schedule and it said, . . . This is where, if you want to get results, you need to do the right thing. If instead of trying to bring these bent, twisted and out of whack amendments to substantive motions, getting up and singing songs, writing epistles about all the little things that were done, the painting of this room and of that building. . . . Yeah, yeah, yeah, like that is the most important thing we are talking about. Instead of doing all that—

Hon. Truman M. Bodden: I take a point of order.

POINT OF ORDER

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: What I read out over a period of about one hour was the last review with the comments on the implementation. And if you remember, sir, I spent about an hour or thereabouts on it, going through, reading the strategy, and dealing with what has been implemented and what has not. That is clearly on record, sir. I did do that.

The Speaker: *[addressing the First Elected Member for George Town]* Is that your understanding?

Mr. D. Kurt Tibbetts: Mr. Speaker, I very clearly understood what the Minister said. But again, sir, the Minister took a point of order and did not allow me to finish what I was saying! How can he—Mr. Speaker, I am saying, you know—

The Speaker: Please continue, go ahead.

Mr. D. Kurt Tibbetts: You know, I am going to tell you something.

[Inaudible comments]

Mr. D. Kurt Tibbetts: I was trying to say—and I will be as docile as I can, and will try to make a point if I am allowed. I was trying to say that if the Minister had brought his implementation schedule and, instead of wasting an hour and a half talking about what had been done, point out exactly—with detail—what had not been done, which is what the motion calls for. . . . The motion did not call for the Minister to come here and spout off his mouth about the things that had been done. The motion calls to debate the *problems* in the public education system! I am saying that the Minister, when he debated the amendments, instead of replying to the substantive motion with the mood set by us all [should have said], *'Gentlemen, listen: I know there are some problems. Here is the list of problems. This is what we need to do. There are problems finding money about this and that. Can we sit down and see exactly how we can get this plan implemented faster?'*

Mr. Roy Bodden: True!

Mr. D. Kurt Tibbetts: That is what the motion called for, sir. And I do not have any apology to make! I do not have any point of order to answer, because if I were given a chance to explain that is what I was saying! Do you understand what I am saying, sir?

The Speaker: Yes.

Mr. Roy Bodden: True, true.

The Speaker: The Honourable Minister of Education.

Hon. Truman M. Bodden: I have been very tolerant, listening to the Member saying I should have spoken, and—

Mr. D. Kurt Tibbetts: Mr. Speaker, is there a point of order?

Hon. Truman M. Bodden: Yes, I am taking a point of order.

The Speaker: *[addressing the First Elected Member for George Town]* Would you give way for a minute please?

Hon. Truman M. Bodden: Mr. Speaker, if you will turn to May's Parliamentary Practice, 22nd edition, at page 376, it says in about the 15th line, "**A Member who moves an amendment cannot speak again upon the main question after the amendment has been withdrawn or otherwise disposed of, since he has already spoken while the main question was before the House and before the amendment had been proposed from the Chair.**" I have been very tolerant and have listened to this for some time—

Mr. Linford A. Pierson: Mr. Speaker, with due respect, this is not a point of order! And I am surprised it is being entertained as a point of order!

Hon. Truman M. Bodden: Mr. Speaker, I am still on my feet. The point of order is that the Member is misleading the House, in my view, when he says that I should have stood up to speak. There are two points to this, sir: One, I have a right whether I wish to speak or not. That is a right every Member of this House has. But secondly, from what I can see here, because of the procedure that was followed there, it appears to me that once a Member moves a motion, and another Member moves an amendment, and it is disposed of when the motion is in the House, there is no right to speak a second time because you have spoken once on the full—

Mr. Roy Bodden: That is not so!

Mr. Linford A. Pierson: What is the point of order?

Mr. Roy Bodden: What is the point of order?

Hon. Truman M. Bodden: The point of order is that the Member keeps saying that the Minister should have stood up and spoken, he should have replied. I have a right, like anyone else, whether I wish to reply or not. But I do point out, Mr. Speaker, and I will read this again, "**A Member who moves an amendment cannot speak again upon the main question after the amendment has been withdrawn or otherwise disposed of, since he has already spoken while the main question was before the House and before the amendment had been proposed from the Chair.**"

The Speaker: I think this may be a convenient time to take the morning break. I would like to look at this further. We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.18 AM

PROCEEDINGS RESUMED AT 12.13 PM**RULING BY THE SPEAKER**

The Speaker: Please be seated. Proceedings are resumed.

During the break, I looked very carefully at the point of order raised by the Honourable Minister for Education, Aviation and Planning. I have noted very carefully the contents of Erskine May, 22nd edition, page 376. Before going into that, I would like to call your attention to Standing Order 25(4) which reads as follows: **“An amendment to the motion may be moved and seconded at any time after the question upon a motion has been proposed by the presiding officer, and before it has been put by him at the conclusion of the debate thereon. When every such amendment has been disposed of, the presiding officer shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require, and, after any further debate which may arise thereon, shall put the question to the House or Committee for its decision.”** I would also like to refer to Standing Order 88, ‘Practice of Parliament,’ and it says, **“In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.”** Having researched the *Hansards* of this House, the practice of this House over the years has been that a Member moving an amendment has had the opportunity to speak to the amendment, and also closing debate on the amendment, and had the right to speak in the substantive debate on the substantive motion. So in view of Standing Order 88, that would be consistent with the practice of this House. Therefore, I cannot refer to Erskine May in this particular question.

The Speaker: The First Elected Member for George Town, please continue.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. If I understand you correctly, regardless of what attempt has been made to justify the Government’s not replying to this motion, Erskine May has not assisted them this time!

The Speaker: I did not address that issue. I addressed the parliamentary procedure.

Mr. D. Kurt Tibbetts: Yes, Mr. Speaker. I am quite aware of that, sir. I will continue.

When we took the suspension, I was addressing the Minister’s speech on March 30, 1995, when he presented the Strategic Education Plan 1995-1999. I was specifically dealing with the point of accountability. As I was saying, the intention is not, has not, and still will not

be for the rest of my contribution as I wind up the motion, to try to finger any one person for what has happened. What is very important to us is not to try to cloud the issue, not to try to change the focus from the truth. When we talk about accountability, it is basically someone being responsible for their actions—or for their lack of action. I think it is fair to say that the entire system in place now is not conducive to this. The reform measures we have been touting in the recent past, and continue to be excited over, we hope will assist in this regard.

But I want to get back to the Department. Without trying to cross paths too much, I want to get it out in the open, where the problem lies with implementation. It is important for it to be understood that the civil servants involved in the process are not who I am trying to finger. If the Leader of Government Business, the Minister of Education, gave the whole thing a chance, he would understand that the reasoning is simply to bring about solutions.

The Backbench is not irresponsible. The Backbench is concerned about many things. When we bring these Private Members’ Motions to the floor of this House, it is not dealing with individuals. The truth of the matter is, they are not worth it to us! We want to get about running this country the way it should be, and to the best of our abilities. We are not the Government. We understand our role. But the Government certainly should be chastised for trying to derail the process. That is not for us to focus on at this point.

What is happening with the system is, . . . and I mentioned earlier about the plan and its implementation process being close to two years behind. No one at this time is able to say whose fault it is. We are not worried about trying to find out, in this motion, whose fault it is. We are seeking for the Government to accept the reality of the situation—that there is something not going right, and either they put forward solutions, since they refuse to debate it openly, or they listen to some of the solutions we wish to put forward.

The Department and its restructuring that the Minister of Education mentioned from 1995, has not occurred properly, because the accountability he mentioned is not taking place.

Mr. Roy Boddén: True, true.

Mr. D. Kurt Tibbetts: Let me make mention of something else to show why our concern is genuine. I need you to bear with me, Mr. Speaker, because if I am allowed to say what I have to say—and to finish saying what I am saying— people will understand what I am saying. I have confidence in that.

When we look at the Department and the Ministry, we look at the Vision 2008 process taking place now, we see the Permanent Secretary in the Ministry of Education being seconded to Vision 2008. Then, we see on top of that, the person, if my understanding is correct, whose job description is Education Planner—the person directly involved in the strategic plan, the person who was part of the training of individuals to implement this

plan, and the person who is supposed to be one of the watchdogs, if not the main watchdog and the main resource person for the implementation of this plan—being seconded to Vision 2008. It tells me that someone either does not care, or someone is fooled into believing that everything is all right, or someone is looking for accolades from somewhere else to cover up something.

If my line of argument holds any water, and this implementation is behind, in three years, it says basically only one year's work has been accomplished out of three. How can these individuals be expected to be dealing with the Vision 2008 process, and to be overseeing the implementation of this plan? It is physically impossible.

And without any emotion, Mr. Speaker, I am going to say why the Minister did not reply to the motion. I am going to tell you why. The reason is that he was not equipped to reply! That is why! In my opinion, he either did not have the opportunity—or create the opportunity—to get the facts he needed put together, to be able to deliver. The use of Erskine May, with his legal arguments. . . . He will always beat me with legal arguments, because I am not a lawyer—but that does not change the question of the reality of the situation. It becomes obvious to me that he is not on top of what is going on with his chain of command in his Ministry. I am certain that the decision to allow these two key individuals to be seconded elsewhere will be realised to have been a very serious judgment error.

I know that it is not for us to make the decisions for the Ministry, but maybe one of these days he will have the opportunity to justify that decision to Parliament. Maybe he will. So what we are faced with now is a plan, which is a good plan, a plan that has been accepted by all, and we have its implementation lagging seriously behind.

Another thing that hits me is, when he delivered the plan to the Legislative Assembly on 30 March 1995, he mentioned all kinds of key aspects of the plan. He mentioned all the good things that needed to happen, and everything was in place to make it go forward. But he did not mention, at any time, anything about a building programme. He has been asked on countless occasions about problems with timelines for additional space in the schools, additional classrooms, new buildings that have to be built, new schools that have to be built. And all we keep hearing is arguments, and arguments, and arguments. When we finally decide there is no other recourse but to bring a motion of this nature, then he lands on us a \$55 million capital improvement project for education. Nothing new to us, because even during the 1996 campaign there were those of us who said that education needed between \$30 and \$40 million worth of capital to be on line with the times and what was needed. Now it is \$55 million, and it becomes very obvious that it has not been addressed before.

But you see, it only proves to me that we really have to seriously look at the way we do business in this country, for this country. 'We' meaning the Parliament.

None of us are excused, and none of us are excluded. The process fails miserably. It really does.

There is one more suggestion I wish to make regarding the Minister himself, and there have been times when others have brought it to the forefront. It is regarding the Education Council. The way the system works now, as I understand it, and the legislation, having read a bit of it, calls for this, that the Minister of Education is the chairman of the Education Council. It has long been thought by many of us that, especially from the point of view of any questions regarding the decisions of that Council, the Minister should—regardless of who the Minister is, it just so happens that it is the individual involved now—the Minister of Education should not be the Chairman of the Education Council.

Mr. Roy Bodden: True.

Mr. D. Kurt Tibbetts: If there are any questions or need for any type of arbitration, the fact that the Minister is chairman, and part and parcel of the decision-making process, there is no one else to appeal to. There is no one else to question regarding the decision. So perhaps while everything is being done, we may wish to revisit that situation, to think about it very seriously. Forget about holding any power base! Let's look at doing it right. We understand it means amendments to the relevant legislation, but so be it. That is not difficult to do. We have changed laws here in hours; certainly we can take a little bit more time and change that one.

The motion calls for Government and all of us as legislators to try to arrive at solutions to these problems that exist. It is a shame that we have to be arguing among ourselves, and not debating the problems. It seems to me sometimes that we lose track of what our job is. Too many times we find ourselves trying to find excuses to look good, or not to look bad. When the Minister was debating the amendments—and I am going from an unedited excerpt of the *Hansard* of 9 July, the Minister said, "**In fact, if we look at the results**"—and there he is, he is talking about exam results. You see, if the exam results are good, it means that everything else is all right. That is the logic used here. But of course we know better than that. He said, "**If we look at the results, and I do not want to go much further into this, in the CXC and IGCSE we find that the CXC results are the best in the Caribbean for many years, so the results are there.**" [*Hansard* 9 July, 1998, page 616]

Thank God, Mr. Speaker, at least some of us can have a change of heart, because that same Minister, in 1979, on 11 April—

Mr. Roy Bodden: Boasted!

Mr. D. Kurt Tibbetts: —said, ". . . all of the worried area of opposition to the education policies came as a result of my terminating the Caribbean Examinations Council examination. You see, Mr. Speaker, there is a pattern to everything." [*Hansard* 11 April, 1979, page 25]

Mr. Roy Bodden: Wow!

Mr. D Kurt Tibbetts: So in 1979, during his first tenure here, the Minister thought that the CXC exam was too radical, and all the like, and he said those voices crying in the wilderness were arguing with him because he did what was right and just, and he terminated this exam in our school system.

But here we are, almost (but not quite) twenty years later, in his own way, he says, **"For many years, our CXC results have been the best in the Caribbean."** Perhaps they would have been that much better if he had not terminated them in 1979 and made them have to come back again with someone else allowing it to happen.

The point of that is, . . . And I am serious about this, because for too long we have had it. We cannot deal with this personal business. And none of us is equipped to impose our will on any system, unless we allow full participation throughout the chain of command. This business about calling you on one side and telling you about, *'Trust me, I know,'* is done. Finished! Finito! It is obvious by now, to one and all concerned, that no one individual in here, or outside for that matter, has it all together and the rest of us must just sit and wait for the decision, and just take up space. Mr. Speaker, that is a message to all of us, not to any one of us. Every one of us in here has a contribution to make. Let us make it. Let us make the contribution we are supposed to make.

Talking about the Caribbean Council of Examinations, the CXC, on 11 November 1994, that same Minister, clinging to what looks good again, said, **"I know it must have hurt when they saw the results of the Caribbean Examination Council"**—that is the CXC. He said, **"It had to hurt, they were so good."** That is what the Minister said! "It had to hurt they [the results] were so good." Again, thank God, even if it had to take someone else to do it, he did not try to terminate those CXC examinations again. Perhaps there is some slight hope he might be learning. In that same debate, though, he made an admission, and it is a pity that he did not take heed from his own statements until now. Again, talking about the wonderful results, he said, **"When the results are good, then it is obvious that the system, and myself—I have to say that I have put a lot of effort into education. Of course, I put more into Cayman Airways, but my heart has been with education for many years because I have quite a few degrees myself."**

Before I make a summary of the Minister's comments, I want to read a couple more statements he made on 10 November 1994. This is when the Strategic Plan, the eleven months of planning, were over. He says, **"With all the criticism that has been levelled at education, I would have thought that once again the tests are really in the results. Look at the Caribbean Examination Council's results. I hope that the First Elected Member for Bodden Town will get up and say how good they are, because they are really fan-**

tastic." He was then referring to the now Third Elected Member for Bodden Town. In his usual style, he says, **"What I want to point out here"**—he is famous for saying that, "What I want to point out here," because his fingers are fairly long—**"What I want to point out here is perhaps (and I say 'perhaps,' not just singling out Jamaica) In other countries, the reason why failures are so high is because they have a lot of theorists like the First Elected Member for Bodden Town. . . . To be frank,"** and he was not referring to the Fourth Elected Member for George Town now when he says, "To be frank." **"To be frank, (with a bit of comment from the other end)"**—that is in brackets because he was getting some bantering—**"those two (the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman) have been out of teaching, the one for about 12 years, and the other for about 20, and they are defunct in that area! So one has to think very carefully before one ends up accepting theories which they put forward."**

He said, **"Anyone who is good at their profession, stays in it. I have been a lawyer. In reply to whatever comments the Member has made, I have been a lawyer for 25 years, and I practise as a lawyer, and I am still a professional lawyer. I challenge the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman to tell the public in due course how long they have been out of the education system, and when they last worked inside a classroom, because they are now trying to tell me how to run the education system, where I am getting extremely good results. I am not a defunct lawyer, I will say that."**

So the Minister takes the good results and spends his time castigating other individuals, and once those results are good, that is his song to the country. When he suddenly comes upon the realisation that it will not be hidden any longer, but as good as the results are, so too are as many problems we face. Then, when he suddenly comes to realise that these problems are there, and we on the Backbench, . . . Instead of taking his style and looking to get into a head-to-head confrontation, what do we do? We bring a motion. We give the altar call. We say, *'Listen, no fights. Let's just get it all out in the open. Let's talk about it. Let's try to solve the problems.'* What do we get? We get no answer.

The Speaker: Will you be finishing in a matter of minutes, or would you rather adjourn, as we have the Select Committee this afternoon?

Mr. D. Kurt Tibbetts: To be very honest, Mr. Speaker, I do not think it makes sense for me to continue now, because it will take me a bit to finish, sir. So the luncheon adjournment is fine with me.

The Speaker: I would then entertain a motion for the adjournment of this House, as it is my understanding

that it is the wish of the House that we go into Select Committee on Immigration and Election Law this afternoon.

Mr. W. McKeever Bush: [microphone not turned on] Mr. Speaker, no. If we can go into Select Committee [inaudible], from my understanding, if we come back this afternoon—[inaudible]

The Speaker: That is fine with me, but it is my understanding that we will probably need longer with particularly the Election Law. But we can suspend and come back and—

Mr. Linford A. Pierson: Mr. Speaker—

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I can understand the importance of these select committees, but the matter before the House now is a very important motion. I would have thought the select committees could take secondary position to these motions, and be delayed for a while longer, and that it should not cut into the proceedings of these motions before the House.

The Speaker: I understand what you are saying, but this was agreed. The House agreed to this, not me. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, this is an unusual procedure, sir. The business of the country and the business before Parliament take priority or precedence, and I do not encourage—of course, I stand to be guided by the majority. I do not see why the precedent should be set. I certainly will not be part of any such setting of precedent where this business of select committees takes precedence over debates in the Parliament. I think we would be doing a great disservice if we set the precedent where we adjourn matters currently before the House for select committee work. I can only say that it does not bode well for proper parliamentary practice, and I would have to be voted down.

The Speaker: I would like to say to all Honourable Members that I think it is about time that we stick to what we decide. The House voted on this, not me. It was put to the House. The majority, or all Members of the House, said the Immigration Select Committee was of paramount importance, and therefore we would suspend in order that the press release could be sent out. But I am entirely at the wish of the House. We can adjourn for lunch and we will see what happens.

Let us suspend proceedings until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.36 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 13/98. The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you.

When we took the lunch break, I was referring to an altar call. I was saying that because we on the Backbench consider this so important that we brought the motion before us now with the hope that the Government would see this as the perfect and golden opportunity to embrace the Backbench along with its efforts to resolve the problems that exist with education in the country. But it seems that to make a statement like that causes some of us to not function properly, and, as is usual for some of us, to get personal. I hold the view, as I have always done, and do right now, that any attempt so far—and they have all come from the Minister for Education—but any attempt by the Government so far on this motion was to simply divert attention from the real problem we face so that the focus would be elsewhere and the public would not realise exactly what we are up against.

Let me make it very clear so that it is understood: Our view is that leadership has not performed the way it should have so far in this area, and that the people involved below that leadership have no responsibility in regard to the situation at hand. It is not to say that those individuals should not now be thinking of what they can do to assist; all of us need to be thinking along those lines. But I know how certain people operate, and I know that if this is left alone, we are going to have another tirade of trying to finger where the blame lies, again not addressing the issue. We don't want to be part of any of that, Mr. Speaker. We are simply asking for the Government to open up the situation, bring the problems to light and let us deal with them.

Before I go on, let me just mention a few other areas that need to be addressed. It seems like it will be coming from one side throughout this motion, as the Government has not replied. If we look at the implementation schedule, and I just want to reinforce the arguments the Backbench has put forward thus far. In strategy 9 of the implementation schedule, plan 14, where it says, "**To provide an appropriate canteen at each school.**" That supposedly was to have been accomplished by 1997. Now I am not 100 percent sure if this part of the plan is limited to Cayman Brac, or whether it also applies to Grand Cayman, but if we are to examine the situation that exists (and here I have to single out the district that I represent) at both the Red Bay Primary School and the George Hicks High School, the parents, the teachers and the students, and some of the representatives have been crying for help with this problem throughout, from the time I was elected to this Honourable Legislative Assembly.

And, Mr. Speaker, pointing to the Red Bay Primary School, when that school commenced operation in September of 1992, it commenced after phase 1 of the project was completed. There was at least one more phase, if not more. What happened when the new Government

took over in 1992? Because the mindset was different, and because it was not a school that they had built, to this date the rest of the phases have not been directly addressed. The only meaningful thing that was done up there was the building of additional classrooms, and that was done because it got so bad that people raised eternal Hell about it. Then it was done. The only reason those classrooms were built was because it was a reaction to the problem!

If we go on to the George Hicks High School, we understand all the problems they face with their canteen facilities; they talk, and talk, and talk about it. Now we have it in the capitalisation priority list where their canteen facilities will be completed by 1999—hopefully. In my view that only reinforces the argument that the implementation process of the plan is lagging behind.

I don't want to spend a huge amount of time being picky and taking up specific examples to prove the point because that is not really the exercise. What we want to do is get on with it and bring about the solutions that are necessary. But we have to challenge the Government at this point in time to act. We don't want Government to stay in a corner and mope trying to find what it can say to come back at us because it seems like we are making a few strides. That is not the exercise. If that were the exercise I would spend all day with a list of things that are all over my desk trying to show-up whom I want to show-up. That is not what we want to do.

In fact, as sorely tempted as I have been, my own colleagues on the Backbench have said to me, *'We are all very concerned. Let's keep it that way and not get into the one-on-one situations we know can occur.'* And I respect that because it shows that they are concerned. I only wish that we could see some genuine indication from the Minister for Education whereby we can believe the concern is there and it is not a matter of dealing with it the way we know he can.

The only other person on the Backbench who spoke to the motion was the First Elected Member for West Bay. That is not to say that others were not prepared to speak, but we were very hopeful that the Government would have replied and then we could all have aired our views. I am sad to say that that did not happen.

But that Member brought out a point about the existence of gangs in some of the schools and activities of that nature. He made a very good suggestion, and I hope that Government is prepared to pick up on that suggestion and address that area quickly. He suggested that a task force be set up to look into the situation. I will add to that by asking that this be done and that that task force be asked to formulate some type of report within a given time restriction. If left alone, this situation will only fester. The teachers will only have more problems and chaos will reign.

The task force I am talking about is not one that may be confused with something to do with police matters. It is nothing like that. The reason we are suggesting that it be called that is that individuals, some from the Legislative Assembly, certainly some from the teaching profession and those near to the happenings, along with

members of the community who may have their own concerns, parents perhaps, would like to get concerned individuals as a group to knock heads together to investigate the situation to try to get some assistance. I know for a fact that the teachers are having serious problems dealing with such matters. The fact is that some of the children attending the schools are having serious problems by the existence of these so-called gangs. So, the effect is detrimental and we would like to see something done about that.

Needless to say, in summary, this is what we are asking for. We recognise by now that there are some problems. Because we are in the position we are, it is physically impossible for the Backbench to know the in's and out's, and the depth of those problems, because of the way the system works. The truth of the matter is, if I—especially me—were to go to any individual who works in any department asking them to explain certain things to me, that would be considered something wrong. That is the way it has worked for many years. I would be seen as intruder when, in fact, I would only be acting out of genuine concern. That too has to change.

That is the main reason why we have so many acrimonious debates in this House. The collection of information seems to be a huge prize, and he who has it, has it, and he who doesn't must retain that huge disadvantage. It makes me wonder who we are really concerned about—whether it is the people and the children, or if it is just about ourselves and how we look in the eyes of those who listen.

That is really amazing, Mr. Speaker. Here we are, a bunch of grown adults. Every four years we go to the public, we kiss them all over; we go to visit them, we laugh with them we cry with them when it is needed, and we ask them to vote for us. *'We want to be your representatives because we believe we know what is right for the country and we want an opportunity to serve you, the people.'* But we come inside of this Legislative Assembly after that has happened, and we forget all about the people and what the job is, and we sit (or stand) and all we do is think about ourselves and how we look, and how we are going to end up. It is a shame. It is a downright shame that we allow ourselves to stoop that low. And on top of that, we get paid for it! Perhaps that will change one of these days, Mr. Speaker.

As I was saying in summary, the Backbench is asking the Government to be open about the problems that exist. The other thing the Government must bear in mind, . . . and I want to say this because this concerns me greatly. If there are people involved in the implementation process of this Strategic Education Plan who, through no fault of their own, are not properly equipped to perform the tasks they have been given, if we don't recognise those situations and make sure that assistance is given in this regard either by further training the individuals, or by getting professional assistance to bring about the changes, then those individuals are going to be led like lambs to the slaughter. Those are the individuals in the Service who, when the problems are brought to light, are going to be the lambs to the slaugh-

ter. Then you are going to hear that it is this one's fault, and that one's fault. That is what is going to happen if it is left alone. And that is a good trend to talk about because I have seen that happen before. We are asking for that not to happen because we are convinced that all the people involved in the process wish to do what is right.

What we are concerned about is the possibility that they are either not equipped or they don't have the right tools to do what they are supposed to do. That is why we are asking for the Government to revisit the entire situation, to properly identify job descriptions, to put the department in such a vein that there is proper accountability—and everybody has to live up to their responsibility. Perhaps then we might get the results we are looking for.

We have always found ourselves in situations, especially in the Civil Service, whenever we hear of individuals falling by the wayside, the way the system is now is that if something really goes wrong and too many people know about it and we hear too much talk about it, immediately the next step is to find somebody to blame for it and put it on that person good and proper. The public calls for the sacrificial lamb, so let's find one and make sure it happens. I don't want to hear any foolishness about Constitutionally this or that, and there is only one arm of the Service that deals with the Service. They can say what they want to, but I know better. We must not allow that to continue. We have to be able to not only be sensitive to the problems we face, but we have to find a way that everybody wants to buy in on the goals that are set. Everyone has to feel their worth in their participation, and everyone has to be able to identify with the situations that arise.

This plan we are discussing today, while as time goes on may well have changes to it because, naturally, as time goes on we find situations altering and we will want to change to suit those situations, while all of that is the case, and regardless of whether the plan is as a result of another one that was scrapped, or whatever, the fact is that this is the plan we are working now. We on the Backbench believe that while there are fewer claims to perfection, the plan can be made to work and it can be a good base to continue to work from because it is a process that never stops. We accept that. But if we are so far behind and the five-year period has not passed, if we are never going to catch up, what sense is it to continue to talk about having a revolving situation every year with changes? We have to really get down to it and deal with it.

As tempted as I am, I am not going to pick out any more specific situations to prove the point. I am only going to say to the Government that this motion was brought with the best of intentions to this Honourable Legislative Assembly. It was brought after hearing a lot of concerns from parents, after reading a lot of correspondence, and after finding out from other sources some of the problems which existed. We face an unfortunate situation because of information not being readily available to us. Sometimes we really have to guess at it,

that is, we who sit on the Backbench who are not the chosen few who have access. Nevertheless, because we find ourselves opposing on the majority of occasions, that is a part of the system, but it does not mean that we don't have the ability or the will to make things right.

I say what I am saying to make it very clear that we take our jobs seriously. We are not looking to see who sounds better than the next one, or who can look better in the eyes of the public. We recognise that there are certain issues that should go way beyond the realm of politics as we sometimes play it. This is one of them! We recognise that, and that is why we brought the motion.

In closing, I am going to not resist the temptation this time, but I will do it as mildly as I can. I have to cry shame on the leadership for not being prepared to deal with it the way we asked. We simply called for a bit of maturity and a bit of responsibility, and we have been—we are, and will continue to be—prepared to deal with these matters in this manner. In fact, I think today was a good example. Believe you me, Mr. Speaker, this big fellow could really be tempted today to really, really deal with it differently. But, thank God, with the help of my colleagues, I was able to resist the temptation because I knew that was the plan—to divert the focus of attention from the real thing, to get me nettled. I knew that. I guess in other motions to come this plan will continue, but I trust the fact that I was able to resist it, that between us (my other colleagues on the Backbench) we will be able to continue to resist that temptation.

In short order we are going to prove that if the leadership won't change its ways, then the leadership will have to change. That is what we are going to prove.

Mr. Roy Bodden: Oy, oy, oy! [applause]

Mr. D Kurt Tibbetts: We hope that Government will act...By the way, Mr. Speaker, I pray that the Government will not try to close all doors for any information regarding this motion that has been brought, because we are going to monitor the situation the best way we know how without breaking any of the rules. We hope that very shortly the Government will at least come back, using whatever medium it has, to say, *'These are the problems we have. This is what we are going to attempt to do to solve the problems.'* Should the Government wish at any time to sit with the Backbench and explain these problems and ask for any ideas, we are quite prepared to offer whatever assistance we can.

Mr. Roy Bodden: No boiler room, an open forum.

Mr. D Kurt Tibbetts: There is no reason why it cannot happen.

We all live in the world of politics, because that is the nature of the beast we are dealing with. But there are times when we must all be prepared to step beyond that. This was one of them! It is a real pity that we all could not act in concert. I do not believe that the action taken by the Minister for Education was agreed upon by the rest of the Ministers. In fact, not only do I not believe

that, but looking across at them I really believe, regardless of what may be said, that they have their own concerns.

So, we are not begging and pleading with anybody, we are simply making a case. And we believe that, given the opportunity, we can do something sensible about it. Let us see how situations like this are dealt with in the future. I really hope that this has been a lesson for some of us, even if we were shocked because some of us believed that this motion was brought purely as a political gesture. Its genesis did not take that into consideration.

Mr. Roy Boddén: The Emperor has no clothes!

Mr. D Kurt Tibbetts: That is not to say that a certain amount of politics will not prevail. Again, that is the nature of the beast we are dealing with. There is the Government side, there are those who are independent, there are those on the Backbench who support the Government, there are those on the Backbench who oppose the Government. That is not a problem. We are still all representatives of the people. Even when you talk to the people on the outside who have their own preference for those of us in here, their main concern is what is best for the country. Let us, by example, show them that at least we are of the same nature and want what is best for the country.

What has transpired with this motion tells me right now that that is not the case throughout this Assembly. I hope that we will be able to deal with it differently in the future.

I am curious now as I finish to see how the Government is going to vote on the motion, and if it is in a spot with that vote, the Government brought that on itself. If Government rejects this motion, I don't know what to say. If it does accept the motion then, in accepting it, the position of the Backbench is that we want to see action.

Thank you.

The Speaker: The question is Private Member's Motion No. 13/98. I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The motion has passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 13/98 PASSED.

The Speaker: Would this be a convenient time to take the break? Proceedings are suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.15 PM

PROCEEDINGS RESUMED AT 3.50 PM

The Speaker: Please be seated.

PRIVATE MEMBER'S MOTION NO. 7/98

SPEAKER'S RULING

The Speaker: Private Member's Motion No. 7/98. Before I call on the mover of this motion, I would like to lay down some ground rules. As all Honourable Members are fully aware, this is a very serious motion. Therefore, I am asking Honourable Members to be very conscious of our Standing Orders and be as orderly as is physically possible.

There are some procedural points that I feel are imperative and I will discuss them with Members. We have received notice of an amendment which will be dealt with later, but I want to call to the attention of all Honourable Members the last 'Resolve' section: "**BE IT FURTHER RESOLVED that such revocation be determined by secret ballot in the manner in which a Member of the Legislative Assembly is elected to Executive Council.**"

This particular issue has caused me great concern and I have done extensive research both in the legal and in the political arena. I call to the attention of Honourable Members that under Standing Order 42, 'Voting':

"42. (1) Save as otherwise provided in the Constitution or in these Standing Orders, all questions proposed for decision in the House or in any Committee shall be decided by a majority of the votes of those present and voting.

"(2) The Presiding Officer shall not vote unless, on any question, the votes are equally divided, in which case he shall have and exercise a casting vote."

At this stage I should say that this motion is being moved under our Constitution, section 6(1)(f) which, as all Honourable Members are fully aware, calls for an affirmative vote of at least nine Elected Members for the revocation of a Member.

I would also like to call to the attention of Members debating this motion that only a Member of the Executive Council can impute anything from the lack of collective responsibility. Backbench Members, non-Government Members, cannot impute anything from a lack of collective responsibility. So I ask that this not be brought into question.

The voting procedures are set out in section 5(b) of the Cayman Islands Constitution and by Standing Orders 5, 42 and 43. There is no specific statement that a secret ballot is allowed. Standing Order 43 appears to assume a voice vote only. Standing Order 5 accords with what is proposed in the motion, but Standing Order 5 is not available for a revocation. Only the election of Members of Executive Council is covered by Standing Order 5. Therefore, I contend that the last 'Resolve' section of this motion cannot stand, and the vote will have to be taken by a voice vote.

Again, I want to ask all Honourable Members to realise the seriousness of this motion and let us attempt to go through this as orderly and as properly as is possible.

ble. I now call upon the Fourth Elected Member for George Town.

Mr. W. McKeeva Bush: Mr. Speaker—

The Speaker: The First Elected Member for West Bay.

POINT OF PROCEDURE

Mr. W. McKeeva Bush: On a point of procedure, you said there is an amendment and that amendment is for revocation.

The Speaker: That is correct.

Mr. W. McKeeva Bush: And you don't agree that the revocation of a seat of a Member of the Executive Council is the same in principle as putting the Member in Executive Council?

The Speaker: It is not what I contend, it is the position I have arrived at after legal and political advice. That is the advice that I have received.

Mr. W. McKeeva Bush: But our Standing Orders obtain.

The Speaker: Your Standing Order does not allow it. I read Standing Order 42. And if you care, I will read 43 as well.

Mr. W. McKeeva Bush: Well, Mr. Speaker, it is a serious matter and you have taken points before and adjourned to discuss those points when Members did not understand. I certainly do not understand. This is one point on which I would certainly like some discussion with you.

The Speaker: Well, give me the opportunity to read Standing Order 43, and then we will go from there.

“43. (1) At the conclusion of a debate upon any question, the Presiding Officer shall put the question for the decision of the House, and shall collect the votes of the ayes and the noes after which no further debate may take place thereupon.

“(2) The result shall be declared by the Presiding Officer stating ‘I think the ayes have it’ or ‘I think the noes have it’ as the case may be, but any Member may challenge the opinion of the Chair by claiming a division.

“(3) A division shall be taken by the Clerk calling each Member's name and recording the vote given. The Clerk shall then announce the number of those who have voted for and against the proposal and the Presiding Officer shall declare the result of the division.

“(4) Every Member present shall express his vote either for the ayes or the noes or state his wish to abstain. The Clerk shall enter in the minutes of proceedings the record of each Member's vote, and

shall add a statement of the names of the Members who abstained.

“(5) If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered, provided that such claim is made as soon as the Clerk has announced the numbers and before the Chair has declared the results of the division. Upon such claim being made the Presiding Officer, at his sole discretion, shall either direct the Clerk to alter that Member's vote or direct that a fresh division be held.”

I think the Standing Orders are very clear, and as I said before, this is something to which I have given much time. Since the day the motion was first filed and I had notice of it, I attempted to get sound legal and political advice from very renowned members of the political arena to guide me on this decision.

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, it seems that the Standing Order you are using has nothing to do with the revocation or election of a Member of this House to Executive Council. It would certainly seem that the procedure, the process used for election to Executive Council has to be the same procedure used for revocation.

The Speaker: I shall not have the Chair get into an argument with you. I am only giving you the information I have derived from learned associates.

Mr. W. McKeeva Bush: Mr. Speaker, in the past you have discussed with us round-table matters pertaining to changes as you make them.

The Speaker: I have not ruled that out. Let us—

Mr. W. McKeeva Bush: That is what I am asking you to do now, Mr. Speaker.

The Speaker: Other Members wish to speak.

Mr. W. McKeeva Bush: Okay.

The Speaker: Does any other Member wish to speak on this subject? [Pause] There were other Members catching my eye earlier. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddin: Mr. Speaker, I think it is clear if one looks at section 6(2)(f) which you referred to, sir, it seems very clear that **“The seat of an elected member of the Executive Council shall become vacant—(f) if his election to Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than nine of the elected members of the Assembly.”** It must be the resolution of the Assembly.

Further on this, a further section that is helpful is to point out the difference between section 5(b) that states: **“five elected members, who shall be elected....”**

There is a very material difference there between an election and a motion. In my view it would be disastrous to turn this Chamber into a secret session, something that has never been done in the United Kingdom except during emergency sessions during the war. The importance of this motion and the transparency and everything else that is always talked about...this House has never gone into a secret session in my knowledge or a secret vote on a resolution. There is a material difference between electing five Ministers and putting a motion for the removal. They are two materially different things, I submit.

The Speaker: I would like to further say that the Parliamentary counsel that I have sought advice from on Parliamentary procedural matters were very adamant that it could not be done. These are noted Parliamentarians and advocates of Parliamentary Law. But I am willing to sit down and listen to you people. That is democracy in action.

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I am not concerned here about what happens when Members get to debate, nor what happens as a result, but that the proper procedures go, that we are not abridging or breaching the rules of the House. Our situation in these Islands and in our Legislative Assembly is completely different from other Parliaments where members or ministers are appointed by prime ministers or chief ministers or premiers. We are completely different.

In regard to the point about 5(b) of the Constitution and the point made by the Honourable Minister for Education, Aviation and Planning, we get elected to Executive Council by a motion—a motion of nomination. That is how we get elected to Executive Council. I hold that we are going outside to get an answer to what obtains by reason and by natural order. I would ask, Mr. Speaker, that you sit with us, round-table, to discuss it.

The Speaker: I have no objection to that, but I would like to make it abundantly clear that in talking to these Parliamentary attorneys or advocates on Parliamentary Procedure, full cognisance of the political system in the Cayman Islands was given to them step by step. They were fully aware of our being a British Dependent Territory without a chief minister; the full complete political system was outlined in detail to them. It is not that we have tried to bypass any information. And without any hesitation this is the advice I got and this is the only ruling that I can really make.

The Fourth Elected Member for George Town.

Dr. Frank McField: I am willing to—[microphone not working properly]

The Speaker: Fourth Elected Member for George Town, please go ahead.

[Microphone noise only]

Mr. Roy Bodden: Mr. Speaker, the Member has indicated that he abides by your ruling and would like to proceed with the motion.

The Speaker: The Fourth Elected Member for George Town, I have already moved the motion but I will do it again.

Private Member's Motion No. 7/98, Censure Motion, to be moved by the Fourth Elected Member for George Town. And I said earlier that I have received notice of an amendment to this. Would you care to move the amendment first?

Dr. Frank McField: I would like to move the amendment first.

The Speaker: I would ask that you read the motion first.

Dr. Frank McField: Okay.

PRIVATE MEMBER'S MOTION NO. 7/98

CENSURE MOTION

Dr. Frank McField: "BE IT RESOLVED THAT this Honourable Legislative Assembly has no confidence in the political conduct, actions and management of the Hon. John B. McLean, OBE, Minister for Agriculture, Environment, Communications and Works; and in accordance with Section 6(1)(f) of the Cayman Islands Constitution Order 1972, as amended, his election to the Executive Council be revoked; and

"BE IT FURTHER RESOLVED that such revocation be determined by secret ballot in the manner in which a Member of the Legislative Assembly is elected to Executive Council."

The Speaker: Seconder?

Mr. Roy Bodden: I beg to second the motion, Sir.

The Speaker: Private Member's Motion No. 7/98 has been duly moved and seconded. Do you now wish to move the amendment?

NOTICE OF AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 7/98

CENSURE MOTION

Dr. Frank McField: In accordance with the provisions of Standing Order 25(2), I, the Fourth Elected Member for George Town, seek to move that Private Member's Motion No. 7/98 be amended by deleting the title "Censure Motion" and substituting therefor the title "Revocation Motion."

The Speaker: Do we have a Seconder?

Mr. Roy Bodden: Mr. Speaker, I beg to second the motion.

The Speaker: The amendment to Private Member's Motion No. 7/98 has been duly moved and seconded. Does the mover wish to speak to it? You are now speaking to the amendment.

Dr. Frank McField: I have amended this motion, the title of the motion only, in that I felt this is not a censure motion, it is a revocation motion. It does not question the honesty or the integrity of Executive Council in regard to the 1995 Crown Grant to the Minister responsible for Lands, the Honourable John McLean. However, it does call upon the Honourable John McLean to demonstrate that the body of evidence presented to Executive Council was factual. That is the basis for the amendment.

The Speaker: Does any other Member wish to speak to the amendment? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, this amendment changes a title, which is a bit unusual. The operative parts of it, the two that follow, that you already moved on the last one, the mover has really not stated what the intent clearly seems to be. But, regardless of what this is called, this aspect of it, whether it is a censure motion or a revocation motion, the actual content of the motion remains the same. The results, regardless of what this is called, could be the same except that the resolution in paragraph (i) seems to have some difference from that in paragraph (ii). Basically, the censure motion is aimed at bringing down, if possible, a Government, and the usual economic and other chaos that follows as a result of that approach.

In the circumstances, the Government will be voting, at least the Elected Members, against that amendment.

The Speaker: Does any other Member wish to speak on the amendment?

Mr. W. McKeever Bush: Mr. Speaker, as I said earlier, my position is with procedure. However, I cannot see the Minister's (for Education) argument, that this has to do with bringing down a Government. This amendment is simply changing from "Censure" to "Revocation" and it only has to deal with one Member of Government. Therefore, I just don't see how that could bring down the Government.

The Speaker: Does any other Member wish to speak to the amendment? Does the proposer wish to exercise his right of reply?

Dr. Frank McField: Just that in listening to the Minister for Education talk about a censure motion and a revocation motion and trying to imply that the motion to revoke

the election of an elected Member to Executive Council would create economic havoc, in fact, it's more the censure motion, if brought, saying that this House had no confidence in the Government, but clearly, it is the intention of this motion to demonstrate that the Government collectively has no blame in the situation that will be discussed. So, I have deliberately gone out to preserve the integrity of the Government and if it is the position of the Leader of Government Business to not allow this to happen and to mingle the integrity of the entire Government with one specific situation, then he can go ahead and do so.

Obviously, in regard to this amendment, I believe that the nominated Members of Executive Council should not be allowed to vote on this. If it is to show who is in control here, let me just say that the body of evidence I will produce in any case will make it an obligation on the part of those listening and reasoning to vote in favour of this motion and therefore in favour of this amendment.

So it is not to put any Member on the spot, or to make any Member make a political decision about the character of some person or persons. This is not a personal motion. It has nothing to do with personalities or character; it has to do with a specific incident and specific conduct by the Minister in regard to that specific incident. Only when that is discussed can Members of this Legislative Assembly be truly in the position to make any decision. The decision, because it involves political ethics, cannot be the result of political party allegiance. That is not the way I have approached this.

So, in summing up the amendment, I am simply saying that the amendment was made to make it clear to the country that I am responsible in bringing this motion. I have thought about the political repercussions of including the Government in a censure motion and that I have not brought a censure motion, I have very specifically brought a revocation motion. I am expecting that the Government will support this motion at the end of the day.

The Speaker: Before I put the question on the amendment, let me say something that perhaps I should have said earlier, on the question of who is entitled to vote.

Under section 6 (2) (f) of the Cayman Islands (Constitution) Order 1972, as amended, it states: "**if his election to Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than nine of the elected members of the Assembly.**" Therefore, in the actual vote for the expulsion, it will only be elected members counted.

"Assembly" is defined in section 17 of the Cayman Islands Constitution as comprising "**(b) the Chief Secretary, the Attorney-General and the Financial Secretary, ex officio; and (c) fifteen elected members...**" therefore on this particular amendment to the motion, all Members of the Legislative Assembly are entitled to vote. There is no question about it, that is the ruling.

POINT OF PROCEDURE

Mr. W. McKeever Bush: Mr. Speaker, on a point of procedure, are you telling me, Mr. Speaker, that the Constitution in 6 [2] (f) says that in the case of a person appointed...Sorry, if his election (meaning the Member of Executive Council) **“to the Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than [two-thirds] of the elected members of the Assembly . . .”** Are you saying that you are changing elected Members because in 17 of the Constitution it says how the Assembly is made up?

The Speaker: What I have said, and what is absolutely correct is that the motion, the substantive motion before the House, the revocation of an elected Member of Executive Council is under the Constitution, section 6 [2] (f). Therefore that 1993 amendment says, “nine elected Members.” There is absolutely no question about who votes in that election.

The other part of this is a procedure in the House. Voting on motions is procedural. The actual expulsion is a Constitutional matter. That is what the professional in parliamentary procedure advised me.

The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I have had this motion submitted for quite some time. If you will allow me to explain myself.

The Speaker: Please, go ahead.

Dr. Frank McField: Mr. Speaker, I have not had the feeling...I gave you quite some time, and you gave me quite some time...I find it very strange indeed that at this particular time we are dealing with these no-can-do's. Had I been told this would be your ruling, since we had been pretty well across the table talking about this...Because, sir, it would be the point of the Leader of Government Business to say that because it is a censure motion, the Elected Government is bound by collective responsibility and that the Official Members would have to vote because it is a motion against the Government.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just for purposes of clarity, because I understand the first part you said regarding nine elected Members when it comes to the revocation of an elected Member from Executive Council. The second part, and pardon me if I did not get it all because there was a lot of back-and-forth, can you just go over it one more time so we can understand exactly what you were saying?

The Speaker: In lay terms, this House, as you all know, is made up of eighteen Members. Under our present

arrangement, there are seventeen Members voting. I do not have a vote. There are seventeen Members making up the Legislative Assembly. Therefore, on normal procedural matters that are non-constitutional, all Members of the Legislative Assembly have the right to vote if they are in attendance.

Mr. D. Kurt Tibbetts: Thank you, Mr. Speaker. I thought that was what you were saying.

My question to you, so we can be clear on what we understand, is the fact that this amendment is actually to be made part and parcel of the substantive motion, which is where your ruling calls for the nine elected Members. This amendment is not a separate and totally different position. The amendment itself, sir, with great respect, has to do and is very pertinent to, the substantive motion. Therefore, perhaps the view can be entertained that if the substantive motion has total bearing on the elected Membership of the Legislative Assembly, should it not also be the case that the amendment being proposed—which is totally to do with the substantive motion—be involved only with the elected Membership?

The Speaker: That is not the information I received. Let's put it that way.

Mr. Linford A. Pierson: Mr. Speaker.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: It would seem that the First Elected Member for George Town is totally correct. As far as I am concerned, your ruling, Mr. Speaker, is paramount. But the amendment to this motion is central to the core of the motion. The motion we are dealing with calls for no less than nine of the elected Members, which is section 6(2)(f) of the Constitution. It would therefore follow that any vote on this amendment would have to go to the substantive motion and would therefore result in the section 6(2)(f) of the Constitution applying also to the amendment.

Of course, as I mentioned, this is totally left to you, but perhaps you would take some time to have a look at this again, if you so wish. But I believe it is a matter that should be looked into a little further.

The Speaker: It is just about the time for the adjournment. I did ask this question, and I read the report on it. But I will certainly go back and get additional information. If it pleases the House, I would entertain a motion for the adjournment.

Dr. Frank McField: Mr. Speaker.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Before the adjournment, I would like to thank you for actually having another look at the

situation because it is critical, it is a test here and it is critical to the people in this country that some fairness be demonstrated. I congratulate you for taking another look at the situation. It is extremely delicate.

The Speaker: I don't know if it is a choice of fairness. What I have given you is the information I have received from learned people. It is not my decision. But I will certainly do that.

The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you.

In revisiting your advice, maybe you can try to separate how the Constitution says that Official Members are Members of the House. Notwithstanding that they are Members of the House it says in the election or revocation of Members of this House only elected Members vote.

The amendment is part of the motion. It is a motion to amend the motion. So it can't be that it is otherwise.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: The voting, as I understand it, if we look further at section 35, says, "**(1) Save as otherwise provided in this Constitution, all questions proposed for decision in the Assembly shall be determined by a majority of the votes of the members present and voting.**" And you, sir, have pointed out (in section 5) that the Legislative Assembly is comprised of the all eighteen Members. For the purposes of the removal, the votes that are counted for a removal have to be nine elected Members. I think what you are saying, sir, differs from that in that here we are dealing with a procedural motion to amend a heading which is not a material part of the motion. The operative part of the motion is the resolution area of it. What position, the result between the two, or what is intended by this is something else. But I think it is clear that there is a difference between a full vote and where we are dealing with the election of officers of the House.

I don't think I can take it any further. I will put the motion to adjourn whenever you call on me.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, in regard to the Constitution, the fact that this motion, this resolution, is based upon the Constitution and specifically relates to section 6(2)(f) of the Constitution where it says, "**if his election to Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than nine of the elected members of the Assembly.**" If the word "revoked" is used here, and if the amendment is dealing with changing the title of the motion from a censure motion to a revocation motion, it is clear that the wording fits into this particular section of the Constitution. It is also clear that

if we were bringing a motion that dealt with collective responsibility, the Backbench would not be able to do that. That could only be brought by a Member of the Government.

What I am saying, if the non-elected Members of the Assembly cannot participate in the main resolution, they should not be able to participate in the minor decision to amend the resolution.

The Speaker: If I might take it one step further, what they have basically said is that the title is not a part of the resolution. Therefore, the changing of "Censure" to "Revocation" doesn't really make any difference. That is exactly what they have said.

Dr. Frank McField: Mr. Speaker, it is a part of the resolution. You see in there that the word "censure" is not used in the resolution, the word "revoke" is.

The Speaker: But it all means the same thing in the final analysis. Anyway, let us take the adjournment and we'll take this under advisement and report back to you on Wednesday.

Mr. W. McKeeva Bush: Mr. Speaker, I beg you to bear in mind 6, where it is talking about elected Members of the Assembly. That has to be the operative part because it is dealing not with membership, but with election. It says, "elected members." To contravene the Constitution is a serious matter, sir.

The Speaker: That is really why I am concerned. That is not what I want to do.

The Honourable Minister for Education, Aviation and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday morning at 10 o'clock.

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

AYES.

The Speaker: The Ayes have it.

AT 4.35 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 15 JULY 1998.

**EDITED
WEDNESDAY
15 JULY 1998
10.43 AM**

The Speaker: Prayers by the Elected Member for North Side.

No. 125 standing in the name of the Third Elected Member for Bodden Town.

PRAYERS

Mrs. Edna M. Moyle: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on the Order Paper, reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGY

The Speaker: I have an apology from the Honourable First Official Member who is presently acting as Governor of the Cayman Islands. Item No. 3 standing on today's Order Paper, Questions to Honourable Members and Ministers.

It has been mutually agreed between the Minister of Agriculture, Environment, Communications and Works and the Third Elected Member for Bodden Town, the Member moving the question that Question 124 be deferred until a later sitting. We will move on to Question

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 125

No. 125: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture Environment Communications and Works what strategy the Government has adopted to contain the seepage of pollutants and contaminants at the North Sound land-fill site.

The Speaker: The Honourable Minister responsible for Agriculture Environment Communications and Works.

Hon John B McLean: The Government is at this time not controlling the seepage of pollutants from the George Town Landfill. Waste of all types, including hazardous wastes, have been discharged into the George Town Landfill. This is not unusual for landfills of this type and age and knowing what we do today about the potential for environmental impacts, disposal of wastes into an unlined, non-engineered site is not the best available technology. It will be one of the challenges of the Government to facilitate the establishment of an environmentally sound waste management facility in the near future. In the meantime, the existing landfill is the only option for waste disposal and we need to continue to use it until another alternative is constructed.

Fortunately, in the case of the George Town Landfill, it appears that the natural setting of the site has precluded any serious environmental impacts. Natural attenuation and the flushing action of tidal influence probably play a significant role in reducing the level of off-site contamination. Based on ground and surface water samples taken in 1991, a second set in 1996-97, and a recent set of results taken this spring, no serious levels of contamination resulting from the off-site migration of contaminants have been detected.

The existing sparse database of analyses is insufficient to determine if any trends in contaminant flow have been established. In order to better understand the migration of contaminants from the Landfill, the Department of Environmental Health has upgraded the landfill sampling programme to provide quarterly samples of ground and surface water. The resulting information can then be employed to determine if the current monitoring programme is sufficient or if any projected levels of contamination will require containment.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. Can the Honourable Minister tell the House how long his Ministry is prepared to continue with the existing state of affairs?

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

Hon John McLean: Mr. Speaker, it is not that my Ministry is prepared to continue the way it is. A Committee was formed several months ago with regard to identifying other safe areas, not only here in Grand Cayman but also in Cayman Brac whereby we can establish what is considered a proper disposal area. This Committee has been working diligently. The Committee not only comprises members of the Ministry but also from Planning Department, Public Works and other concerned persons. We have been working on it and it is definitely a concern and not something that any of us would like to see continue the way it has been operating.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Mr. Speaker. In the answer I noticed that the Honourable Minister said that they have taken ground and surface water samples. Can the Minister tell the House whether any tests have been done for gases such as radon and methane which are natural by-products of this kind of degradation and commonly found at landfill sites.

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

Hon John McLean: Thank you, Mr. Speaker. It is my understanding that all necessary tests such as the Member has just mentioned have been taken and I think he is correct that in any landfill you will find exactly what he has just mentioned.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. Can the Minister state if, over and above any of the tests mentioned in his answer, any tests have been taken to see if there has been any excess pollution into the North Sound seeing that the landfill site is near to the water?

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

Hon John McLean: My understanding, in reply to what the Member has asked, is that there has been seepage over the years. As far as having a direct test in the North

Sound, I cannot really say to him that there is a written report on any test.

Mr. D Kurt Tibbetts: Thank you. It is obvious from the answers that have been given to the supplementaries that this is a very serious matter. I think we understand exactly what the Minister has said with regards to working feverishly, but can the Minister give the House some type of commitment as to a time-line when a full report may be made so that we can know which direction we may be headed. It is obvious that something has to be done and soon.

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

Hon John McLean: I have no problem in giving a commitment to the House, and of course having a report brought back to the House, because, like I mentioned earlier, this is of great concern to me personally and my Ministry and of course to the Department. We have been doing whatever possible to try to operate in the safest way possible so I give the Member that undertaking.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. Can the Minister state how long the Department and the Ministry have been aware of the situation being as acute as it is?

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

Hon John McLean: Mr. Speaker, the garbage facility has never been in place the way it should have been. It has been done, as we all know, and I would have to use the term, in an ad hoc way. We have been trying our best to contain it. I really would not commit myself to say how many years the garbage dump has been there because I really do not have those figures with me.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. Can the Minister state, outside of the seepage of pollutants and contaminants that have been mentioned in the question, if the people who operate the landfill site actually engage in huge fire burns at some points in time and, if this is the case, are there any negative effects to be expected because of having to do this?

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

Hon John McLean: Mr. Speaker, it is quite possible that there have been some huge fire burns there. I am not certain and I cannot answer as to what would have

been burnt. As I pointed out in the answer to another question some time ago, I know that we had to do that with regard to some hazardous waste because we did not have the proper equipment which the House gave the undertaking that we could go ahead and put in place. So, perhaps he is correct, but I really cannot say that. I have not really seen something like that.

The Speaker: I caught the eye of the Third Elected Member for Bodden Town first.

Mr. Roy Bodden: Mr. Speaker, I give way to my colleague, sir.

Mr. Roy Bodden: Thank you sir. Can the Minister tell the House who does this monitoring and what kind of tests are used to determine that pollutants and contaminants at this time are not detrimentally affecting the environs? And, also, what is the long term solution for this obvious problem?

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

Hon John McLean: Mr. Speaker, to answer the last part of the question first, as I pointed out in a question a few days ago, it is my understanding that we are trying to dispose of all hazardous materials, all bulky material in a completely different way that we handled it years ago and up to this time. As I pointed out earlier, there is a Committee in place and we have been looking at other areas of course. I have to point out that there are not too many people who want us to move a garbage dump into their various districts. I guess that is why we have been stuck so long in this area and we have been trying to make the best of it. While the situation may not be what we would like it to be, we have been trying to work with it as much as possible.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. Mr. Speaker, perhaps this supplementary is straying but if I am allowed to ask the question I think the relevance will be obvious.

In a previous substantive question the Minister talked about terms of reference being developed for an Environmental Impact Study for the North Sound. Could the Minister also undertake, while those term of reference are being finalised, to have included in those references what negative effects may be taking place into the North Sound because of the existence of the Garbage dump?

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

The Speaker: Before I call on the Honourable Minister to answer the question, I will entertain a motion for the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock.

Mr. Linford Pierson: Mr. Speaker, I so move.

The Speaker: Is there a seconder? The Third Elected member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I second the Motion.

The Speaker: The Motion has been moved and seconded. Those in favour please say aye. Those against no.

AYES and NOES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.

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

Hon John McLean: Thank you, Mr. Speaker. To answer the question posed by the First Elected Member for George Town, most definitely. As a matter of fact, in the answer to the question that was posed on the North Sound, one thing that I said was that it had more far reaching effects that just looking at the quarrying of marl. Yes, it will be included in that.

The Speaker: There are no further supplementaries, that concludes Question Time for this morning.

Item No 4 on today's Order Paper, Other Business. Private Members' Motions. Private Member's Motion No. 7 of 1998, Censure Motion, continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 7/98

CENSURE MOTION

SPEAKER'S RULING

The Speaker: When we adjourned on Monday afternoon, I gave an undertaking that I would study the issue of who would vote on the amendment to the substantive motion on the floor, and make a report this morning. First of all, I shall read Private Member's Motion No. 7/98, which caption reads "Censure Motion"

"BE IT RESOLVED THAT:

- (i) **this Honourable Legislative Assembly has no confidence in the political conduct, actions and management of the Hon John B**

McLean, OBE., Minister for Agriculture, Environment, Communications and Works; and

"(ii) in accordance with section 6(1)(f) of the Cayman Islands (Constitution) Order 1972 as amended his election to the Executive Council be revoked; . . ."

I would further say that in a ruling I made on Monday I asked that the second resolve section be excised from this motion, therefore I shall not read that. It has been deleted.

I have taken it, as I promised, under review. I have gotten professional opinion, which reads as follows:

"CAN OFFICIAL MEMBERS OF THE LEGISLATIVE ASSEMBLY VOTE ON A CENSURE MOTION?"

"1) Unless there is some prohibition or restriction in the Constitution or Standing Orders with respect to voting on a motion of censure or no-confidence, any Member, including any Official Member, may vote on any motion. Its caption is irrelevant and is not part of the motion.

"2) Voting provisions contained in Standing Orders 5, 42 and 43 are subject to sections 5(b) and 35 of the Constitution.

"3) A motion of censure and/or no-confidence differs from a motion for the revocation of a Member's election to Executive Council in that a vote for revocation is a constitutional provision: Constitution, section 6. A censure or no-confidence motion by itself has no constitutional effect, whatever moral obligations it may suggest. This present motion uses the no-confidence aspect cosmetically as a recital and is in order.

"The votes of Official Members of the Legislative Assembly are not counted in a resolution to revoke the election of an Executive Councillor."

This was clearly explained on Monday afternoon. So, I hope that clears the matter.

Debate on Private Member's Motion No. 7/98 continues. The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, this motion is certainly not a censure motion, it is a revocation motion. There is no question of honesty or integrity of the Executive Council in regard to the 1995 Crown Grant to the Minister responsible for Lands, the Hon. John McLean. However, it does call upon the Hon. John McLean to demonstrate that the body of evidence presented to Executive Council was factual.

This House is entitled to ask that this be done since it is charged by the people for ensuring that its Members' judgment is not influenced by any private, personal in-

terest that may be in conflict with their public duties. Furthermore, regardless of whether or not there is a conflict, there is, in my view, the appearance of one and this House cannot tolerate this.

On 27 September—

The Speaker: May I just interrupt you for one minute? Are you speaking on the amendment or the substantive motion at this time? I would like to finish the amendment if possible.

Dr. Frank McField: Mr. Speaker, the amendment was finished.

The Speaker: We didn't take the vote on the amendment. We have to take the vote. That is why I am asking if you are finished. You have the right of reply. So we can now take the vote.

Mr. D. Kurt Tibbetts: Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just for it to be clear to all of us: Based on your ruling this morning regarding the title of the motion, it appears that the amendment requesting the change of a word in the title really doesn't matter. So we were almost of the assumption that it had fallen away. But we just want to make sure which way you want to handle it, sir.

The Speaker: That is the wish of the mover. He has moved the motion and I have the responsibility to put the question. What I am saying is that we are amending a motion entitled "Censure Motion," and the opening preamble says, "The Honourable Assembly has no confidence..."

So, if you wish to withdraw your amendment, that is fine.

Dr. Frank McField: Mr. Speaker, I withdraw my amendment and move on with the motion.

The Speaker: So ordered.

Please continue, Fourth Elected Member for George Town.

Dr. Frank McField: As I was saying, on 27 September 1996, the Legislative Assembly printed and tabled some guidelines for a Code of Conduct for Members of this House. I would like to read two of the guidelines so members of the public, in particular, understand the ethical framework with which I am scrutinising the Minister's actions and decisions.

In regard to accountability, the Code states—

WITHDRAWAL OF AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 7/98

The Speaker: May I interrupt you again? I need to put the question on the withdrawal.

The question is the withdrawal of the amendment to the substantive motion. I shall put the question. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT TO SUBSTANTIVE MOTION WITHDRAWN.

The Speaker: I apologise for the interruption. Please continue.

Dr. Frank McField: Not at all, Mr. Speaker. I understand the tenseness of the situation. It is not an easy thing we are dealing with, Sir.

The Guidelines for a Code of Conduct published by this Legislative Assembly on 27 September, 1996 states, **“Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.”** This motion is therefore not personal. I am only doing my job because the public is interested in ensuring the proper administration of justice. The fact that the Minister publicly termed the concerns of this Parliament, and I quote, as “vicious lies,” in his press release of Thursday, 28 May, might suggest to the Honourable House that the gentleman does not take seriously the importance of these guidelines.

Speaking of openness, the Guidelines mention, **“Holders of public office should be as open as possible about all the decisions and actions that they make. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.”** It is with these guidelines in mind, Mr. Speaker, that I now say that the Minister needs to prove that his actions on behalf of the estate of Mr. Whitmore Syms, deceased, has not unjustly placed our political institution in a moral disorder.

No one is on trial for any crime. This debate is concerned with political ethics. We are debating our political ethics—or lack thereof—in spite of the fact that some Members may be great critics of moral philosophy. These Members still may not know that behind every just law is a moral truth. So to the judicious, true, and honest people of the Cayman Islands I say that their Parliament must restrain the trustees of power by that oath which they have taken to govern for the people's good.

Mr. Speaker, realising the seriousness of this motion, and realising that we would like to have retained the second provision in the motion, I would now like to move a motion to suspend Standing Order 43 in accordance with Standing Order 86, which reads:

MOTION TO SUSPEND STANDING ORDER 43

“WHEREAS section 6(2)(f) of the Cayman Islands (Constitution) Order, 1972, states that a Minister's

election to Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than nine of the elected members of the Assembly;

“AND WHEREAS Standing Order 5(4) states that the election of a Minister to Executive Council shall be by ballot paper;

“AND WHEREAS Standing Order 43(2) requires that at the conclusion of a debate upon any question, the Presiding Officer shall put the question for the decision of the House and shall collect the votes of the Ayes and the Noes;

“AND WHEREAS in the absence of a specific provision to revoke by means of secret ballot, it is desirable that the same procedure used in the election of a Minister should also be used to revoke a Minister's election to Executive Council;

“AND WHEREAS Standing Order 86 states that any of these Standing Orders may be suspended at any time for a specific purpose with the consent of a majority of Members present;

“BE IT RESOLVED THAT in accordance with Standing Order 86, Standing Order 43 be suspended to allow that at the conclusion of debate on Private Member's Motion No. 7/98, that the vote be taken by ballot.”

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I rise to second the motion moved by the Honourable Member.

The Speaker: The motion to suspend Standing Order 43 has been duly moved and seconded. I rather think that this motion is somewhat late in its presentation. It is in order without a doubt. The Member of the House has a privilege to suspend Standing Order 43. But on Monday of this week I said, **“Therefore I contend that the last resolve section of this motion cannot stand and the vote will have to be taken by a voice vote.”**

I do not feel that today I can now see that changed. That was the decision made at that time and I think the Speaker's [ruling] should stand.

Mr. Linford A. Pierson: On a point of procedure.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: With due respect to the Chair, Mr. Speaker, and the Backbench really wants to remain respectful to the Chair, I must contend on behalf of my colleague that this is not a matter for mere discretion at

this point because the Standing Orders speak specifically to this situation. The suspension of Standing Orders is governed by Standing Order 86. I do not believe that it is a question of it being late because the way this Standing Order reads is that *any* of these Standing Orders may be suspended at *any* time for a specific purpose by the consent of a majority of the Members present.

So, Mr. Speaker, I cannot see how you can state that it is late, when, in fact, the Standing Orders by which this House is governed state that a suspension of the Standing Orders can be brought under Standing Order 86 at any time. Would you please clarify that position, Mr. Speaker?

The Speaker: I am referring to Standing Order 24(8), “**No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved.**”

Mr. W. McKeeva Bush: Which Standing Order? Can you repeat that Standing Order, please?

The Speaker: Standing Order 24(8).

Mr. W. McKeeva Bush: But, Mr. Speaker, on a point of procedure, Standing Order 86...and I guess I am only repeating what the Third Elected Member for George Town has already pointed out, this Standing Order is very specific. “**Any of these Standing Orders may be suspended at any time for a specific purpose by the consent of a majority of Members present.**” The motion that is before the House is doing that. That is all the motion is saying, “**BE IT RESOLVED that under Standing Order 86, Standing Order 43 be suspended to allow at the conclusion of debate on Private Member’s Motion No. 7/98 that the vote be taken by ballot.**”

I cannot see how you are going to now tell us that what has happened here ever since I knew we had a Legislative Assembly cannot take place today—that is, suspension of Standing Orders at any time.

The Speaker: I am not trying to contradict Standing Order 86.

The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Boddén: This motion is a very serious attempt to take this Legislature into a secret vote, a secret session. Now I would like to deal at some stage with the merits, . . . if you wish I will deal purely with the law now and when the Member opens on it I will deal with the merits. But on the point of order the Constitution is very clear, and your ruling is correct.

Mr. Roy Boddén: No, it’s not.

Hon. Truman M. Boddén: Section 6(2) of the Constitution says, “**The seat of an elected member of the Ex-**

ecutive Council shall become vacant—(f) if his election to Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than nine of the elected members of the Assembly.”

The motion that has been filed seeks to use a totally different process; it seeks to use the equivalent of section 5(b) of the Constitution, which is an election. There is a very material difference between an election, . . . and here there are multiple, five Members, and at that very important stage the Legislative Assembly is doing an election of first officers. Now, there can be no doubt that this attempt to bring secrecy into a Chamber when those Members are talking about transparency [Members’ laughter] is something that has never happened in this House and I will show you that the only time it has happened in the Parliament of the United Kingdom was during World War II and partly during World War I.

Mrs. Edna Moyle: It just happened in (inaudible).

Hon. Truman M. Boddén: In states of emergency—transparency, Mr. Speaker, must prevail. Those who preach it must practice it. And if this Legislative Assembly goes into a secret vote on a major issue such as this it is going to send shock waves through this country—

Mr. Roy Boddén: Rubbish!

[General uproar]

The Speaker: Order!

Hon. Truman M. Boddén: —that will be felt internationally and throughout the world.

Mrs. Edna M. Moyle: Oh God!

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order! Is the Minister debating the substantive motion to waive the standing order, or is he using a matter of procedure? He is debating the motion. He would not have gone into all that stuff if he were not trying to make his points on the motion. He knows that! He’s trained in it!

The Speaker: You were given an opportunity when you were standing, let the Minister...

Mr. W. McKeeva Bush: On a Point of Order Mr. Speaker, please! You need to have some patience on this side. I do not want to be disrespectful to you sir, but that Member is not debating a matter of procedure.

The Speaker: Please continue Honourable Minister.

Hon. Truman Boddén: Thank you, Mr. Speaker. There is no way that the Standing Orders of this House can vary a section of the Constitution. And I would like to refer to the fact, I will need a minute to look this up, I will

read the section under which the Standing Orders of the Assembly are made. Because they are subsidiary to the constitution and they therefore cannot change the Constitution.

Mr. Linford Pierson: Mr. Speaker, on a point of order, is the Honourable Minister saying that he really does not know what he is saying and that he needs more time to research? If that is the case, there are others over here who understand the problem and who would like to speak while he is doing his research.

Hon. Truman M. Bodden: Mr. Speaker, I am not giving way again. If, instead of taking points of order, Members are standing up and making statements. . . . Section 31 gives the power to make Standing Orders, and I would just like to read this, Mr. Speaker. Section 31(1) says, "**Subject to the provisions of this Constitution,**" see how it begins? "Subject to the provisions of this Constitution. . ." nothing can be done which tampers with the Constitution of this country—

Mr. Roy Bodden: We're not tampering with the Constitution!

Hon. Truman M. Bodden: "**Subject to the provisions of this Constitution and of any Instructions under Her Majesty's Sign Manual and Signet, the Assembly may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings—**

Mr. Roy Bodden: Thank you!

Mr. Linford A. Pierson: Hear, hear!

Hon. Truman M. Bodden: . . . and the dispatch of business, and for the passing, intituling and numbering of Bills and for the presentation thereof to the Governor for assent; but no such Standing Orders or amendment or revocation thereof shall have effect unless they have been approved by the Governor."

It goes on. "**(2) The first Standing Orders of the Assembly shall, subject to the provisions of this Constitution, be the Standing Orders of the Legislative Assembly constituted by the Order of 1965 as in force immediately before the appointed day, with such adaptations and modifications as may be necessary, and those Standing Orders may be amended or revoked by Standing Orders made under the last foregoing subsection.**"

It is clear that you cannot, by the use of Standing Orders, waive sections of the Constitution. If that vote is taken, it will be ultra vires this Constitution by an attempt to use section 5(b) instead of using the substantive provision. So my submission is that this cannot be done through a secret ballot as provided in the Standing Or-

ders, it must be done in this open House like this House has always sat—

Mr. W. McKeever Bush: Mr. Speaker, on a point of order.

The Speaker: What is your point of order?

POINT OF ORDER

Mr. W. McKeever Bush: The Minister is standing there debating not the resolution, or, he should not be debating the resolution but that is what he is talking about because he just mentioned it. He is saying that to amend the Standing Orders, or to clear the Standing Orders. . . . Please, Mr. Speaker, please.

The Speaker: The Honourable Minister for Education, Aviation and Planning, please continue.

Hon. Truman M. Bodden: I am winding up now.

Section 5(b), . . . Well, I know that Members don't like what I am saying, but I am dealing with the procedure. Section 5(b) says, "**5. There shall be an Executive Council in and for the Islands which, subject to section 10 of the Constitution shall consist of—**" it deals first with the Ex Officio Members, and "**(b) five elected members, who shall be elected by the elected Members of the Assembly from among the elected Members of the Assembly, who shall be entitled 'Ministers.'**" That is an election to Council.

The following section, section 6(2)(f) reads, "**6 (2) The seat of an elected member of the Executive Council shall become vacant—(f) if his election to Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than nine of the elected members of the Assembly. . . .**"

It must be as this House has always done, it must be a vote where the public can hear what is happening to their representatives through a motion that is a resolution of this full House, held in the open like every other resolution of this House.

Mr. Roy Bodden: No!

Hon. Truman M. Bodden: There is no way there can be the use of the section 5 provisions which deal with an election of Members. It must be a resolution of this assembly. As you quite rightly said, Mr. Speaker, while the votes do not count, all Members of this Legislative Assembly have a right to vote if they wish. Thank you.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeever Bush: Thank you.

Mr. Speaker, can you explain to this House whether we are voting on the Constitution, or whether we are voting on Standing Order 86 as it applies to Standing

Order 43, the waiver or suspension of Standing Orders? Which one are we voting on sir? The Constitution or the Standing Order? What is the motion before us?

The Speaker: The motion is to suspend. But what I have said is that I made a ruling on Monday of this week. If this motion preceded that ruling there would have been no question.

Mr. W. McKeever Bush: No.

Mr. Roy Bodden: No.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: Mr. Speaker, your ruling had nothing to do with a motion. The section, respectfully, that you referred to, Standing Order 24(8) states, "**No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved.**" I am stating that on Monday you did not deal with the motion. Your ruling is the question we are dealing with. You made a ruling, and this morning we voted on your ruling on the withdrawal. That was your ruling. It was not a motion in this House that had been passed in the past six months. So I have to contend that this section 24(8) of the Standing Order does not apply to your ruling. What you are dealing with is the ruling you made on Monday which was voted on this morning—the withdrawal of that section. But it was not a motion in the true sense of a motion being contemplated under Standing Order 24 (8).

The Speaker: Does any other Member wish to speak? The Fourth Elected Member for George Town.

Dr. Frank McField: I would just like to speak briefly in regard to what the Minister for Education seems to be attempting to do to this motion (like he did to the Education motion).

In the minutes of the meeting of the Select Committee of Elected Members to Review the Cayman Islands (Constitution) Order 1972, a question on a vote of no confidence was raised. The Minister for Education had the opportunity to have this particular section of the Constitution stricken from the Constitution because it was the view of those advisors that this particular section conflicted with the concept of collective responsibility. So the whole idea that we could remove one individual Minister by way of section 6(2)(f) of the Constitution, calling for the nine votes by elected members, was perceived at that particular time as something that, if used, could create a bit of a Constitutional problem.

Now, it is a fact that the Minister himself said that he wanted this section to remain in the Constitution. I will read. "**Mr. Truman Bodden recommended that with the Chief Minister having equivalent powers as those under the Westminster system there must be a simple majority vote otherwise there exists a dictatorship, a government that cannot be removed.**"

The only provision we have to remove a Government is not by a no-confidence motion because there is no such thing in that sense in our system. Our system of Government does not depend upon a group of people achieving power as a result of their political pledges to the people as a political party and therefore being invited to form a government. The elected Government of the Cayman Islands is not elected by the people, but by Members of the Legislative Assembly. That is why, in regard to the Constitution, that particular provision had to stay in there. Without any provision to hold Ministers accountable, without any provision to discipline Ministers, the democratic power of the people would be completely useless.

The Minister, with all of his talk about subversion and economic chaos is subversive in that he is suggesting that we are the ones who are causing the basic problem here. He is trying to include Official Members in an act that should only concern the people's elected representatives. If he did not believe that this particular section of the Constitution was useful, then he had an opportunity back at that particular time, with all his legal expertise, to suggest that this particular part be removed. There is nothing in these minutes that suggests he was of that opinion.

So what we have to deal with now, Mr. Speaker, is the fact that this particular section of the Constitution allows elected Members of this Legislative Assembly only, to participate in this particular vote. If Official Members are allowed to influence the debate or the outcome of the debate, it contravenes the provisions of the Constitution. If that is done, I think that will be a lot more serious than what the Minister is suggesting.

The Speaker: This would be a convenient time to take the morning break.

Hon. Truman M. Bodden: I was just wondering if I may reply to the statement made before. If not, I can wait until after the break.

The Speaker: It can wait. We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.38 AM

PROCEEDINGS RESUMED AT 12.08 PM

The Speaker: Please be seated.

Mrs. Edna M. Moyle: Mr. Speaker, are you about to make a decision or read a ruling?

The Speaker: I am. Would you care to say something first?

Mrs. Edna M. Moyle: Mr. Speaker, I have listened with interest this morning, but I was a little bit confused when Standing Order 24(8) was used. Standing Order 24(8) reads, "**No motion may be proposed which is the same in substance as any motion which during the**

previous six months has been resolved.” I am not aware of any motion being moved here this morning that is the same in substance as any other motion moved during the previous six months.

I do know that you, as Speaker, made a ruling. But, in my humble opinion, there is no way we can take that argument to not allow the suspension of Standing Orders, which is allowed by the Standing Orders. It was a ruling, not a motion.

And, Mr. Speaker, I would like to further say that it was totally impossible for any Member of the Backbench to have moved a motion to suspend Standing Orders prior to your ruling. I may be wrong, but when I read the *Hansard* from the proceedings of Monday, 13 July, before this Private Member's Motion was taken you said, **“I contend that the last resolve section of this motion cannot stand, and the vote will have to be taken by a voice vote.”** I assumed that is the ruling you are referring to this morning. For the Backbench to have moved the suspension of Standing Orders prior to that would have been entirely impossible.

I also contend that in the *Hansard*, the First Elected Member for West Bay did ask for a round-table discussion on this motion. And you said you had no objection to that. Then you went on to say, **“I have no objection to that, but I would like to make it abundantly clear that in talking to these Parliamentary attorneys or advocates on Parliamentary Procedure. . .”** so, so, so, and without any hesitation, **“this is the advice I got and this is the only ruling that I can really make.”**

Filling the position of Deputy Speaker, and not wanting to get into a war with the Speaker of Parliament, or to embarrass the Speaker—which is not my intention—I wish to say that I also sought advice from overseas Parliamentary attorneys or advocates on Parliamentary Procedure who are fully cognisant of the Standing Orders and the Constitution of the Cayman Islands. My advice also was that Standing Orders would have to be suspended in order for us to have a vote by secret ballot. And this is the advice that the Backbench is following this morning in moving the suspension of Standing Orders. So I would ask, Mr. Speaker, if you would humbly reconsider the statement this morning that this motion because it was not moved prior to your ruling cannot be accepted, and allow the Members of this House to vote on the suspension motion as they see fit—whether it is for, or against.

Thank you.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you.

From the 60's or maybe the 50's right through to today, practice and procedure through the Standing Orders has been to elect a Member of the House to Executive Council by a ballot, meaning a secret vote. That practice has been reinforced every four years. It is impossible, in my opinion, to determine by voice vote how many persons voted for or against a motion since the

Constitution stipulates a certain number of votes—namely, nine votes.

[Addressing the Honourable Minister for Education, Aviation and Planning] You had your say just now. You just behave your little self over there! You are not doing me the way you done me. I would never do you what you did me. Believe you me!

To attempt to remove a Member by voice vote is as far as I am concerned, regardless of how Members want to vote, an insult to Members. And, Mr. Speaker, it raises a contempt of the House because it totally ignores the established practice and procedure over decades which has, in fact, become a convention of the Cayman Islands Legislature.

To force Members into voting for a revocation of a Minister's election to Executive Council forces them into the most intimidating act they could be called upon to do in this Legislature. It will result in animosity among Members that will hang into perpetuity irrespective of the outcome of the vote. That is the purpose for taking a secret ballot.

The Universal Declaration of Human Rights speaks about politics and democracy. It says, **“The will of the people shall be the basis of the authority of Government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote of a equivalent free voting procedure.”**

The only method or procedure that could properly be used in this case is the one established by convention in the Cayman Islands Assembly in this instance which protects its Members and preserves the Constitutional provision that Elected Members may revoke the election of a Member that they had previously elected to Executive Council by secret ballot. Mr. Speaker, blind Bartimaeus could see that!

On a further point, further to what was said by the Deputy Speaker, I, too, sought advice. And my advice was the same, although not written. If you say that you, as Speaker, have constitutional advice, or advice from some parliamentary advocate, and political advice I think you said, which affords or causes you to make a specific ruling which will cause Members to vote for or agree to a certain procedure, then Members should have the benefit of a copy of that advice, because it sets a fundamental precedent for this Legislative Assembly.

Now, further to what the Deputy Speaker had to say, when I asked for the round-table discussion I could not move—nobody could move, because you went into that round-table discussion. You will recall Mr. Speaker that a number of us met with you yesterday and you will also recall that the result of that discussion was this specific motion to suspend Standing Orders.

The Speaker: Are you saying that that was my advice?

Mr. W. McKeeva Bush: Mr. Speaker, we had a discussion with you, You told us the procedure to take. We had a discussion with you, you told us the procedure to take and we followed that advice. How can anybody

come here today and tell me that I cannot do what they told me I could do yesterday?

The Speaker: May I interrupt you for a moment? Let us put the record straight. The Deputy Speaker made that information. Would you confirm that, Elected Member for North Side?

Mrs. Edna Moyle: Made which information, Mr. Speaker?

The Speaker: The information you received from the noted politician from the Eastern Caribbean.

Mrs. Edna Moyle: I said that when I spoke, that I received. . .

The Speaker: At the round-table.

Mrs. Edna Moyle: With all due respect to you, sir, I really do not know where the round-table discussion is coming into what I said in Parliament this morning.

The Speaker: I don't either.

Mrs. Edna Moyle: If you can explain to me, I will be more than happy to state it sir.

The Speaker: The Member is alleging that I told him to file this motion, and I did not tell him that. They asked me if that was the procedure and I told them that I could not comment on what procedure they should take. And Members will remember that. I was not in a position to advise, I had to be impartial in every respect.

Mr. W. McKeeva Bush: If you did not tell us that, Mr. Speaker, then, in so many words, we are all blind, deaf and dumb. Well, it certainly looks like a set-up. . . . But to further continue on my matter of procedure, I cannot agree with the Minister of Education that what we are attempting to do here will cause any economic fall-out because—

The Speaker: Can I just interrupt you once again?

We are really not debating the motion now. Let us get back down and let us vote on it.

Mr. W. McKeeva Bush: Ah! Thank you, Mr. Speaker. That is the point! I did not intend to go any further. I just wanted to see whether or not you were going to stop me when I raised the same points he was debating. Thank you, very much! I have made my point!

The Speaker: Does any other Member wish to speak? The Honourable Minister for Education.

Hon. Truman M. Bodden: I would first like to reply to what the Fourth Elected Member for George Town read in relation to the Constitution. He read a section of the Minutes, which I now have, which dealt with a vote of no confidence. Let me put this in the proper context. What

was happening here is that the majority of Members had—

Mr. W. McKeeva Bush: On a point of order, Mr. Speaker.

The Speaker: You had your turn. Please sit down and let him go ahead.

Mr. W. McKeeva Bush: No, no, no, Mr. Speaker.

Mr. Linford A. Pierson: Mr. Speaker, this is a point of order.

The Speaker: If we are going to continue to interrupt—

Mr. W. McKeeva Bush: Mr. Speaker, I call your attention to the Standing Order on relevance. Now, that is my point of order. May I take it?

The Speaker: Go ahead, let me hear it.

POINT OF ORDER

(Relevance)

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. You just stopped me from referring to what he said. How are you going to allow him to refer to what the Fourth Elected Member for George Town had to say? Is this a democratic Assembly, or is this a Kangaroo Court with a blind judge and a dumb ruler?

The Speaker: Let us try to keep some decorum in this House.

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Let me voice my usual calmness. What we are heading for is something that this Parliament does not wish. We are prepared to abide by your ruling; but may I remind you, Mr. Speaker, that one of your responsibilities is to protect the rights of the minority. The Backbench is the minority. We expect that you are going to be right down the centre and we look forward to your usual consistency, Mr. Speaker. Otherwise, I will have to return to my constituents and tell them that my being here does not spell good sense.

SPEAKER'S RULING

ON MOTION TO SUSPEND STANDING ORDER 43

The Speaker: I would like to add that I came in here with the intention of making a ruling. But it has been side-tracked. I stand prepared to make my ruling whenever I am allowed to do so.

If we can get back to the business at hand, I gave this some very serious consideration during the break. I have also taken advice. I realise that what I said earlier was absolutely correct inasmuch as the resolve section

of the motion had to be removed. The mover agreed to remove that. It could not be a part of the substantive motion. That has been deleted as I read earlier this morning. I also am cognisant of the fact that we live in a democratic society and want to do everything that is absolutely right. It is my responsibility to uphold the Constitution of the Cayman Islands and to go in line with the Standing Orders of this Legislative Assembly. Standing Order 86 says, "**Any of these Standing Orders may be suspended at any time for a specific purpose by the consent of a majority of Members present.**" It is my intention at this time to put this to the vote to Members of this Honourable House and if it has a majority we will then proceed.

Hon. Truman M. Bodden: Mr. Speaker, with respect, there would need to be debate on this motion before there is any voting.

The Speaker: It is now open to debate. Does any Member wish to speak? This Standing Order is very specific it says "at any time." I am going to take the opportunity to do what I feel is in line with the Standing Orders of this House and in accordance with the Constitution of the Cayman Islands. But I have not changed my mind that the Constitution is very specific under 6(2)(f) that it must be the nine elected Members voting in the affirmative for the revocation of any Member. But under this procedural motion a simple majority will carry.

It is now open to debate. (Pause)

Mr. D. Kurt Tibbetts: Mr. Speaker.

The Speaker: The First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to make sure that I understand clearly, sir. The motion moved by the Fourth Elected Member for George Town, seconded by the Third Elected Member for Bodden Town, regarding the suspension of Standing Order 43, that is what we are talking about now?

The Speaker: That is open for debate.

Mr. D. Kurt Tibbetts: That is open for debate. I just wanted to make sure, sir. Thank you.

The Speaker: That is correct.

For the clarity of the listening public, and those in the gallery, and Members, the motion to suspend Standing Order 43 in accordance with Standing Order 86,

"WHEREAS section 6(2)(f) of the Cayman Islands (Constitution) Order, 1972, states that a Minister's election to Executive Council is revoked by a resolution of the Assembly in favour of which there are cast the votes of not less than nine of the elected members of the Assembly;

"AND WHEREAS Standing Order 5(4) states that the election of a Minister to Executive Council shall be by ballot paper;

"AND WHEREAS Standing Order 43(2) requires that at the conclusion of a debate upon any question, the Presiding Officer shall put the question for the decision of the House and shall collect the votes of the Ayes and the Noes;

"AND WHEREAS in the absence of a specific provision to revoke by means of secret ballot, it is desirable that the same procedure used in the election of a Minister should also be used to revoke a Minister's election to Executive Council;

"AND WHEREAS Standing Order 86 states that any of these Standing Orders may be suspended at any time for a specific purpose with the consent of a majority of Members present;

"BE IT RESOLVED THAT in accordance with Standing Order 86, Standing Order 43 be suspended to allow that at the conclusion of debate on Private Member's Motion No. 7/98, that the vote be taken by ballot."

It is now open for debate. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I would first like to find out whether (because I have just received this motion) the five days' notice has been given in relation to this motion.

Mr. W. McKeeva Bush: Mr. Speaker, I will abide by your ruling, but the Minister for Education knows that the suspension of Standing Orders is made at any time during the course of a sitting.

Mr. Linford A. Pierson: Mr. Speaker.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I never cease to be amazed by that Honourable Minister. Many times he gets up in here and states that he is all-knowing and I am surprised that he doesn't know that Standing Order 86 really does not require the five days' notice.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: Mr. Speaker, why I raised that point is that what is dealt with in the suspension of Standing Orders is not a formal motion like this. But if that is the case, it is really not that material. If the mover of the motion doesn't wish to open, then I would like to speak on the merits of the motion.

The Speaker: Did the mover wish to move the motion? No?

Does any Member wish to speak to the suspension of Standing Orders? The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: This move to suspend the Standing Orders of this House, and to go against the practice that has always existed in this House on motions, is one which, in my view, is going to be very damaging to this country. It is going to be damaging because never in the history of this House has there been any attempt to move into a secret ballot on a motion.

If it is done on this, then it is very clearly going to set a precedent and send a message to the world and the Cayman Islands that Members of this House can, when they so wish, move into secret votes and you will never know the question of who voted how.

Transparency, which is preached by the Backbench. . . and, by the way, let me just point out that the Backbench is the majority in this House. There are ten Members on the Backbench and eight in the Government Bench. So when it comes to the question of protection, which was raised earlier by one of the Members, then it is a question that minorities should be protected, and it is obvious where the majority is.

Now, this move is one that does two things: it destroys transparency that is preached by the Backbench. . . Mr. Speaker, I have listened for several years to the Member moving this motion and the Member seconding this motion (the Fourth Elected Member for George Town, and the Third Elected Member for Bodden Town) preach about transparency and accountability. The opposite of transparency is secrecy. We are talking about Freedom of Information. We are talking about being open. Yet, on one of the most important motions this Honourable House has ever seen (and hopefully it will be the last one) there is a move to move into secrecy.

The Members of the Opposition must practise what they preach. It is not good enough to come here day after day and talk about transparency and accountability and then, on one of the most important motions in the country go totally against what has been preached. This may have been different if the Constitution had provided for a ballot system but it does not. That is why there are two different sections in the constitution. We have heard the calls for freedom of information, yet just a week after that motion was passed we now find that on one of the major decisions of this House, . . . the public will not have freedom of information in relation to this. It will be secret according to this motion.

Section 35 of the Cayman Islands Constitution provides as follows: “**(1) Save as otherwise provided in this Constitution, all questions proposed for decision in the Assembly shall be determined by a majority of votes of the members present and voting.**” What could be clearer, Mr. Speaker? It is important to note that the Standing Orders of the Legislative Assembly shall not take...

Mr. Linford Pierson: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order.

POINT OF ORDER

(Misleading)

Mr. Linford Pierson: Mr. Speaker, the Honourable Minister has just read from section 35 (1) of the Constitution which does not speak to the type of voting. It does not say whether it is a voice vote or whether it is a ballot. So, for the Honourable Minister to stand there and give the impression that this is speaking about a voice vote is misleading the House.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon Truman M Bodden: That is the Third Elected Member's (for George Town) opinion. I have a right to my opinion in this House, Mr. Speaker. I submit that what that means is what this House has always done since the Constitution came in 1972. Votes are counted, a division is made and Members—

Mr. D Kurt Tibbetts: Mr. Speaker, on a point of order, sir. If a Member gets up and asks for a point of order, is it usual procedure that the other Member is allowed to debate that before you make a ruling sir?

The Speaker: The point of order is that it is subject to interpretation, the majority of votes can be either way so both Members are right. So there is really no way that I can rule one or the other out of order. It is a matter of interpretation. I was present when this Constitution was amended but I was not the draftsman for the Constitution. It actually says “a majority of votes.” It could be secret or voice.

Mr. Linford Pierson: But Mr. Speaker, would it not be respectful, when a Member raises a point of order, for you to at least make your comments on that rather than totally ignoring that Member and telling the Minister to continue? It is disrespectful to that Member.

The Speaker: Honourable Minister for Education, Aviation and Planning.

Hon Truman M Bodden: Thank you, Mr. Speaker. The section very clearly states, . . . and I think we have to look here at the practice and procedure of this House, what it has been for the past thirty, forty, fifty years. I have only been around here since 1976, but during those 22 years (and prior to that probably for four years after I came out of Law School) I do not know of any time in the History of this Parliament when a vote has been taken in secret. The procedure for balloting is a procedure that is provided when there are multiple choices for the five seats in this Honourable House and it is very clear that there is a very distinct difference be-

tween an election which, under the Elections Law or the Constitution, is one which has in the Standing Orders been provided for by secret ballot. There is nothing unusual about that.

The unusual thing now is that what has been done in the past in this Parliament and, Mr. Speaker, I will show as I go on in the Parliament of the United Kingdom, is that votes are taken in the open House of the Legislative Assembly. And those votes are always by voice. And afterwards if there is a division, then the votes of each specific Member can then be dealt with in the division and the names of Members are then called.

I would just like to read what I understand to be the position, I would like to read Standing Order 43 which this motion is seeking to suspend because this is what has always happened in this Honourable House and this is a procedural matter. If it is done to suit the Backbench on a vote relating to the removal of a Member, then the suspension, once the precedent is set, would be done in relation to other matters and therein lies the danger of this precedent.

The voting is set out in Standing Orders 42 and 43 which read: **“Save as otherwise provided in the Constitution”** this is very important because the Constitution overrides these Standing Orders. **“(1) Save as otherwise provided in the Constitution or in these Standing Orders all questions proposed for decision in the House or in any Committee shall be decided by a majority of votes of those present and voting. (2) The Presiding Officer shall not vote unless, on any question, the votes are equally divided, in which case he shall have and exercise a casting vote.”**

There are methods of voting which is now what is going to be destroyed and abolished and waived for the purposes of this motion. Standing Order 43 (1) states: **“At the conclusion of a debate upon any question, the Presiding Officer shall put the question for the decision of the House, and shall collect the voices of the ayes and the noes after which no further debate may take place thereon. (2) the result shall be declared by the Presiding Officer stating ‘I think the ayes have it’ or ‘I think the noes have it’ as the case may be, but any Member may challenge the opinion of the Chair by claiming a division. (3) A division shall be taken by the Clerk calling each Member’s name and recording the votes given. The Clerk shall then announce the number of those who have voted for and against the proposal and the Presiding Officer shall declare the result of the division.”** A fully democratic process, Mr. Speaker. This is a democratic society and that sets out a democratic process which is followed in all democracies of the world.

To shut down the vote, one only sees in areas which unfortunately or fortunately has now come out of the communist era. This right for transparency and accountability is a democratic right. Sub-section (4) goes on to state **“Every member present shall express his vote either for the ayes or the noes or state his wish to abstain. The Clerk shall enter in the minutes of**

proceedings the record of each Member’s vote and shall add a statement of the names of the Members who abstained.” So a record is kept of how each Member votes on a specific matter. That is what we call a ‘Division’. That is a purely democratic process. Sub-section (5) states: **“If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered, provided that such claim is made as soon as the Clerk has announced the numbers and before the Chair has declared the results of the division. Upon such claim being made the Presiding officer, at his sole discretion, shall either direct the Clerk to alter that Member’s vote or direct that a fresh division be held.”**

The Speaker: Would this be a convenient time to take the luncheon break?

Hon Truman Boddén: Yes, sir.

The Speaker: We shall suspend until 2:15 PM.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.43 PM

The Speaker: Please be seated. Proceedings are resumed. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

Hon. Truman M. Boddén: Mr. Speaker, the Fourth Elected Member for George Town referred to a quote that he took from the Select Committee of Elected Members to review the Cayman Islands (Constitution) Order 1972, which dealt with a vote of no confidence and pointed out a statement that I made. The vote of no confidence here was being discussed in the committee because a majority of Members felt that there should be a Chief Minister system, and under the Chief Minister’s system—

Mr. Roy Boddén: Mr. Speaker, on a point of order, sir.

POINT OF ORDER (Relevance)

The Speaker: Let me hear your point of order, and what Standing Order are you rising on?

Mr. Roy Boddén: Mr. Speaker, relevance, sir. The Honourable Minister is carrying the debate into irrelevancies which are entirely unnecessary and which will only serve to confuse. And it is not connected with this motion, because this motion calls for nothing about Chief Ministership nor Constitution, sir.

The Speaker: I understand what you are saying, but the issue was raised by the Fourth Elected Member for George Town.

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order.

POINT OF ORDER
(*Relevance*)

The Speaker: What section of the Standing Orders are you rising on?

Mr. W. McKeeva Bush: Relevance.

The Speaker: Please go ahead.

Mr. W. McKeeva Bush: Mr. Speaker, the Fourth Elected Member for George Town did not raise that in his debate and when the Minister of Education tried to raise it earlier when he was speaking on the matter of procedure, replying to what the Fourth Elected Member had said on a matter of procedure you ruled him out of order as you ruled me out of order. Now to allow him to come back to bring it into a completely different debate has to be irrelevant. Thank you, Mr. Speaker.

The Speaker: I am listening to what everyone is saying. Honourable Minister, would you go on to another subject, because we are really getting nowhere fast.

Hon. Truman Boddin: Sure. As you rule, Mr. Speaker.

This procedural motion is going to do something that is very clearly not done, I do not believe, in other parliaments within the Commonwealth, and definitely not in the United Kingdom. Mr. Speaker, in May's, at page 262, it says: "**During the War of 1939-1945, following the precedents of the years 1916-1918, whenever it seemed that matters of value to the enemy might be revealed in debate in either House, motions were made for the House concerned to go into secret session, either to discuss a particular named subject, or for the remainder of the sitting, without any reason being specified. It was also a frequent practice to devote part of a sitting only to secret matters, and then resume to public sitting.**"

Mr. Speaker, this is going to mean a secret vote and therefore, it goes on to say, "**On 19 December 1945, it was resolved that no proceedings during the last Parliament held in secret session would be any longer secret.**" So, Mr. Speaker, what I am saying—and this is the only precedent I could find—obviously the debate and the voting was done in secret, and there is no reason from what I can see, in peacetime in a democratic country in which we have always followed the principle of democracy. The Standing Orders of the House support that democracy by saying that votes shall be taken in the open House.

This move now, in my view—and by all means no one has challenged this—is going to be the first time in this House that where a decision relating to a matter which the Constitution states shall be by a motion, will be taken through a secret ballot. The whole concept of

the suspending of Standing Order 43 that has been the practice and precedent of the Legislature here over the last 30 or 40 or whatever number of years we have had a Legislature, must come to the people of this country as a shock. When the members moving this motion are the members who are preaching transparency, openness, to do things in public, give the public information, and yet before the ink has even dried on the motion that will provide the select committee to deal with the giving of information—freedom of information—that freedom is now being deprived from the public.

Motions as important as this motion—because it obviously is a most important motion—to be removed from the ambit of the public cannot speak well for this country. And the ramifications of a secret vote in this public Chamber for the first time must surely send the wrong message to the international community and the business community—

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order.

POINT OF ORDER
(*Repetition*)

Mr. W. McKeeva Bush: Mr. Speaker, repetition. Since the Minister began speaking—I paid careful attention to what he has said—he has not said one thing newer than what he said before lunch. Everything he has said—from the 1945 and the 1914 wars, the UK situation—is the same. It has to be repetition!

The Speaker: Honourable Minister for Education, would you please move on and let us get through with this.

Hon. Truman Boddin: Yes, Mr. Speaker, I am getting just about to the end, in fact.

The Speaker: We will be taking a voice vote prior to a secret vote. A voice vote will be taken by the same Honourable Members that will be taken in the secret vote.

Hon. Truman Boddin: Mr. Speaker, perhaps you could clarify that. This is calling for a ballot to be taken. So what would the vote be taken on?

The Speaker: This vote on the suspension will be a voice vote.

Hon. Truman Boddin: Oh, yes, yes. I thought you were referring to the substantive motion about which this deals. I understand—I mean this is a procedural matter. Oh yes.

The Speaker: This is a procedural matter. The same Members who will vote on the revocation under the Constitution, will take part in this vote as well, but it will be by voice.

Hon. Truman Bodden: Oh, sure! Yes, this is a procedural matter, and I realise that to get to the secret part there has to be an open vote before the secrecy can envelop us and the darkness comes to this Chamber.

In conclusion—and by the way, I did not read from May's about the UK Parliament not having secret sessions since World War II before. I only read that once for the record, sir. The motion also takes away the freedom, or fundamental right, that has existed in this House to have the voting on motions taken in public. That, up until this time, has been a fundamental right and one which has been cherished to such an extent that within another procedural area it became public: Finance Committee no longer had its debates or proceedings in secret.

So I look at this as a backward step in democracy. I look at the vote that this is trying to achieve—the secret vote—as one which, in my view, is going to damage this country and I will have nothing at all to do with it. My view clearly is that this House has been public throughout the full time. Votes and divisions taken on votes have always been in public and I believe that to preserve democracy and to preserve the proceedings in the Chamber at the high level they should be preserved, I would prefer to see this vote taken as every other important vote, in public and democratically. Thank you, Sir.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Mr. Speaker, I would like to thank you for giving us the right to speak on this motion. This motion does not go against practice, as the Minister of Education said. It does not go against practice on other motions. This motion is completely different from regular motions. I certainly cannot agree that this has anything to do with transparency. It is completely different from a government document or telling the press something: It is completely different from that. It is, Mr. Speaker, the Constitution—and I will be brief—the Constitution allows for the removal of a member of Executive Council.

The Standing Orders provide for an election. The Constitution also tells us what we must do to revoke that election. As I said, this motion he is referring to is a different from a bill or a motion as we normally know it in the House.

The point I want to make, when he is referring to democracies, . . . Our situation in electing or revoking the election of a member of Executive Council is completely different from what obtains in other countries in the region, the Commonwealth, or the rest of the world. US presidents, presidents all over, prime ministers all over, premiers, chief ministers, dictators all appoint their cabinet ministers. In this Island, we elect our ministers by a ballot. And as I said earlier, if we elect by a ballot, all common sense should say that we revoke that election by ballot. Especially when the Orders do not refer any other way.

I do not think the Minister of Education has a case. I understand that when a lawyer has a bad case, his job is

to confuse the jury with irrelevancies; that is what the Minister for Education did all morning. Thank you.

The Speaker: Does any other member wish to speak? Does the Mover wish to exercise his right to reply? The Fourth Elected Member for George Town.

Dr. Frank McField: I wouldn't want to make the debate unfair by adding any more to the voice we have on this side by way of the First Elected Member for West Bay. I would like to say that we are not asking for a secret session. We are basically asking to suspend the Standing Order in order to protect the votes of those persons who care to vote against or for. I think that we are only asking Members for that. We are not asking Members to vote anything else, but clearly to give people that particular choice. I thank you for your attention.

The Speaker: I shall now put the question to the following Resolve Section on a motion to suspend Standing Order 43.

“BE IT RESOLVED THAT in accordance with Standing Order 86, Standing Order 43 be suspended to allow that at the conclusion of debate on Private Member's Motion No. 7/98, that the vote be taken by ballot.” Those in favour please say Aye. Those against, No.

AYES and NOES.

The Speaker: I think the Ayes have it.
May I have a division?

Mr. W. McKeeva Bush: If you know the Ayes have it, why are you calling a division, Mr. Speaker?

The Speaker: I think. I want to make sure. This is a very important motion.

Mr. Roy Bodden: Mr. Speaker, the Honourable Chair, notwithstanding, if the Speaker announced that he thinks the Ayes have it, and no Honourable Member from the floor asked for a division, might I suggest that it is for the Speaker to go by his original announcement, that the Ayes have it, without invoking a division since the request for a division did not come from the floor?

The Speaker: It is my responsibility to see that what I do is accurate. And I want to make sure.

Mrs. Edna M. Moyle: Mr. Speaker, if I may read from the *Hansard* of 13 July, 1998, as spoken by you, **“The result shall be declared by the Presiding Officer stating ‘I think the ayes have it’ or ‘I think the noes have it’ as the case may be, but any Member [not the Speaker] may challenge the opinion of the Chair by claiming a division.”** I beg to differ with that ruling, sir, and I humbly do that, not with frustration or anger.

Hon. Truman M. Bodden: Mr. Speaker, if that is the case, I will ask for the division if that is what the Member is asking for.

The Speaker: Madam Clerk, will you call the division at the request of the Hon. Minister for Education?

Clerk:

Division 10/98

AYES: 8

Mr. W. McKeeva Bush
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Mr. D. Kurt Tibbetts
Mr. Linford A. Pierson
Dr. Frank McField
Mr. Roy Bodden
Mrs. Edna M. Moyle

NOES: 5

Hon. Truman M. Bodden
Hon. T. C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden
Hon. J. O'Connor-Connolly

Abstain: 3

Hon. Richard H. Coles
Hon. George A. McCarthy
Miss Heather D. Bodden

Absent: 1

Hon. Donovan Ebanks

The Speaker: The result of the division is eight Ayes, five Noes, three abstentions and one absent. The motion carries.

MOTION TO SUSPEND STANDING ORDER 43 PASSED BY MAJORITY.

Mr. Roy Bodden: Mr. Speaker, would the Chair consider taking a break now, sir?

The Speaker: It seems early, but if that is the wish of the House, proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.07 PM

PROCEEDINGS RESUMED AT 3.26 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 7/98. Fourth Elected Member for George Town, you had commenced your opening remarks on the motion. Do you wish to continue?

CONTINUATION OF DEBATE ON PRIVATE MEMBER'S MOTION NO. 7/98

Dr. Frank McField: Mr. Speaker, there has been a lot of criticism about wasting the time of the House. I am happy at this particular point to proceed with what are important dates and events in regard to the issue at hand. I have given to the Serjeant-at-Arms, and each

Member of this Legislative Assembly a copy, a summary of the important dates and events of the case I will be dealing with.

I would like to start with the date 1907. On that date and during that year Gilbourne Watson, Wellring Watson, Elis Johnson, purchased a piece of property in Colliers, East End from Lisby Johnson.

In 1935 Wellring Watson gave his portion of the undivided share in the land to his daughter Genevieve Watson.

In 1968 Genevieve Watson gave her portion of the undivided share in the land to Whitmore Syms by way of a Deed of Gift.

In 1977 the Adjudicator registered Whitmore Syms as seven-ninths owner, and Henry Watson (son of Gilbourne Watson) as two-ninths owner, owners in common of the land now called Block 74A Parcel 48.

So the evolution of this title from 1907 to 1977, when the island finally gets an official Land Registry is there. When the land was officially registered in 1977, the land was registered as being owned by two proprietors. Therefore the law in regard to common proprietorship is relevant. I have also added that part of the Registered Land Law, section 101(1) to the summary of dates and events.

The Speaker: May I just interrupt you? Did you mean to table the documents, or just to circulate them to all Members?

Dr. Frank McField: I think I can ask the Serjeant to table it.

The Speaker: So ordered.

Please continue. I apologise for the interruption.

Dr. Frank McField: The next important date after 1977, when the Land Register registered Whitmore Syms and Capt. Henry Watson as joint proprietors of Parcel 48 Block 74A in Colliers, East End, is 1980 when Mr. John McLean was elected to the Executive Council and given responsibility for the Lands Office.

In 1981 Leroy Johnson made a claim to Block 74A Parcel 26. Parcel 26 was the first way in which the land looked back in 1981. In other words, Parcel 26 was composed (at that time) of Parcel 88 and Parcel 89 (which will be a part of the debate, Parcel 89). So when Mr. Johnson first claimed the land, he claimed it as Parcel 26. This was in 1981.

In 1994, Block 74A Parcel 26 was divided into Parcel 89 and Parcel 88, and a separate file was made for Block 74A Parcel 89. The title was vested in the Crown for 89, and Parcel 88 was claimed and awarded to Levi, Deavy and Birchie Connolly.

In 1987 (another important date) Mr. Keith Collins, an attorney at law in the Cayman Islands, wrote to the Permanent Secretary, Mr. Gomez, and submitted two affidavits attesting to the fact that Block 74A Parcel 89 was a part of Lisby Johnson's estate. They were signed by Dalton Watler of East End and Earlie

Whittaker of East End, both having knowledge of the land for upward of 45 years. The claim was rejected.

On April 14, 1992, Whitmore Syms made an application for Block 74A Parcel 89. He claimed that the adjudicator awarded only a portion of the original land given him in 1968 by Miss Genevieve Watson. This land was given to her, as was said, in 1935 by her father Wellring Watson who bought the land in 1907 along with his brother Gilbourne Watson, and Ellis Johnson, from the Johnson's estate.

Whitmore Syms suggested that the remainder of this land was contained in Parcel 89.

In August 1992, John McLean was made Executor and sole beneficiary of the Estate of Milton Whitmore Syms.

In November 1992 John McLean was elected to Executive Council and given responsibility for the Lands and Survey Department.

In December 1992, Milton Whitmore Syms died. A death certificate was made out and the informant was John McLean who gave evidence to the officer taking the information in regard to the marital status of Mr. Whitmore Syms, and it is listed as his being divorced. This has also been tabled, the death certificate.

On March 30, 1992, Lands and Survey wrote Permanent Secretary, Mr. Gomez, stating that Syms' claim could not be substantiated by way of the three conveyance documents submitted.

September 1993: An inventory of the Estate of Milton Whitmore Syms, deceased, is sworn to by Mr. John McLean and registered in the Grand Court; and Colliers Block 74A Parcel 48 is listed as part of the Estate, but there is no mention of Parcel 89, there is no mention of any claim to 89.

February 1994: John McLean replaces Mr. Syms' name with his own name on the certificate for Block 74A Parcel 48, using PO Box 866 George Town as his address.

May 2, 1994: Four affidavits were sworn to attesting that Whitmore Syms was given land by Mrs. Genevieve Watson and that this land was contained in Block 74A Parcel 89 in Colliers of East End. The affidavits were sworn to by Dalton Watler, Birchie Connolly, Maverick Scott and Levi Connolly. All four affidavits were witnessed by the Permanent Secretary, Mr. Gomez, and all on the same day, the second day of May 1994.

February 1995: The Minister makes submission to Executive Council recommending the grant of all of Block 74A Parcel 89 to himself.

March 1995: The Government awards John McLean absolute title to all of Parcel 89, in spite of the fact that his claim to Parcel 89 was based upon Mr. Whitmore Syms' title to a 7/9th undivided share in Block 74A Parcel 48 with Henry Watson.

John McLean signs to indemnify the Crown against damages cost, claims, and demands as a result of this grant in the presence of Thomas Jefferson, JP. John McLean signs certificate of Identification in the presence of Thomas Jefferson, JP.

On 19 July, 1995, the transfer of Block 74A Parcel 89 to John McLean takes place in the presence of Thomas Jefferson, JP.

On 28 September, 1995 two months later, two requests for grants of land vested in the Crown are brought by the Minister for Lands to Finance Committee and are awarded.

The Registered Land Law (1995 Revision) section 101 (1) reads: "**Where any land, lease or charge is owned in common, each proprietor shall be entitled to an undivided share in the whole, and on the death of a proprietor his share shall be administered as part of his estate.**"

This gives us a summary.

Those of us here in the Legislative Assembly who will have to decide upon the objectivity of the decision that was made, will find the map which is also attached, the Land Registry Certificates, which are also attached, useful in following the debate.

Why are we Backbenchers dealing with this issue? Did not the *Caymanian Compass* in its May 28, 1998 issue carry an article with the headline "AG's Probe Clears Land Grant by ExCo to Minister"? Justice was not served by the printing of this article. The public should not be led to believe that the concerns of the Members of this Honourable House in regard to the questionable ethics used by the Minister of Agriculture Environment Communication and Works to obtain all shares—all shares—in Block 74A Parcel 89 by way of a Crown Grant as being satisfactorily addressed by the unsatisfactory investigation carried out by the Attorney General who was a party to the decision to grant the land in March of 1995.

I have never questioned the correctness of Executive Council's procedures in regard to the grant of 74A Parcel 89, but I do reserve a right to view with suspicion the statement by the Attorney General that claims, and I quote from the press, "**Having established that Lands and Survey Department were satisfied as to the adequacy of the evidence supplied, Executive Council then approved the application for a Crown Grant. A transfer of the land to you [Mr. McLean] was then subsequently executed by His Excellency Mr. M. E. Gore on 19 July, 1995.**"

First of all, please note that the word "adequacy" does not mean factual, but, rather, sufficient for the Government's particular purpose. No one has said yet that the evidence presented was factual. Is this Parliament listening? Is the Government awake? The people are!

What was the evidence that was presented to prove ownership of Block 74A Parcel 89 by Mr. Whitmore Syms? In a memo dated March 25, 1993 addressed to the Permanent Secretary, the Lands Office said: "**The evidence produced to substantiate this claim falls far short of what would be necessary to make a recommendation for a Crown Grant. The extent of the land which is the subject of conveyance is completely vague, being cliff on all boundaries except the western one. This letter makes mention**

that three conveyances had been supplied. As I mentioned before the 1909 Indenture listing Gilbourne Watson, Wellring Watson and Ellis Johnson as the owners of this Parcel of land. The three documents are consistent in defining the boundary on the west of that Parcel of land as lands of Sparks Tatum."

The position of the Lands and Survey Department up until this point seems in keeping with the earlier decision-making conditions. What took place to cause the Lands Office to change its position in regard to recommending this grant to Executive Council? In an effort to establish the truth, let me say that it is my understanding that four affidavits were sworn to later in 1994: one by Dalton Watler and one by Birchie, as mentioned before in my summary. And these affidavits, as I mentioned, were all dated 2 May 1994. I understand from the Permanent Secretary who did the honours while on a district visit to East End, . . . This is what he told me.

I question the wisdom of a Minister who has a beneficial interest in an application being made to Executive Council by way of his public office would allow his Permanent Secretary to become involved in the matter as a witness to the truth of statements or to verify the signature, or signatures of the persons that he should later perhaps scrutinise.

The fact that the Permanent Secretary for Lands witnessed these affidavits while on, what he has said, was an official government district visit to East End makes his involvement seem partial and places the desired objectivity demanded of holders of public office in an unethical light.

I have no control over the Civil Service, but the Minister is answerable to this Parliament. It is my belief that he has breached a code that we use as a light in our quest to seek justice, especially in view of the fact that Mr. Johnson, when he submitted his affidavits attesting to the fact that he had good claim to Parcel 89, did not have the services of a Permanent Secretary.

Mr. Johnson's affidavits were not accepted as sufficient proof of ownership, thereby leaving the question in our minds as to the influence which the appearance of the Permanent Secretary's signature may have had on the final decision of the Executive Council to accept these affidavits collected by the Minister while on a district tour as conclusive evidence of the ownership of Block 74A Parcel 89 by Mr. Syms, deceased.

Evidence given by Mr. Dalton Watler and witnessed by the Permanent Secretary on that fateful tour on May 2, 1994, does not conflict, however, with evidence given on behalf of Mr. Leroy Johnson's claim of the same Parcel on 8 April, 1987. It is my contention that there is nothing in any of these affidavits that may be regarded as proof that Mr. Syms owned Parcel 89, but much to suggest that he owned Parcel 48.

In a letter to the Permanent Secretary dated November 3, 1987, Keith Collins wrote on behalf of Mr. Johnson mentioning Mr. Dalton Watler as having signed an affidavit on behalf of Mr. Johnson's claim. To dispel

any doubt, let me read the letter and affidavits into the minutes.

"November 3, 1987; The Principal Secretary; Office of the Principal Secretary; Department of Agriculture & Natural Resources; Grand Cayman

"Dear Sir:

**"RE: Mr. Leroy Johnson - Application for Rectification of the Register Colliers 74A 26
Your letter of July 28, 1981**

"This is to inform you with regard to the above-mentioned matter, that the first concrete map of the area became available only after the cadastral survey which began in 1971. Previous conveyances were not reflected on any chart and land was conveyed on the basis of what people knew.

"At the time of the cadastral survey Mr. Johnson having recently come to the Cayman Islands from Belize was in the process of tracing out the boundaries of the property and erring claimed 25 acres only. This was at the time of the cadastral survey. On completion of the tracing of the boundaries it was discovered that the land encompassed what is now listed as Parcel 89 of Colliers Block 74A.

"Enclosed are Affidavits from Mr. Johnson and the proprietors of the adjoining property at 74A51 on the west and from Earlie Whittaker a purchaser from the Johnson's estate on the east Parcel 86.

"I trust you will find these in order complete and instructive.

**"Yours faithfully,
[signed] Keith Collins."**

The affidavit by Mr. Dalton Watler, being duly sworn, having made oath reads as follows:

"My name is Dalton Watler, I was born in East End, Grand Cayman, Cayman Islands, BWI, on the 8th day of April, 1921. My father's name is William James Watler, that I am now the registered proprietor of lands situated in East End registered 74A, 51; that I have known this Parcel of land for upwards [of] 50 years; that when I first knew the land it was in the possession of William James Watler, my father, that for upwards [of] 50 years aforementioned I have known the boundaries of the said land. I know that this land is bounded on the east by lands known as Jonathan Hole which have belonged to the estate of Lisby Johnson, deceased; that I have perused the Registry index map attached hereto of the Registration Section Colliers Block 74A and I can confirm that Parcel 89 has at all times belonged to the estate of Lisby Johnson deceased; that I have seen a certi-

fied copy of the Register in connection with Registration Section Colliers Block 74A Parcel 89 and the land registered in the name of the Crown is the land in question which to my knowledge was part of Jonathan Hole and belonged to the estate of Lisby Johnson deceased, and butts and abounds by property on the east; that the land of the aforementioned was originally several hundred acres but that certain lots were sold to various people over the years from the estate of Lisby Johnson deceased including Calbert, Levi and Devy (sic) Conolly, all of East End. That my land 74A 51 East End Registration Section Colliers, Block 74A 51 is bounded on the east by land in the possession of Lisby Johnson's estate and on the south by lands of Beltram Connor and on the west by land in the possession of [and there is nothing there]. In witness whereof I have hereto set my hand this 8th day of July, in the year of our Lord, One Thousand Nine Hundred and Eighty-seven."

That was what went to the Permanent Secretary who later witnessed on 2 May, 1994, an affidavit sworn to by the same gentleman. This affidavit was witnessed by Percival Jackson, JP. Thus the Permanent Secretary had prior knowledge that Mr. Dalton Watler had signed for Johnson's claim to the Parcel and could in no way state that Mr. Syms owned Parcel 89.

It is therefore reasonable to assume unless the opposite is proven that Mr. Dalton's statement supports a claim by Mr. Syms to a portion of land in this area, but certainly not that portion defined as Parcel 89. If the portfolio had scrutinised the affidavits collected by the Minister and witnessed by his permanent secretary on their official district visit it would have been discovered that these affidavits could in no way be construed as adequate evidence to be presented to Executive Council. The Permanent Secretary said to me that he only witnessed the signatures but not the truthfulness of the sworn statements, thus leading us to think that these affidavits went to Executive Council without ever being seen or verified by the Lands and Survey Department.

Therefore for the Attorney General to have provided an opinion to the public stating that Executive Council had been satisfied as to the adequacy of the evidence supplied and for the Minister to have used that conclusion to sell the public the idea that his name was cleared begs serious questions. Why did these unverified affidavits make their way to Executive Council? Who recommended these unsubstantiated pieces of evidence to Executive Council? My opinion is that this evidence was never recommended to Executive Council by the Lands and Survey Department, but by the Minister himself.

Section 9(2) of our Constitution states: "**It shall be the duty of a Member so charged** [meaning charged with business of government] **with responsibility to act in the exercise thereof in accordance with the policies of the Government as decided in the Council and in accordance with the principles of collective responsibility and to support in the Legisla-**

tive Assembly any measure decided upon in the Council, unless he has received the prior permission of the Governor to act otherwise or not to support such a measure."

Based on what I have just said, I must ask myself, What thoughts are we supposed to entertain in regard to this press release by the Minister? Not a press release by the Governor, nor by the Attorney General, nor the Elected Members of Executive Council, but by the Minister whose political and management ethics are not that of Executive Council, not that of Government, not that of the Governor, is being challenged.

The Honourable Attorney General says that in the case of Block 74A Parcel 89 the cadastral failed to delineate the boundaries which indicates that no survey was completed. The Attorney General therefore recommends that a survey should now be carried out in respect of the land in compliance with Royal Instructions 12(1). Why did the Attorney General, who is Government's legal advisor, not the private advisor to the Minister in regard to his personal affairs, not advise the Governor in Council on March 22, 1995 of the need for such a survey, inasmuch as it is so apparent to him now that it was a necessary pre-condition for the grant?

The legal competence of the Attorney General is of course placed at a disadvantage by this attempt to place Executive Council action within that legal and constitutional framework that is reserved for the Governor acting in his sole discretion as Her Majesty's Representative. This call might have been motivated by an attempt to equal a call by the Third Elected Member for George Town to have the land surveyed.

Most telling of the position of the Attorney General and the Governor who ordered the unsatisfactory investigation is contained in a letter dated 27 February, 1998 addressed to Mr. Leroy Johnson who had claimed the land for over 18 years. The Attorney General states: "**Dear Mr. Johnson: His Excellency the Governor has passed to me a copy of your letter dated 5 February and asked to respond on his behalf. The various allegations made in your letter have been investigated by the RCIP as you are aware. I also understand that over the years you have made various representations to the Registrar of Lands claiming title, but that these claims have not been accepted. You have already instructed attorneys to represent you in this matter, and the correct forum for settling this dispute over title to the land would be through the Cayman Islands Courts by way of a civil claim.**"

It is true that this dispute would be relevant only in court if the Executor and sole beneficiary of the estate claiming Block 74A Parcel 89 was not the Minister responsible for Lands; if the Estate which he represents had made the only claim for this Parcel of land. But the history of Mr. Johnson's claim is important to this Parliament, even if it is not important to the Attorney General for the reason that the Minister was also responsible for Lands and Survey when Mr. Johnson first filed his claim to Parcel 89 in 1981.

It is important that the Minister demonstrate that he did all in his power to be objective, since at the time when Mr. Johnson's claim was first registered the Minister may have had personal knowledge of Mr. Syms' desire to claim the said Parcel of land. In the application signed by Mr. Syms on April 14 1992 he mentions that he had made a claim for Block 74A Parcel 89 in earlier years.

The question as to the Minister's objectivity in dealing with these claims concerns me because the first and only proof of a claim being made by Mr. Whitmore Syms is dated April 14, 1992: Yet the first claim by Mr. Johnson is dated 28 January, 1981. Let me now deal briefly with the history of this claim as it is recorded, and some of the replies from the Portfolio responsible for lands.

The reply of 28 July, 1981 requested by Mr. Johnson is in the name of the Permanent Secretary at the time, who was also the PS at the time the grant was made to the Minister as Executor of Syms' estate in March 1995. The reply states:

"I am directed to inform you of Government's decision to refuse your application for rectification of the register for the above Parcel. [Colliers 74A26]

"The reason for refusal is that conclusive documentary evidence of title was not produced to warrant rectification. In my opinion, I should think that the interpretation of 'conclusive documentary evidence' would be that documentation showing direct ownership of the approximately 330 acres would have to be produced. This documentation would assumably be in the form of a conveyance."

Parliament demands that the Minister now show that his personal interest did not conflict with his public duties; that he did not, in a document to Executive Council on 14 February, 1995 (Valentines Day), recommend that the Governor be advised by Ministers and Members of Executive Council to make a Crown Grant for some 200 acres of land located in Colliers, East End, known as Block 74A Parcel 89 to his name.

What will probably be important is that at some particular point the Minister for Education will say that Leroy Johnson's claim had been dealt with by the Lands Office by three consecutive governments and also the Attorney General had given his legal opinion in regard to that particular claim, and, therefore, Parcel 89 could not belong to the Johnsons. It is not my attempt to prove that the Johnsons own this land. It is my attempt to prove that if Mr. Whitmore Syms had claims to Parcel 89 he could only have had claims to 7/9ths of Parcel 89. I have included in my documentary submission the letter with the deed of gift from Miss Genevieve Watson, which I will read in a minute.

It is important, when we ask the question, Did the Johnsons have a claim? And if they did not, does it mean that we should not be discussing this issue? It is

not true that we should not be discussing this issue even if the Johnsons did not have a claim. But let me say that I have already found out that there was a mistake made by the Lands and Survey Office in awarding title to the Connolly brothers, Levi and Calbert, in that they claimed that their land (that they had bought in 1958) only around 1984. As a result of the fact that Leroy Johnson had already started to enquire as to where the land was that his Grandfather owned, he was given 25 acres by the Lands Office. This 25 acres was in the area that should have been given to the Connollys. So the Connollys should never have been located in Jonathan Hole, the Connolly's land should have been on Sandy Bluff.

Because Mellis Johnson did not know well enough, he said that the land was next to Helen McCoy's in Sandy Bluff, known as Jonathan Hole, when anyone questioned knows that Jonathan Hole and Sandy Bluff are in two different areas. A mistake was made and there was no attempt to correct this mistake. As a result of that when the Connollys were given their particular piece of land which looks more like about 20-something acres in that area when you look at the map and you look at Parcel 88, they don't claim any more because they knew that if they had bought all of that land known as Jonathan Hole they would have had 89 as well.

So, 89 was left there. And the Lands Office, the Ministry in dealing with these claims over the years rejected Leroy Johnson's claim because part of the claim was that they had sold all of the land. This, he gets from the indenture between Calbert and Deavy and the other Connolly which is done in 1958. So we go back to the 1958 Indenture we will see that there is a mistake in saying that Sandy Bluff is Jonathan Hole, because they are different.

I am not here to argue as if this is a court of law, but just to show that there perhaps needs to be a little bit more investigation into the claim made by the Johnsons. The important thing is to realise that the 1907 purchase of land came from the Johnsons thereby testifying to the fact that even if the Watsons were to have this land the root title had to relate back to the Johnsons.

The Lands Office argued on several occasions that the Johnsons could not prove root title to any land in that area, yet in order for Mr. McLean to claim this land as Executor of Mr. Whitmore Syms' estate, he would have to go back and claim that the Johnsons had root title in 1907. So proof of any kind of ownership has to go back to the Johnson's title in 1907.

I am not making the argument that they owned the land, I am just setting up a situation to show that even if the Lands Office, in partitioning the land in that area, partitioned too small a portion of land when they designed 48; if the claim is based upon 48, that meant that not only Mr. Whitmore Syms got too small a portion of land, but also that Capt. Henry Watson got too small of a portion of land.

The Minister is being requested to prove that the application made by Mr. Whitmore Syms on April 14, 1992 did not say that. The adjudicators only awarded

title to a portion of the Parcel, namely 74A 48. The basis for the claim is the claim by Mr. Whitmore Syms, not the claim by the Minister. So we have to go back to the original claim letter by Mr. Whitmore Syms. Mr. Syms clearly states that he was only awarded a portion—a part of what he should have had—and mainly that this portion was titled 74A 48.

This claim was rooted in a 7/9th entitlement to a portion of land as a result of a 1968 deed of gift from Genevieve Watson dated November 12, 1968. I will now read from the letter mentioning the 1968 deed of gift. [Letter dated 24 February, 1968]

**“Capt. Henry Watson
“113/4 Albert Street, Franklin Town
“Kingston, 16, Jamaica**

“Dear Br. Watson:

“Your cousin, Genevieve Watson has shown me an original Deed of Gift from Wellring Watson giving to her, among other things, the 7/9 of a piece of land in the interior of Colliers butting and binding as follows:

“North: South, East by cliff and on the West by Sparks Tatum.

“Miss Genevieve who is well known to me wants to convey her 7/9 portion of this land to Mr. Whitmore Syms. She tells me that the remaining portion of the land—2/9th is yours, given to you by your father.

“Before I can make the conveyance document, however, I would like to know whether you have any objections. I understand that the portion of land has not been surveyed. Please let me hear from you. [Signed] E. O. Panton.”

This letter can be found in the Parcel for 74A 48. It was the basis upon which provisional title was given to Mr. Whitmore Syms in 1977. It was the basis for him getting the title. Therefore I believe it is the relevant document.

The Minister responsible to Parliament for Lands must answer if he wrote to Council on 14 February 1995 saying that Parcel 48 to the north was claimed and awarded to Capt. Henry Watson as a share of the same Parcel. The remainder of the land, he said—or did he say—was contained in Parcel 89. He did not then advise that Ministers and Members of Executive Council should advise His Excellency to make the grant to himself as applicant. Did the Hon. Minister on the third of the second 1994 replace Mr. Whitmore Syms' name with his name as owner of 7/9 of the shares of Parcel 48, giving, as I stated before, PO Box 866 George Town, Grand Cayman as his address? Did the Minister and his Permanent Secretary not know that Mr. Whitmore Syms'

claim as outlined in the claim letter 14 April, 1992 was based upon his 7/9 share?

The Registered Lands Law (1995 Revision) page 46 section 99(1) speaks of the registration of more than one proprietor. Section 101(1) deals with the characteristics of proprietorship in common. The law states, and I said this before, but I would like to repeat: **“Where any land, lease or charge is owned in common, each proprietor shall be entitled to an undivided share in the whole, and on the death of a proprietor his share shall be administered as part of his estate. (2) No proprietor in common shall deal with his undivided share in favour of any person other than another proprietor in common of the same land except with the consent in writing of the remaining proprietor or proprietors of the land, but such consent shall not be unreasonably withheld.”**

Now we see why Miss Genevieve Watson wrote Capt. Henry Watson to inform him of her desire to deal with another proprietor in regard to her 7/9 share.

On March 25, 1993, a letter from the Lands and Survey Department, as I said before, dealt with the lack of conclusive evidence on the part of Mr. Syms to claim Parcel 89.

So, if we, and this is a very important point, if we look at the fact that in the application for the Crown Grant—the one made by Mr. Syms on 14 April 1992—Mr. Syms says that the adjudicators only awarded title to a portion of the Parcel, namely 74A, and if the Minister did say in his recommendation that Capt. Henry Watson had claimed Parcel 48 as his share of the portion of land and that the remainder was contained in Parcel 89 it would mean he was suggesting that Mr. Whitmore Syms did not get a share of Parcel 48. Therefore, if he did not get a part of Parcel 48, if Parcel 48 went as part of Capt. Henry Watson's share, then Parcel 89 should now go as Mr. Whitmore Syms' share, if he was leading Council to believe that. It is a question of whether or not that is the case and of course we will deal with these assumptions I am making, which are basically assumptions because I am trying to establish the logic of why Council would have awarded this land.

The application that Mr. Whitmore Syms made would be understood as an application to change the whole. How can there be a change in the whole if all the parts are not affected? If there was a change to the whole the parts would be affected. The two parts are the two proprietors— Capt. Henry Watson, Mr. Whitmore Syms—bound by law.

I do not attempt to suggest that Mr. McLean as Executor of Mr. Whitmore Syms' estate was not granted title to Block 74A Parcel 89 by Executive Council; nor do I say that Mr. McLean as Executor of Mr. Syms' estate did not gain legal possession to Block 74A Parcel 89. However, the country needs to know why, after such flimsy evidence was accepted and a grant made, it did not affect both proprietors of 74A Parcel 89 upon which the claim was based.

If the claim was based upon Parcel 48 and two persons owned Parcel 48, then the claim can only be

awarded based upon the claim. It is important that we understand that all of a sudden the Governor did not just get up in his discretion as Governor and give a piece of the Queen's land to somebody.

An application for this land had to be made. That application was made because it was being suggested that when the adjudicators adjudicated the land they did not adjudicate the correct amount of land. But because two persons owned the land it would be impossible for one party to be awarded and the other not.

If Mr. Syms had been short-changed in 1977, then Mr. Henry Watson was also short-changed. If the Government was desirous of rectifying the situation for one proprietor, it would have been ethical to act in a manner to affect both proprietors. Mr. Syms' and Mr. Watson's interests have never been petitioned and are therefore bound together by law and ethics.

I will try to use an example. If I own a dollar with the Fourth Elected Member for West Bay, and we go to shop with the dollar, he has a share and I have a share in that dollar, but we have never divided the dollar. We take it as a whole to the shopkeeper. The shopkeeper gives us the wrong change. Both of us have been short-changed. So if I go back to the shopkeeper and ask that he now give us the correct change, . . . it's not 'give me.' I can do that, but I have to realise that legally and ethically I am obligated to deal with the Fourth Elected Member for West Bay by making sure that he is included in this correction. That is a good example to show that in this particular situation—because the claim was based upon a common proprietorship—that it should in fact have been awarded in this way.

Now, on page 64 of the *Hansard* report of the Finance Committee meeting held 28 September 1995—two months after Mr. McLean was granted Block 74A Parcel 89—the Honourable Financial Secretary, Chairman of the Committee stated, **“Based upon the findings of the Lands and Survey Department the matter, not this matter, another matter, was referred to Executive Council. ExCo advised that the matter should be referred to Finance Committee for a decision as to whether the claim by Ritch and Connolly on behalf of the beneficiary of the Estate of Aamon Ebanks should be allowed. Mr. McLean, would you add anything before the question is put?”**

The Honourable John McLean said, **“I can hardly say anything more than that the matter has been researched, as you pointed out, it is my understanding that other landowners in the vicinity who placed their claims earlier received their property. Apparently it was just a matter of fact that there were some problems with the individuals not submitting their claims earlier. As a matter of fact, on the other agenda we have another one which we could perhaps take at the same time, another request by somebody else from the same law firm.”**

The Chairman said, **“Yes, I was going to suggest that.”**

Then, Mr. Tibbetts asked a question. He asked, **“Would you explain why this is coming to Finance**

Committee meeting?” The Chairman asked Mr. McLean to explain.

Mr. McLean said, **“As far as I know this is not the first time this has happened. I think we referred one here at the last Committee meeting.”**

Why then was this case not presented to Finance Committee, Mr. Speaker? The case in regard to Mr. Syms' grant that involved the Minister. Why were the affidavits submitted to Council as proof of Syms' ownership to Parcels 48 and 49 witnessed by Mr. McLean's Permanent Secretary? Why were two more important legal documents signed in the presence of the Hon. Minister for Tourism who dealt with the matter in Executive Council? Why, given a choice, did the Executive Council not send the claim of the beneficiary of the estate of Whitmore Syms to Finance Committee as they did with the others?

Wouldn't transparency—which the Leader of Government Business has now taken up the call to support—have been more possible in Finance Committee than behind the closed and secretive doors of Executive Council? The Minister's actions fall far short of the actions the House is entitled to expect from its Ministers. The Minister has had more than sufficient time to have corrected this mistake, but has not done so, claiming instead that the concerns of certain Members of this House, with his objectivity, are incorrectly motivated.

This is a very serious situation, especially when it is noted that section 93(1) and (2) of the Penal Code Law, Law 12 of 1975 (1995 Revision) reads: **“(1) Whoever, being employed in the public service does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another is guilty of an offence and liable to imprisonment for two years.**

“(2) If the act is done or directed to be done for the purpose of gain such person is guilty of an offence and liable to imprisonment for three years.”

The people want to know that the rule of law, and not the rule of an individual is what is safeguarded. The people of the Cayman Islands must be shown that there exists one standard of judgment for all regardless of wealth, privilege or office. Justice must not [only] be done; it must be seen by the people to be done.

This motion is not a motion to censure the government, but to ask for the removal from the Executive Council of this Minister who is the sole beneficiary of the grant of Block 74A Parcel 89 on March 22, 1995 by the Government. Although all Members of Executive Council were collectively responsible for this act, they were not all conscious of being misled by the Minister responsible for bringing this matter before them. I therefore ask that they take this opportunity to call on the Honourable—

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, I am taking a point of order.

The Speaker: May I hear your point of order?

Hon. Truman M. Bodden: The Member is alleging that the Minister misled and he is supplying no proof. He is just making a wide allegation that the Minister misled. Surely it cannot be right for Members to stay in the House and make allegations not supported by anything.

The Speaker: The Fourth Elected Member for George Town, can you support your allegations?

Dr. Frank McField: Mr. Speaker, based upon the information, I am saying that he misguided, or, in my opinion, he misguided the Executive Council. We will get to the tabling of that information later on.

The Speaker: That is a point of order, then, if you do not have the allegations.

The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Mr. Speaker, I have been very tolerant. But let me say that I have never tried to mislead Executive Council. When the matter came up here I declared my interest. I had nothing to do with it. And for this Member—

Mr. Roy Bodden: Mr. Speaker, does the Minister speaking have a point of order, sir?

The Speaker: Are you elucidating an issue, or what is it—

Hon. John B. McLean: That is correct, sir.

The Speaker: Please go ahead.

Hon. John B. McLean: And I would appreciate if that Member would withdraw his statement because I have never, ever tried to mislead Executive Council.

The Speaker: Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, the Honourable Minister is in a position to prove that my opinion is not correct by laying on the Table of this Honourable House that document which he used to make a recommendation to Executive Council.

Hon. Truman M. Bodden: But Mr. Speaker—

The Speaker: You are getting very deep into this. Let us. . . I can't rule on the point of order if you are continuously going. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: It is not for the Minister to prove anything. The Fourth Elected Member for George Town has made a statement casting aspersions on this Minister's character. It is up to him to withdraw it and apologise if he has no proof. You cannot make allegations that damage a person, a Member of this House, just like that.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W. McKeeva Bush: Thank you.

The motion before the House is a Censure or Revocation Motion and the Member is giving his views on that. I think it is well advised that all of us in this House who have to make the decision hear the views. He is making his views. It would seem that the person being accused would have his chance to reply to those accusations based on the facts.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman M. Bodden: I took this point of order and it is very clear in May's 21st Edition at page 381. It says, "**Reference in debate to either House of Parliament must be courteous, and abusive language, and imputations of falsehood, uttered by Members of the House of Commons against Members of the House of Lords have usually been met with the immediate intervention of the Chair.**"

Then it goes on to state unparliamentary expressions calling for prompt interference which include "**the imputation of false or unavowed motives. The misrepresentation of the language of another and the accusation of misrepresentation. Charges of uttering a deliberate falsehood. Abusive and insulting language of a nature likely to create disorder. . .**" and it goes on.

There can be no doubt that allegations cannot be made against Members unless they are substantiated.

Mr. W. McKeeva Bush: Mr. Speaker.

The Speaker: First Elected Member for West Bay.

Mr. W. McKeeva Bush: I understand what the Minister is saying. That would be correct in a general debate. But this is not a general debate. This is a debate on the conduct and the actions of the Minister.

He would have to disprove that by saying, '*Here is the evidence that I did not do such and such a thing.*' That is why there is this debate, because he will have his chance. I am not saying what the position is either for or against, but the fact is that this is not a general debate. This is a debate against the actions of his conduct and political actions. That is what I read in the motion.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: If I have to come to the point where I have to withdraw that, I certainly have no problem with that. But I would just like to bring Erskine May's, 22nd Edition, and it reads, Ministerial Responsibility in Parliament, page 63.

“Following a recommendation of the Public Service Committee of the Commons, both Houses came to resolutions to the following effect—That, in the opinion of this House, the following principles should govern the conduct of ministers of the Crown in relation to the Parliament: ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and Next Step Agencies; it is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister; ministers should be as open as possible with Parliament, refusing to provide information only when disclosure would not be in the public interest, . . .”

The Guidelines for a Code of Conduct for Members of the Legislative Assembly I read earlier says that **“holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands so.”**

If I have said anything that the Minister feels at this time is offensive, and I must say that he has been very patient in allowing me to continue to carry on my debate, I am quite willing if it is your ruling that I need to have more than an opinion. As I said, I have laid some papers on the Table already and I expect to lay some later on again, I will Table some more information.

The Speaker: I think if you will withdraw that accusation and let's go on, please. Just withdraw you accusations and we will continue tomorrow.

Dr. Frank McField: I would like to bow to your ruling and withdraw the statement that was made which the Minister objected to. I think I said that he misled Executive Council, so that is what I am withdrawing at this particular time.

The Speaker: Thank you for your co-operation.

I will entertain a motion for the adjournment of this Honourable House.

Mr. W. McKeeva Bush: Mr. Speaker—

The Speaker: Let us take the adjournment now, please.

Mr. W. McKeeva Bush: I am asking that we continue business until 5.30 or 6.00.

The Speaker: We did not make any arrangements with staff—We would have to talk to Honourable Members and the Legislative staff.

Mr. W McKeeva Bush: Well, the staff has to continue when the House is sitting, but it is up to the House.

Mr. Roy Bodden: Mr. Speaker, I would like to bring to the Chair's attention that next week, probably on the week-end, some Honourable Members will be leaving for official business, arrangements of which have already been made.

It seems to me that in the essence of concluding the business of the House by this Friday, we should consider taking the sittings past our normal 4:30, sir.

I bring that to the attention of the Chair so that the Chair may avail itself of the opportunity to discuss it with Honourable Members now so that we may decide whether we are disposed to any sittings beyond the normal adjournment.

The Speaker: I personally would like the opportunity to discuss it with the staff as well as Honourable Members maybe this could be considered for Thursday and Friday. I had other arrangements myself for this afternoon but I could make myself available.

ADJOURNMENT

Hon Truman Bodden: Mr. Speaker, this is a very important matter and it should not be dealt with when Members of this House are tired. On many occasions, we have given way for Members and on adjournments. I would like now to move the adjournment of this Honourable House until tomorrow morning at 10 AM.

The Speaker: I shall now.....

Mr. D Kurt Tibbetts: Mr. Speaker, please.....

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Before the Honourable Minister got up to move the adjournment, the question was raised about possibly working late tomorrow and Friday. I do not think we have resolved that situation.

That is the only reason why I have interrupted you, sir. Perhaps we can resolve it and adjourn this afternoon.

The Speaker: Honestly, I am not going to make a statement from the Chair again, you all will tell me exactly what you want and I will then announce it.

Repeatedly, I have made announcements only to be shot down.

So, after that is made, once you tell me, I will make it. I will now entertain a motion for the adjournment.

All those in favour, please say aye, those against No.

Ayes and Noes:

The Speaker: I think the Ayes have it.

Mr. D Kurt Tibbetts: Mr. Speaker, can we have a division, please?

The Speaker: Madam Clerk, please call a division.

Division 11/98

Ayes: 10

Hon Donovan Ebanks

Hon Richard Coles

Hon George McCarthy

Hon Truman Bodden

Hon Thomas Jefferson

Hon John McLean

Hon Anthony Eden

Hon Julianna O'Connor-Connolly

Mr. D Dalmain Ebanks

Miss Heather Bodden

Noes: 7

Mr. W McKeever Bush

Mr. John D Jefferson

Mr. D Kurt Tibbetts

Mr. Linford Pierson

Dr Frank McField

Mr. Roy Bodden

Mrs. Edna Moyle

The Speaker: The Ayes have it.

The House do stand adjourned until 10 AM tomorrow.

**AT 4.37 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 16 JULY 1998.**

**EDITED
THURSDAY
16 JULY 1998
10.20 AM**

The Speaker: Prayers by the Honourable Third Official Member.

PRAYERS

Hon. George McCarthy: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Other Business—

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, before we get started, on a point of procedure, yesterday afternoon I mooted that it was my intention (and that of some other people) to request of Honourable Members that we sit late into the evening so that we can close off the business of the House tomorrow if at all possible. I would like to hear if that proposal or recommendation sits well with Honourable Members and the Chair.

The Speaker: I would be prepared to put a motion and see whether it carries. The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Mr. Speaker, I think this is something we need to discuss. And if a motion has to come, it would have to come on the adjournment motion because under the Standing Orders, unless they are going to waive Standing Orders again, it would come at that time.

The Speaker: Right. Could we arrange to meet then at the break? Thank you.

Item number 2 on today's Order Paper, Private Members' Motions. Private Member's Motion No. 7/98, "Censure Motion," continuation of debate thereon, the Fourth Elected Member for George Town, continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 7/98

CENSURE MOTION

(Continuation of debate thereon)

Dr. Frank McField: Thank you, Mr. Speaker. When we adjourned yesterday, I had made a statement which I was asked to withdraw. But since certain Members have had an opportunity to get a copy of the unedited *Hansard*, to look over my delivery, and I have also been given a copy, and in looking at it, I see that I said yesterday, "**The Minister is being requested to prove that the application**"—this is page 6 of the unedited version—"**The Minister is being requested to prove that the application made by Mr. Whitmore Syms on April 14, 1992 did not say that the adjudicators only awarded title to a portion of the parcel, namely 74A 48. The basis for the claim is the claim by Mr. Whitmore Syms, not the claim by the Minister, so we have to go back to the original claim letter by Mr. Whitmore Syms. Mr. Syms clearly states that he was only awarded a portion, a part of what he should have had, and mainly that this portion was titled 74A 48.**"

Mr. Speaker, if, in making the claim, Mr. Syms was claiming land that he only owned—he was claiming on the basis of the fact that he owned a 7/9 undivided share of parcel 48. That was the basis for the claim. So did Executive Council know that Mr. Syms was a joint proprietor with Capt. Henry Watson? Did Executive Council, in spite of this knowledge, award this parcel 89 to the Honourable Minister, in spite of the fact that the award was based upon the claim made by Mr. Syms on the 14th

of April, 1992, and that that claim was a 7/9 claim? Where did Executive Council get the information to award this full portion of parcel 89 to the Minister? Where did this information come from?

What do we understand about the basis of the decision-making process? I understand that the Minister for Lands would be responsible for making the recommendation to the Executive Council. Therefore, if the Executive Council is saying they knew full well that Whitmore Syms was only claiming 7/9 of whatever land, then the Executive Council is admitting that they made a wrong decision. And if Executive Council made a wrong decision, it would be impossible for the Attorney General to have stated that everything was adequate, and everything had been done according to protocol. This, again, is the basis of my submission.

If the affidavits presented by the Minister to Executive Council to convince Executive Council to make the grant, in that the affidavits then become the secondary proof, not the first proof, the first proof should be the proof of title. The Lands office said that the title, the conveyance documents, fell short of what would normally be necessary to prove ownership, to prove that Mr. Syms had claim to parcel 89.

If we know that Leroy Johnson had submitted affidavits before (in 1987) and had not been awarded parcel 89 as a result of this; and that the Permanent Secretary (who had witnessed the affidavits now being presented by Mr. McLean) had knowledge that Mr. Johnson had made his claim, and had been making his claim since 1981, and had presented a similar type of evidence by way of affidavit; if that was not sufficient, then why is it adequate at this particular time when the Minister—with a declared interest in parcel 89, a declared interest by the way of the application by Mr. Whitmore Syms on 14 April 1992, a declared interest by way of the probate of the will of Mr. Whitmore Syms in September of 1993, a declared interest by way of his changing Mr. Syms' name on parcel 48 and substituting his name as the sole beneficiary to this. . . . A declared interest, Mr. Speaker. There is no doubt that the Minister's interest was very declared. So there is no question in my mind that the Minister's interest was declared.

In the document from the Lands Office to the Permanent Secretary on 23 March 1993, the Lands office says that the Minister made enquiries as to how the claim—Mr. Whitmore Syms' claim—was progressing. We are dealing with the fact that Mr. Syms made a claim, and it was based upon the claim that the Executive Council should have awarded, or not awarded, parcel 89. If that claim was to 7/9 of a portion of land, then only 7/9 of that portion of land could have been awarded, if an award was proven possible by way of the sworn affidavit.

I think the listening public understands the simplicity of this situation. If you, Mr. Speaker, and I were awarded two acres of land, and we found out that we should have had four acres of land, and if those other two acres of land were given up by the person who possessed them, they cannot just be given to me, you must get something

too. Only if the shares had been divided before would there, in principle or in law, have been no requirement on the part of the applicant to have shared the reward with his proprietor in common.

I believe, therefore, for the Minister of Education to have objected to the fact that I said the Minister had misled Executive Council means that the Minister of Education did not understand—

Hon. Truman Boddén: Mr. Speaker, Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: May I hear your point of order?

Hon. Truman Boddén: The point of order is simple, Mr. Speaker. You have ruled on this before, and the Member has had to withdraw it. You have absolute right in this place to rule, and he cannot at this stage question your ruling on that point, sir.

The Speaker: I would ask the Fourth Elected Member for George Town to please go on to something else. I ruled on that yesterday afternoon, and that was clearly understood, you accepted it. So let us go on, and let's get on with the debate.

Mr. W. McKeever Bush: Mr. Speaker, on a point of order.

The Speaker: I have asked the Fourth Elected Member to please go on.

Mr. W. McKeever Bush: Mr. Speaker, I am rising on a point of order. You have to recognise me, Mr. Speaker.

POINT OF ORDER

The Speaker: Under what Standing Order are you rising?

Mr. W. McKeever Bush: Standing Order 35(7). I think you need to ask me, 'What is the point of order?', and then rule me out of order.

The Speaker: You said 35(7)?

Mr. W. McKeever Bush: Standing Order 35, Mr. Speaker, 'Content of speeches,' in particular, 35(7), "**The conduct of Her Majesty, members of the Royal Family, the Governor, the Presiding Officer** [meaning you, Mr. Speaker], **Members** [meaning Member of this House], **Judges and other persons engaged in the administration of justice or of Officers of the Crown may not be raised or impugned except upon a substantive motion; . . .**"

Mr. Speaker, this motion before us is a substantive motion. We are all members of the House, and Ministers

of Executive Council, or any Member, if their conduct is challenged, they then have the right to reply on a substantive motion. But this is a substantive motion saying that we are looking at the conduct of the Minister! Not to say right or wrong, but the motion is there. You accepted the motion as presiding officer. We are debating the motion. It must hold that we have free debate. That is why you accepted the motion!

The Speaker: Let me rule on his point of order. I ruled on the point of order for the Fourth Elected Member for George Town yesterday. I made a ruling and that ruling stands today.

The Third Elected Member for George Town.

Mr. Linford Pierson: Mr. Speaker, with your indulgence, sir. I have noticed, as have other Members of this Honourable House, that when the Minister for Education rises on a point of order, you accept the point of order without questioning him what point of order he is speaking under—

The Speaker: I do not! I do not require a lecture this morning.

Mr. Linford Pierson: The point I want to make, Mr. Speaker, is that there is a lot of confusion in the House, and we all need to be guided by the same Standing Orders.

Standing Order 34(a) states, “**by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall direct attention to the point which he wishes to submit to the Presiding Officer for decision; . . .**”

Unless, Mr. Speaker, with respect, the Member is given the opportunity to direct the attention to the point he is making, there is no point in just saying, ‘*I am rising under section 35(2), section 35(3).*’ He has to point out to you what the point of order is, and if you determine that it is not a valid point of order, you can rule him out of order. That is the way I understand the Standing Orders, and I believe it should be a common understanding by all of us.

And, Mr. Speaker, it is the belief of some of us over here that the Minister is just trying to distract attention from what the speaker is saying, and cause confusion.

The Speaker: You did not consider that a point of order. That was a statement.

Mr. Linford Pierson: Mr. Speaker, I am saying that we need to be consistent in the House, and if the Minister, when he rises, is not asked to state what Standing Order, what point of order he is speaking under, then that should apply to any Member of the Backbench. That is the main point I am trying to make.

The Speaker: The Fourth Elected Member for George Town, please continue with your debate.

Dr. Frank McField: Mr. Speaker, in a statement by the Attorney General which is quoted in the *Caymanian Compass*, he said that the Executive Council had granted the land, after having established that Lands & Survey Department were satisfied as to the adequacy of the evidence supplied. Executive Council then approved the application for a Crown Grant, and transfer of the land to you, Mr. McLean, was then subsequently executed by His Excellency, Mr. M.E. Gore, on the 19 July 1995. I want to find out if, in the reply, the Minister for Lands can say what evidence was submitted to the Executive Council by way of the evidence offered to Executive Council for the Crown Grant.

It is absolutely necessary for there to be some type of level playing field here. We need to have access to the information that the Minister presented to the Executive Council in order for the public and this Legislative Assembly to be sure that the Minister did act objectively. And if the Minister for Education continues to support us regarding transparency, then we know we will have no difficulties in getting his agreement to table, in this Honourable House, these documents. We do not have to argue with facts because facts speak for themselves. Let the facts speak for themselves! Put the document on the Table! Let us examine the document! Give us access to the document! Do not hide the documents behind the secrets of the Executive Council! There is no need for that!

The Minister for Education has supported our call for transparency, and we need to begin with it now!

Mr. Roy Bodden: Oy, oy, oy!

Dr. Frank McField: The Minister for Education is a lawyer, and not a magician. He cannot cause facts to disappear. He might be able to maneuver them, but he cannot make them disappear. The facts are that the Minister responsible for Land would have used evidence to convince Executive Council to grant this portion of land to the estate of Mr. Whitmore Syms, and we would like to have access to those documents.

When I tabled the few pieces of paper I have in this Legislative Assembly, one piece included a Land Registry certificate with the Minister, Mr. McLean, on the title as 7/9 owner of parcel 48, and the address of the law office of the Minister for Education is on that certificate. My question is: Did he act as his attorney regarding this particular piece, of this particular estate? Did he act as the attorney regarding this particular estate? And when did he act, and when did he stop acting? Since 1994, February 3, his law firm box was placed on the title of this document. I have tabled this, and I have submitted this to all Members.

Was he an advisor when this application went to Council? Did he declare his interests to Council? Certainly, the Honourable Minister for Education will have good explanations for why his law firm’s post office box 866—not 366—is on this land title, changing and attesting to the fact that Mr. McLean inherited 7/9 shares in parcel 48; meaning that all persons—at least Mr.

McLean—knew that if Mr. Syms' claim was based upon his claim to parcel 48, he could only be entitled to 7/9 of parcel 89, if he was entitled by way of Mr. Syms' entitlement.

I do not have a law degree, Mr. Speaker, but my mother talked about common sense. This is the reason my political manifesto was called, "Towards a Common Sense Democracy," a democracy where the rights of every citizen are important.

It is important that we use our common sense—not our law degrees, our common sense, the five senses God gave us—to make up our minds regarding this particular grant by Executive Council. If all Members of Executive Council are willing to stand up in these Chambers and say that they had access to the documents, that they knew what they were doing, and that what they were doing in granting all of the portion of parcel 89 to the Honourable Minister for Agriculture and Lands, based upon the 14 April 1992 application by Mr. Syms, . . . because the application could only come by way of Mr. Syms, deceased. It could not have originated as an application by the Minister, and therefore it is that application letter dated 14 April 1992 that we must continue to scrutinise as the basis for the claim, and as the basis for the award being granted.

And since it was only a 7/9 share that Mr. Syms claimed, and he claimed this by implication because he mentions the fact that the adjudicators had only awarded a portion of the land, namely Block 74A Parcel 48; and since the land title says he was 7/9 owner, it follows that if he was a proprietor in common, his claim would express the claim of the other proprietor, and that any award to his estate must express an award to the other proprietor.

Now lawyers can probably do anything. I said they are not magicians, but they can do a lot of things, Mr. Speaker. We saw this in the O.J. Simpson case—the gloves that never fit! But in the public's mind, it is necessary for there to be no question as to the objectivity of the Minister and of the Executive Council. It is the burden of the Government at this particular time, if they are going to vote collectively, to prove to the people of this country beyond a reasonable doubt that everything was done correctly. They can do this by laying on the Table of this Honourable House all the documents having to do with this specific claim. There is no reason why secrecy should become more important than clarity, honesty, and a person's integrity. All we are asking them to do is to assist us in re-establishing the integrity of the Government of this country. And this they can do by going along with what they intended to do when they voted for the Freedom of Official Information committee to be formed in order that an Official Information Act could be created. This is not too far away from what we did, and the good Minister for Education did argue very convincingly when he evoked our concerns with information in order to say that we should not be allowed to have established the principle that we could vote by secret ballot. Now I am calling on him to use the same argument to support me in my call for those documents to be laid on the Ta-

ble of the House of this Assembly. Why not, Mr. Speaker? It is only the documents related specifically to a land claim. It has nothing to do with any national secrets. It has nothing to do with anyone's character or personality. We are talking about a specific event. I am not talking about anyone's character. No one's character is being questioned here. What is being questioned is a specific event, specific actions, specific results, not anyone's character.

Therefore, I still need to understand. I still have to have explained how Executive Council could award all of a piece of land when the application was only for a part of the land. Did the Executive Council scrutinise the affidavits? Did they ask questions? Who was responsible to answer their questions? The Minister responsible for Lands, Agriculture, and Communications and Works? His Permanent Secretary? Who was responsible for clarifying the situation if, in Executive Council, there were questions asked in order for Executive Council to make just and fair decisions?

You have to remember that Mr. Johnson used that same method of proof to prove that Block 74A, Parcel 89 belonged to him, and it was not accepted. It was not accepted! Why, then, is the same method of proof being accepted when it comes from a Minister, even if he declares his interest? Why is it being accepted? And if it is accepted, can Executive Council now be required to explain to this House the basis upon which that decision was made, and the evidence upon which the basis of this decision was made? Can we require the Government to give us this information if we are living in a democratic society? Is this to destabilise our country and ruin the economics in our country, to ask for truth, justice, and transparency?

They know that communism is bad, but fascism is even worse. The fascist Hitler put the communists to death, put the Jews to death, and put a lot of people to death, and it was totalitarianism that was wrong. Just like in communism, it is the totalitarian nature that is wrong. We do not want to create the totalitarian nature from the fascist side or the communist side. We want a democratic society where transparency is possible because we do not have to hide our business.

I have brought this to the Legislative Assembly, Mr. Speaker, not out of any personal malice. It has grieved me that I have had to do this, and it has not been easy, Mr. Speaker. But I said I got involved in this situation because I was elected to this job, and I get paid for this job, and although sometimes I am a bit of a coward, I have to go back and tell myself, *'Do your job, Frank, and if one of your constituents comes to you and says, "Look, why was I not given a chance for this piece of land, when the Minister responsible for Lands made an application, and used affidavits to claim the land, and got it? But when I supported my title claims with affidavits at that particular time, they told him two was okay, but that wasn't good enough!"'* Now we need an explanation as to why one citizen is treated one way and another citizen is treated another way.

Do I accuse the Government of anything by painting the picture? I think I do. I think there is a charge that they need to answer. I think they need to explain to the people of this country how such a thing could have happened. So I am going to finish here, Mr. Speaker, and give the Honourable Minister for Education the opportunity to answer, to show that he has no fear of transparency, to show he will bring those documents and prove to the mover of this motion, the seconder of this motion, and the Members of this Legislative Assembly that they have nothing to hide, and that never, ever, was there a claim by the Minister that Capt. Henry Watson had claimed parcel 48 to the north as his share of the portion of land, and that the remainder was contained in parcel 89, suggesting that the remainder should go to the estate of the late Whitmore Syms. Let them bring those documents and prove that this claim by me is not substantiated. If they do not bring the document, let Members of Executive Council get up in this Chamber and say that is not true. Let them tell the people of this country that is not true. Let them tell the people of this country that they are bound by collective responsibility also when something is not true. This is not true, that they are bound by collective responsibility when something is not true.

Mr. Speaker, I go as far as to say that it must be proven that the Minister responsible for Agriculture and Lands did not, in his memo to Executive Council on 14 February 1995 say that Capt. Henry Watson had claim, and had been awarded Block 74A, Parcel 48 as his share of the land, and that the remainder was contained in Parcel 89, meaning that should not have to be shared with anyone. Thank you.

The Speaker: Does any other Member wish to speak? [pause] The floor is open to debate. Does any other Member wish to speak? [pause] The Honourable Minister for Agriculture, Environment, Communications and Works.

Hon. John McLean: Mr. Speaker, for some time now I have been bamboozled (as we say locally) in this House. But I would like to say that I have faithfully and continuously served the people of the Cayman Islands for the past 22 years as a Member of the Legislative Assembly [as the representative] for East End. I have conscientiously worked to make sure that the needs of my District of East End are provided for, and I still feel confident that I do have support in my District.

I would like to point out at this point that during the time I was here working for this country, many of those who are today trying to pull me down were not in a position or able to contribute anything to this country. And with what they are doing today they are still not contributing to this country, because what they are trying to do to me is not a contribution to what they call their beloved Cayman Islands.

When Craddock Ebanks, John McLean and you, Mr. Speaker, along with other old soldiers including Dalmain Ebanks, were trying to build and keep this country

together, there were those who were walking the streets looking at the stars. Thank God, I am still here today. Mr. Speaker, I have a record in this country, as far as I am concerned. Regardless of what they want to accuse me of, they can accuse me, because I have done no wrong.

About three months ago there were rumours and lies as to whether I did anything wrong in relation to the land at East End, Block 78, 48. Immediately I requested His Excellency the Governor to carry out an enquiry into the matter, and, in his letter to me dated 19 May 1998, His Excellency fully cleared me of any wrongdoing, and proved me innocent. I will table this letter once again, Mr. Speaker. I am certain that if in his capacity, after having all the investigations carried out, he felt that I had done anything wrong, he would not have signed his hand to this letter, nor would he have allowed me to publish a letter which he had written. And, Mr. Speaker, I will table this letter once again.

The Speaker: So ordered.

Hon. John McLean: Mr. Speaker, the letter reads as follows:

**“Hon. John McLean, OBE, MLA, JP
Minister of Agriculture, Environment, Communica-
tions and Works**

“Dear Mr. McLean,

“Crown Grant Block 74A Parcel 89

“Following your request for a review of the procedure followed by Executive Council in arriving at its decision to approve a Crown Grant of the above land to you, I instructed the Attorney General to carry out the review. I have now received the Attorney General’s report.

“In his report, the Attorney General states that he is satisfied that the procedure followed by Executive Council in approving the Crown Grant of this land was correct. The background and issues to be decided by Council were clearly set out and the necessary copy supporting documents were submitted as appendices. Having established that the Lands and Survey Department were satisfied as to the adequacy of the evidence supplied, Executive Council then approved the application for a Crown Grant. A transfer of the land to you as executor of the estate of Milton Whitmire Syms (deceased) was then subsequently executed by His Excellency the Governor Mr M E Gore on 19 July 1995.

“The Attorney General’s report states that in the case of Block 74A Parcel 89 the cadastral failed to delineate the boundaries which indicates that no survey was completed. The Attorney General therefore recommends that a survey should now be carried out in respect of the land in compliance with Royal Instructions 12(1). The cost of such survey

should be borne by you in accordance with clause 2 of the undertaking entered into by you on 22 March 1995. If you have not done so already, I should be grateful if you would give instructions for a survey to be carried out as soon as possible."

Mr. Speaker, once this was received I tried as quickly as possible to consult with a surveyor. I have made arrangements for the survey to be carried out. This was done on 28 May 1998.

The Fourth Elected Member for George Town referred to the Attorney General's letter of 27 February 1998 showing that the Royal Cayman Islands Police Force had investigated this matter and cleared me totally. I find it rude for the Fourth Elected Member of George Town to refer to criminal offences under the Penal Code when he knows I have been cleared fully by the police. I have a letter in my hand which was written by the Attorney General to the person who apparently has been aggravating the Fourth Elected Member for George Town, asking him to come at myself. This letter was written on 27 February 1998—

Dr. Frank McField: Mr. Speaker, on a point of order, please.

The Speaker: State your point of order, please.

POINT OF ORDER
(*Imputing improper motive*)

Dr. Frank McField: Under 35(4), Imputation of Improper Motive. My constituents, Mr. Speaker, have never really bothered me. My job is to listen to my constituents.

The Speaker: Would you withdraw that, please?

Hon. John McLean: Mr. Speaker, sir, you very well know that I will bow to whatever ruling you make, but if someone does not come forward to you, you cannot act on a matter. So I fully agree with the Chair, sir.

Mr. Roy Bodden: Mr. Speaker, on a point of order, sir. Is the Minister saying that he is withdrawing the statement or bowing to your ruling?

The Speaker: Please give him a chance to finish. Honourable Minister for Agriculture, just withdraw it, please and go on.

Hon. John McLean: Mr. Speaker, as I pointed out, I bow to your ruling and I withdraw it.

The Speaker: Thank you. Please continue.

Hon. John McLean: The letter is as follows. It is written to Mr. Leroy Johnson, P.O. Box 11208 APO, Grand Cayman.

"Dear Mr. Johnson:

"His Excellency the Governor has passed to me a copy of your letter dated 5 February and asked to respond on his behalf. The various allegations made in your letter have been investigated by the RCIP as you are aware. I also understand that over the years, you have made various representations to the Registrar of Lands claiming title, but that these claims have not been accepted. You have already instructed attorneys to represent you in this matter, and the correct forum for settling this dispute over title to the land would be through the Cayman Islands Courts by way of a civil claim."

This was signed by the Attorney General of this country. I would like to point out that nothing has changed with this. As far as I am concerned, if anyone has claim to this, the Government of this country and speaking on behalf of Executive Council and the Governor, . . . if someone has any claim to it, they have a right to put it forward and make the claim.

As I pointed out, Mr. Speaker, the Governor, after the enquiry by the Attorney General as well as the Royal Cayman Islands Police, fully cleared me. I repeat, the Royal Cayman Islands Police investigated and fully cleared me. What more in the world does the Opposition, or anyone else—especially the Fourth Elected Member for George Town—want? This is a continuation of the harassment I have received over the past few months.

This Parliament is not a court, and once I have been cleared by the Governor of the Cayman Islands and the Royal Cayman Islands Police, it is not for the Parliament to say otherwise. They cannot question the Royal Cayman Islands Police, the Governor, or me on this matter, as I declared my interest, and did not vote on this matter, which was proper and the way that things operate in this country.

During the land adjudication process in the 1970s, land which was not claimed by anyone was put in the name of the Crown until persons who had proper title to it could make the claim. Many parcels, and many large parcels of land in Grand Cayman, Cayman Brac and Little Cayman have over the years been claimed and transferred back to owners in all three Islands. Claims for Crown land or unclaimed land are still coming in. Hundreds of people in the past received Crown Grants. And I can honestly say here now that we have past Members, at least one, who had to deal with this, who know exactly what I am saying is correct.

There are Members sitting in this Legislative Assembly—including the Fourth Elected Member for George Town—who have done far worse than what is alleged against me: Yet they want the public to believe that they are angels. Mr. Speaker, this country knows John McLean, and I have done well for my country. My history shows that. The land in East End I referred to was unclaimed land. And was not land the Crown owned in its own right, as it does for example. . . and I use the Legislative Assembly: This is Crown land, not unclaimed land. The Crown, in essence, held unclaimed land until

proper claims could be made for it under the Land Adjudication Law.

However, it was not claimed by me. It was passed on to me through an inheritance. And it is ridiculous, when I hear the Fourth Elected Member for George Town trying to stand here and talk about John McLean misleading Executive Council, when I declared my interest and had nothing to say in there. But the difference is, this country knows who Frank McField is, and they know who John McLean is, too.

The Speaker: Have you reached a point where it would be convenient to take the morning break, or would you rather go on?

Hon. John McLean: We can stop now, Mr. Speaker.

The Speaker: We shall suspend proceedings for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.15 AM

PROCEEDINGS RESUMED AT 11.50 AM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 7/98, the Honourable Minister for Agriculture, Environment, Communications and Works continuing.

Hon. John B. McLean: Thank you Mr. Speaker.

When we actually stopped a while ago, I started to explain certain things about this piece of property that I have been accused about, the way I have been ridiculed and my character attacked.

As is said in this House on many occasions, for the Members and the listening public, I would like to remind those, who were not aware of what was going on at the time I came here, of exactly how the Cayman Islands grew from strength to strength. In 1976, when I came to this Honourable House, it was with, as we call it, a lot of old veterans like the Hon. Craddock Ebanks, Mr. Dalmain Ebanks, Garston Smith, Jim Bodden, you, Mr. Speaker, Charles Kirkconnell, the late Haig Bodden, Truman Bodden. For those who will remember, this country was down in the dumps. But we worked together, and thank God, we brought it to where it is today. I will take credit for some of that.

A lot of people who can get in here because they can fly their mouth and have never contributed to this country are prepared—

Mrs. Edna Moyle: Mr. Speaker, on a point of order please, sir.

POINT OF ORDER

The Speaker: Let me hear your point of order please.

Mrs. Edna Moyle: I do not think the area the Minister is now going into is relevant to this motion. Every one of us

who came in here fought an election, and the people of these Islands voted to put us in here, sir. I think he should change the direction in which he is going.

The Speaker: Normally we allow a certain amount of latitude in debate, and I will watch the relevance. Please continue Honourable Minister.

Mr. D Kurt Tibbetts: Mr. Speaker.

The Speaker: First Elected Member for George Town.

Mr. D Kurt Tibbetts: Mr. Speaker, I hear what you are saying, sir. I am one of the fifteen elected Members in here. If the Minister for Agriculture is making any accusations, let him be specific. If he makes any wild accusations that include me that I know are not true, it is not going to end there.

The Speaker: Hon. Minister for Agriculture, Environment, Communications and Works, please continue.

Hon. John B McLean: Thank you Mr. Speaker.

The First Elected Member for George Town should know that I was not in any way indicating anything against him, because thus far he has said nothing about this motion. I am sure he realises who has been attacking me, and I think I should have that right on this side to come back and say what I have to say.

Mr. Speaker, I will try as much as possible to ignore interruptions, because I do not interrupt people.

Coming back to this motion we are talking about, my stepfather, Mr. Whitmore Syms, prior to his death personally claimed this land from Government. On the 19th of July, 1995, a decision was taken by Executive Council—not by John McLean, and I want to make that point clear, because it seems as if the Fourth Elected Member for George Town is trying to lead the public and this House to believe that I went into Executive Council and I took a decision, which is incorrect. It is pointed out in the Governor's letter, it is pointed out in everything I have read. It was not a decision by John McLean. However, I did declare my interest and this must be clear to the listening public.

Mr. Speaker, this claim was not done on the basis of anything that was illegal. It is my understanding that the information passed on in documents was as good as has ever been received by the Lands and Survey Department. However, the land has to be first surveyed in order for the boundaries to be properly identified. This is normal. As a matter of fact, I believe it was one of the Opposition Members who in his deliberation some time ago suggested that is what should have been done. So, it gives anybody who wants to put a claim to this piece of old property to go ahead and do it.

The Fourth Elected Member for George Town has stated that the death certificate of Mr. Whitmore Syms showed him as divorced and implied that this would in some way affect how his property went on the will. I have been informed that under a will, land or any other

property can be given to anyone, whether they are married or divorced. God knows that if I thought we had people in this House like I have been attacked by, such as Mr. Frank McField, I would have never—

The Speaker: Please use his title.

Hon. John McLean: Dr. Frank Mcfield.

The Speaker: No, no, use—

Hon. John McLean: The Fourth Elected Member for George Town, the same person, sir, . . . and with due respect to the Chair, he has been calling me “Mr. McLean.” If I thought that, sir, I would have never, ever thought of accepting it. The right to transfer property by a will is an absolute right given by the testator, Mr. Speaker.

Mr. Leroy Johnson, in 1981, claimed 330 acres of land, Block 74A Parcel 26, at Jonathan Hole, Sandy Bluff, East End, through his father, Mellis J. Johnson, who in turn claims he inherited it from his father. This large tract of land included Parcels 88 and 89, into which it was divided.

Mr. Leroy Johnson applied to three Governments for this 330 acres of land, and his request for title was decided on by several different Attorneys General and Registrars of Lands, and refused—I repeat, refused—by three Executive Councils in 1981, 1988 and 1990. So, this gentleman had an attorney, Mr. Keith Collins, who represented him and, it is my understanding, advised him that he had no claim to the property.

The simple fact is that by conveyance dated 24 February, 1958, and recorded at the Public Records Offices on 29 June, 1974, a copy of which I will lay on the Table of this Honourable House, Mr. Mellis Johnson, Leroy’s father, conveyed to Messrs. Calbert Conolly, Levi Conolly and Deavy Conolly, and I will read these conveyances. It, in total, will be laid on the Table. **“ALL THAT piece or parcel of land at Sand Bluff in the district of East End, and known as Jonathan Hole”** and the documentation here shows that it was fully transferred to someone else. **“THIS INDENTURE is made the 24th day of February, one thousand nine hundred and fifty eight BETWEEN Melis J. Johnson, retired seaman, formerly of East End in the Island of Grand Cayman, but now of Belize, British Honduras (hereinafter called the Vendor) party of the First Part and Calbert Conolly, Levi Conolly, and Deavy Conolly, all seamen of East End, Island of Grand Cayman (hereinafter called the Purchasers) parties of the second Part: WHEREAS the Vendor is seized of an estate in fee simple, and unincumbered (sic) of that part of lands conveyed, or now to be conveyed as herein described.**

“NOW THIS INDENTURE WITNESSETH that IN CONSIDERATION of the sum of one hundred and fifty pounds paid by the Purchasers to the Vendors (the receipt of which sum the Vendor hereby acknowledges) The Vendor as beneficial owner hereby

conveys unto the Purchasers and their heirs ALL THAT piece or parcel of land situated at Sandy Bluff in the district of East End, and known as Jonathan Hole and butted and bounded on the North by wall and wire fence separating it from the lands of Helen McCoy: South, and East and, and West by a natural boundary of cliff;

“Together with all rights or easements belonging thereto, or now held therewith especially the road passing from the Public Road across lands of Walbridge Dacus, and Helen McCoy;

“TO HOLD the same UNTO and to the Use of the Purchasers in fee simple.

“IN WITNESS whereof the Vendor, the said Melis J Johnson has hereunto set his hand and affixed his seal the day and year herein before written.

“SIGNED, SEALED, and DELIVERED by the Vendor, the said Melis J. Johnson. . . ” and it was witnessed by Justice of the Peace, Willie Farrington.

Mr. Speaker, I would like these documents to be laid on the Table.

The Speaker: So ordered.

Hon. John McLean: Mr. Speaker, simply put, Mr. Leroy Johnson’s father, who was Mr. Melis Johnson, sold all—and I report all, not a portion of—land to the Conollys, and therefore has no land left at Jonathan Hole. It is important to realise that Mr. Johnson also claimed Block 74A Parcel 88 which is the Conolly’s land that his father sold to them and the conveyance is what I have just read out to this House and had laid upon the Table. However, let me point out, this property is still owned by the Conollys.

I was not in Executive Council in 1988 and 1990, I was a Backbencher at that time. I therefore had nothing to do with the rejection of Mr. Johnson’s claims. In fact, in 1990 the Third Elected Member for George Town was the Member for Lands when Executive Council saw fit to reject his claim because he did not have sufficient documentation on it, or no valid documentation.

It is important also to note that we have documentation during that time that was written back to his lawyer, and I will read it and ask to lay it on the Table. It was written to Mr. Keith Collins, Barrister, P.O. Box 1259, George Town, Grand Cayman.

“Dear Sir:

“Mr. Leroy Johnson—Application for the rectification of the Land Register 74A 26

“Your letter of November 3rd, 1998 (sic) [1987] on the above refers. I advise that our position is that Mr. Johnson’s claim cannot be entertained since, according to the documentary evidence in our possession, the property involved was by indenture dated 29th of June 1974 conveyed to Melis Johnson to three other parties.”

The point I am making, Mr. Speaker, is that this letter confirms that the person the Fourth Elected Member [for George Town] is trying to defend in this House, the property involved has been conveyed. . .

Dr. Frank McField: Mr. Speaker, on a point of order.

The Speaker: Will you give way?

The Fourth Elected Member for George Town, let me hear your point of order.

POINT OF ORDER

Dr. Frank McField: I have not tried to defend anyone. I have made a case that the Honourable Minister was not entitled to all of that land which was granted to him. Not that I am defending anyone. This is not a Court, so I am not here as an advocate for any side.

The Speaker: Honourable Minister for Agriculture, I think the Member is correct. That is what I understood he was doing. Please clarify that, Honourable Minister for Agriculture, Environment, Communications and Works.

Hon. John McLean: Mr. Speaker, as I said, I have been very tolerant. I have sat here and taken, as they call it in this House, a lot of licks. I have listened to everything that has been said, and I am rebutting what has been said. I would like to apologise for the date on the letter, because I said 1998, but it was 1987, and I apologise.

The Speaker: I am really saying that you are saying he is defending a certain individual, and in his deliberation he is making a direct presentation. So I would ask you to withdraw that portion of what you have said, please.

Hon. John McLean: The word 'defend' I will withdraw, Mr. Speaker, and I bow to your ruling, but I am saying that the case was put by that Member.

The Speaker: That is parliamentary. You have done what I asked. Thank you very much. Please continue, Honourable Minister for Agriculture, Environment, Communications and Works.

Hon. John McLean: As I pointed out, Mr. Speaker, I would like to lay this document on the Table.

The Speaker: So ordered. The Serjeant is coming.

Hon. John McLean: Mr. Speaker, as I started to say a while ago, Mr. Leroy Johnson had a lawyer (since 1988), at least one that I know about, Mr. Collins. If he believed he had better title to this land, it was always open for him to apply to the Grand Court to prove his case to get the land—or anyone else, for that matter, whoever may feel they had better title to it. This is a Parliament, not a court of law, and claims which can only be dealt with through

a court should not be brought to this Parliament, Mr. Speaker.

The complexity of a land claim was brought out in the debate by the Fourth Elected Member for George Town, showing the confusion of a complex land case, which only a court is competent, and only the Grand Court has the authority to hear.

The Fourth Elected Member for George Town, the Third Elected Member for Bodden Town, and Mr. Leroy Johnson should clearly understand that I, the Honourable John McLean, am not a criminal! I have never been convicted of a criminal offence, nor has there been a criminal Grand Court judgment relating to dishonesty made by me! I have a clean record, and I have served the people of the Cayman Islands, and the District of East End for the past 22 years, of which I have spent ten years in Government. I have a good, honest character.

The Fourth Elected Member for George Town has read two supporting affidavits, which related to Mr. Johnson's claim. It is very interesting to note that these affidavits were prepared and blank lines left on them which were subsequently filled in, and therefore the affidavits do not appear to be in the words or handwriting of the person swearing the affidavits. When were the blanks filled in? Before or after the swearing of the affidavits? The blanks have not been initialled by the person swearing, or the Justice of the Peace. No matter how good these affidavits are, the fact is that the conveyance from Leroy Johnson's father on the 24th of February, 1958—

Mr. W. McKeever Bush: Mr. Speaker, on a point of order.

The Speaker: May I hear your point of order?

POINT OF ORDER

Mr. W. McKeever Bush: Perhaps the Member can elucidate on it. Is he challenging the veracity of the judgment of Mr. Will Jackson, the Justice of the Peace who signed those affidavits?

Hon. Truman M Boddan: Mr. Speaker, with respect, that is not a point of order.

Mr. W. McKeever Bush: I am asking for elucidation.

[inaudible]

The Speaker: Honourable Minister for Agriculture, Environment, Communications and Works, do you wish to reply to that or do you wish to continue?

Hon. John B McLean: Mr. Speaker, the only point I was making is, if you will recall during the debate by the Fourth Elected Member for George Town, it was he who challenged the signature of witnesses on the affidavits that were produced on behalf of Mr. Whitmore Syms' property. I am rebutting it. Now, I have been very toler-

ant. I have sat here, I have listened, and I do not have anything—

[inaudible comments]

Dr. Frank McField: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order.

POINT OF ORDER

Dr. Frank McField: Mr. Speaker, the Minister is misleading the House. I did not challenge the affidavits. I said they were witnessed by the Principal Secretary, and that they were all witnessed on the 2nd of May, 1994.

[pause]

Hon. John McLean: Mr. Speaker, may I continue?

The Speaker: Honourable Minister for Agriculture, Environment, Communications and Works, he is stating that he said they were signed by your Permanent Secretary, which is correct.

Hon. John McLean: The only thing I am saying is, . . . I am referring to these, . . . I was coming to that point. Perhaps if they would only take what they gave, and just sit back and allow me to say what I have to say, that is what I did with them!

Dr. Frank McField: Mr. Speaker, on a point of order.

The Speaker: Let me hear your point of order.

POINT OF ORDER

Dr. Frank McField: Mr. Speaker, I am not trying to interrupt the Minister, but I am certainly entitled to have the Minister state the truth regarding the comments I made. I did not make those comments. Therefore, for the Minister to say that I did make those comments is to mislead the House, and he needs to withdraw the statement.

The Speaker: Honourable Minister for Agriculture, Environment, Communications and Works, the *Hansard* is clear that he stated that your Principal Secretary signed the affidavits.

The Hon. Minister for Education.

Hon. Truman Boddén: Mr. Speaker, on a point of order, the Fourth Elected Member said—

Mr. W. McKeeva Bush: Mr. Speaker, what is the point of order? One point is already on the floor of the House.

The Speaker: Can you call out exactly what page on the transcript, Honourable Minister for Agriculture, Environment, Communications and Works?

Hon. John McLean: Mr. Speaker, it is on page 3. As I pointed out, I was about to draw the attention of the House to the fact that there was no difference—and where he, or someone, alluded that I was doubting the Justice of the Peace who signed it—that is most ridiculous, because everyone who is a Justice of the Peace in this country well knows that we witness signatures. That was what I was coming to, if I had been allowed to continue what I was saying. I will tell you right now that I would never, ever think anything bad of Mr. Will Jackson, so I would not want anyone to indicate that.

Mr. W. McKeeva Bush: Mr. Speaker, I raised—

The Speaker: Let me hear your point of order, please.

POINT OF ORDER

Mr. W. McKeeva Bush: Yes, sir, it is Standing Order 34. I raised for the point of elucidation. I asked for the point of elucidation. The Minister has explained it. He did not do that, he did say that the signatures were questionable. That is why I asked if he was—

Hon. John McLean: Mr. Speaker, Mr. Speaker—

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

Hon. John McLean: What was said, if I was not, in other words, trusting the Justice of the Peace. The name was mentioned. And let me say—I am not giving way on this because like I said, I have sat down here and I have been very tolerant. If it is that I cannot have my say, then I would like the Chair to say to me that I do not have my democratic right! I have sat here, I have been very tolerant. I have listened to all the things that were thrown at me, and I have said nothing. I think one time I got up and made one point, and that was it. So I would like to continue with my speech.

The Speaker: Just one moment. [*Addressing the First Elected Member for West Bay*] On your elucidation, what point do you want elucidated? Could you be more specific on that?

Mr. W. McKeeva Bush: That is right, Mr. Speaker—

Hon. Truman Boddén: Mr. Speaker, with respect, if the Member does not give way on elucidation, then the First Elected Member for West Bay cannot rise. You only give way on points of order; points of elucidation are up to the Member.

The Speaker: I know that procedure, yes. [Addressing the Honourable Minister for Agriculture] Will you give way so I can hear what the elucidation is?

Hon. John McLean: Mr. Speaker, I think we have heard enough about it. I would prefer to go on with my—let me do my presentation. There are many to come behind me, and they can say what they want to say, but I think I have a right to say my part, too.

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

Mr. W. McKeeva Bush: Mr. Speaker, are you—

Hon. Truman Boddén: Is it a point of order? Sit down if—

Mr. W. McKeeva Bush: [Addressing the Hon. Minister for Education] Truman, are you the Speaker here, or are you going to leave the Speaker to run the House?

Mr. Speaker, I am referring now to the Standing Order that deals with questions—

Hon. John McLean: Mr. Speaker, is it a point of order?

Mr. W. McKeeva Bush: Yes, it is!

The Speaker: I—Let me—

Mr. W. McKeeva Bush: And it deals—I am going on to state my point of order, Mr. Speaker. The Standing Order I quoted earlier, in dealing with the matters of questions or imputations to officers of—I think it is in 35, Mr. Speaker, 35—I will tell you in a minute. Yes, “**Judges and other persons engaged in the administration of justice, or other officers of the Crown.**” Standing Order 35(7). Now if you do not allow me to raise the elucidation, I will get the *Hansard*. I will have to believe that he was questioning the veracity of the signature of the Justice of the Peace. The man who signed in front of the Justice of the Peace. That is what I am trying to determine from the Minister.

The Speaker: I cannot tie your point of order in with what you are saying, because as a Justice of the Peace, you certify that the signature on it is the man's. That is all you really do.

Mr. W. McKeeva Bush: That's correct!

The Speaker: It has nothing to do with the content of the document.

Mr. W. McKeeva Bush: Of course, but he did say that the signatures on the document were questionable. He said that! That is what I am asking him to elucidate on!

Well, you know what, Mr. Speaker? Can you get the *Hansard* and it will clear it up? because That was my

understanding. We will get the copy of the *Hansard* at that point.

The Speaker: We have a problem. The *Hansard* is not up to date at this particular time, so we cannot adjourn for the *Hansard*. If you are talking about what the Honourable Minister for Agriculture has just said, that is not available at this time.

Mr. W. McKeeva Bush: Mr. Speaker—

Hon. John McLean: Mr. Speaker, I do not accept that as a point of order.

Mr. W. McKeeva Bush: Mr. Speaker, he might not accept it, but I am on my feet on Standing Order 38 dealing with what, in my mind, is now the question—sorry, 35(7)—of questioning the conduct of the Justice of the Peace. Now I would like to get it clear, because my understanding from what the Honourable Minister said was that the signatures on the affidavit were questionable, and I am asking him to elucidate that.

Hon. John McLean: Mr. Speaker, I was in no way questioning the signature of the Justice of the Peace.

The Speaker: I think the Minister has clarified that point. Now we are going to go on. Please continue, Honourable Minister for Agriculture—

Mr. W. McKeeva Bush: Mr. Speaker—

The Speaker: Please continue with your statement. [Addressing the First Elected Member for West Bay] I have made my ruling, now please sit down!

Mr. W. McKeeva Bush: Mr. Speaker, on Standing Order 35—

The Speaker: I said, please sit down, I want the Honourable Minister for Agriculture to continue with his speech. If I am—

Mr. W. McKeeva Bush: Can I just say one thing, Mr. Speaker? I was rising on Standing Orders, okay?

The Speaker: I have asked the Honourable Minister for Agriculture to please continue.

Hon. John McLean: Thank you, Mr. Speaker, and sorry for that interruption. Once again I would like to make it clear for the *Hansards* and the people of this country: I, too, happen to be a Justice of the Peace (JP). I know the duties of a JP, and in no way would I ever question if a JP goes ahead and witnesses a signature like that, because I too have to witness signatures, and there are many others in here who do the same thing.

If I could come back now to the actual debate I was trying to carry out before being rudely interrupted. I would like to come back to the—

Mr. Roy Bodden: Mr. Speaker, on a point of order, Sir.

POINT OF ORDER

(Imputation of false and unavowed motives)

The Speaker: What is your point of order?

Mr. Roy Bodden: 'Imputation of false and unavowed motives.' Mr. Speaker, please, the Honourable Member rose on a point of order; you made your ruling, and you did not say that the Honourable Member who rose on the point of order was rude. It is downright absurd and out of order, and that Honourable Minister knows better than to now impute that the Member rising on the point of order was rude!

Mr. Speaker, he claims he is the Father of the House, sir, he cannot bring the Honourable Parliament into this kind of disrepute! It is any Member's right to rise on a point of order! Please, I am craving the indulgence of the Chair to set this matter right!

The Speaker: I do not have the benefit of the *Hansard*, but what did you say, really? Please repeat that?

Hon. John McLean: Mr. Speaker, I said I would continue from where I left off because I was rudely interrupted. It was not only me! The Chair was! It was not I who was actually—you did not order me to sit down and I did not sit down!

The Speaker: Just withdraw the 'rudely' and just say you were interrupted, and let us go on with it, please.

Hon. John McLean: Mr. Speaker, don't worry, sir. Anything—as far as I am concerned, with your Chair, I am always respectful to that Chair, and I bow to your ruling.

The Speaker: Thank you. Just withdraw 'rudely' and please continue.

Hon. John McLean: I certainly will, sir.

The Speaker: Please continue with your debate.

Hon. John McLean: Mr. Speaker, what I would like to do, and like I mentioned earlier, I wanted to lay on the Table a copy of the affidavits to show the comparison of those that have been discussed and talked about, versus the genuine ones that have been sent. I was trying to show that although they were witnessed, I did not in any way, and I repeat—I did not in any way doubt any JP. I was just trying to lay on the Table copies of both for comparison.

Mr. Speaker, no matter how good the affidavits in question are, the conveyance from Mr. Johnson's father on 24 February 1958 overrides, and had already legally transferred, and I make that point again—legally transferred all, not a portion of Johnson's land, to the Connollys. It is also interesting to note that some of the blanks

have not been filled in, and that was another reason I wanted to lay on the Table copies of the affidavits mentioned in the debate by the Fourth Elected Member for George Town. These are those that were put forward by Johnson.

The handwriting, as I pointed out, and was told so much about, seems to me—and it is on the Table for anyone to look at—it seems to me that it differs.

Mr. Speaker, on the other hand, the four affidavits given on behalf of Mr. Syms' estate are in different words and are obviously the words of the makers of the affidavit, and are true. There are no blanks. They are transparent. Here again, I have copies that can be laid on the Table.

The Speaker: As soon as the Serjeant returns, he will lay them on the Table.

Hon. John McLean: The fact that affidavits were sworn by Mr. Kearney Gomez has no bearing in law. As I mentioned earlier, if you look at section 107 of the Registered Land Law (1995 Revision), it provides that "**subject to subsection (3), persons signing an instrument by way of execution shall appear before the Registrar or such public officer or other person as is prescribed.**" This makes it abundantly clear that the transfer of land, or the verification of documents, can even be done by the Registrar or a public officer, such as Mr. Gomez, and the Registrar then registers the document, which is verified by him.

As all Caymanians know, it is not unusual in Cayman for one Justice of the Peace, or Notary Public, to verify or to swear any affidavit or transfer of land. The Fourth Elected Member for George Town stated clearly that a claim can only be awarded based upon a claim. That is right! That is what we say. Capt. Henry Watson's estate has not put in a claim for Parcel 89. If his estate feels they have a claim—and as I mentioned a while ago, or anyone else—then they should put it in to the Registrar.

In 1996, vindictive persons tried to frame me by circulating a banker's draft from Barclays Bank, purchased by Hampstead Ltd. (whose manager was Mr. Steve Scott, who was Team Cayman's chairman), for a figure of US\$60,000, which had been forged by putting my name in place of a US supply company. Thank God the police cleared me of this framing. Unfortunately—and I will say this, Mr. Speaker, unfortunately, they did not catch the culprit. However, God is good, and one thing I believe in. As is said here in this country many times, 'Time is longer than rope.' Today for you, tomorrow for me. And I believe in this little book, the New Testament, the Bible, and especially the Psalms, and I know some people in here do not like to hear me read it, but I am going to tell you, Sir, I read Psalm 35: "**Plead my case, O Lord, with them that strive with me. Fight against them that fight against me.**"

Mr. Speaker, the Fourth Elected Member for George Town in his public meeting on or about 12 May 1998, which was aired on television and based on the

'no confidence' motion solely on the claims of Mr. Leroy Johnson, did not at any time state that the land should be owned by the estate of Whitmore Syms, Henry Watson, and has therefore shifted his position by saying now about 2/9 claim for Henry Watson, after he has found out, probably told by lawyers, that Leroy Johnson has no claim to this property because his father sold it to the three Connollys.

The claim of the Fourth Elected Member for George Town that Henry Watson is part owner of 74A 48, as is pointed out on the Registry map, this is a different parcel. Henry Watson has never claimed any interest in 89. The only claim made was Leroy Johnson's. If the estate of Mr. Henry Watson feels it has a claim to parcel 89, or if anyone else feels they have a claim to any land, they can obviously apply to the Registrar of Lands, who will then have a hearing with the parties concerned and make a ruling. Capt. Watson's estate could also put in a claim for other property in the area, or to shift or define the boundaries, as all boundaries of parcel 89 are undefined, during the survey process which allows people to dispute the boundaries and shown on the Land Registry map by dotted lines.

It is clear, Mr. Speaker—and as far as I know, under any law in this country, I do not know how people can steal land, because it is not something you can move.

However, Mr. Speaker, the fact remains, if it is that someone is not satisfied with what happens at the Lands Office, the recourse is always the court. And I see no reason why this could not be done. But I refer to the Good Book again, the Bible, which tells those who are among us without sin, let him cast the first stone. I have done no wrong. As I mentioned earlier, the Governor and the Royal Cayman Islands Police have cleared me of any wrongdoing.

I have retained a land surveyor to survey the property, and as far as I am concerned, this will be done. If it is found that anything is out of order, I am only one person. As far as I am concerned, if something is wrong, that will be the time to rectify it. I have no jurisdiction over that. I believe that the Third Elected Member for George Town, who made a statement in the Legislative Assembly requesting a survey of the land, which I mentioned earlier, will serve to allow anyone with a boundary dispute to file such a claim. I think it is a very good suggestion. The Third Elected Member for George Town gave the solution to this problem. The surveyor has been employed, and until the surveyor is finished, the other claimants, such as mentioned, Capt. Watson's estate, can make their claim.

In my view, the motion which is before the House should never have been brought here for this purpose. One of the reasons my colleague, the Minister for Education, and I have been attacked time and again in an effort to destroy us, is because it is a known fact since 1980, as I pointed out, that we have been the two main persons standing in the way of power-hungry politicians, advancing the Constitution of the Cayman Islands to achieve Chief Minister's status, and putting us nearer to

what this country does not need and does not want— independence! Both of us have put up—

Mr. Kurt Tibbetts: Mr. Speaker, on a point of order.

The Speaker: What is your point of order?

POINT OF ORDER

Mr. Kurt Tibbetts: Mr. Speaker, the Minister is going way beyond the bounds of the debate. The matters he is discussing now are totally irrelevant to the debate, and all he is doing, Sir, is inciting riot amongst those of us in here. But it is irrelevant, what he is saying.

The Speaker: I do not really think that is a point of order.

Mr. Kurt Tibbetts: Mr. Speaker, I am saying that what the man is saying is irrelevant to the debate. Are you saying that. . . .

Okay, let me start over, Sir. I am sorry. I am making a point of order on relevance. I am saying that what the Minister is straying into now is totally irrelevant to the debate at hand. And I am asking you for a ruling, Sir.

The Speaker: As you know, normally, in any debate, Members have a lot of latitude. I feel that this Honourable Member has a certain amount of latitude as well. I would ask him not to dwell particularly on this subject, as it is a sensitive matter, but I cannot say that he is exceeding his authority in being irrelevant.

So would you please continue, Honourable Minister, but please do not dwell on that particular subject any more.

Hon. John McLean: Mr. Speaker, again, as I have said before, with the greatest of respect to your Chair, the fact remains, from all the arguments I have heard put forward in this House, it seems as if the accused person is me! And do not tell me that I am accused and cannot answer back! And this is not in any way disrespectful to your Chair, but like I mentioned earlier, I sat back and listened to everything I was accused of. I just sat back here and took it, and now I think I should have a chance to rebut it.

Dr. Frank McField: Mr. Speaker, on a point of order.

Hon. John McLean: I would like to move on, Sir.

POINT OF ORDER

The Speaker: Let us hear your point of order.

Dr. Frank McField: Mr. Speaker, on a point of clarification, could the Minister say what I accused him of?

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

Hon. John McLean: Mr. Speaker, I would like to continue.

The Speaker: I think your debate was quite—you articulated it very clearly. I think everyone understood exactly what you said, so I do not think we need to repeat that again. Let us continue with this debate.

Honourable Minister for Agriculture, please continue. I do not consider that a point of order.

Hon. John McLean: Mr. Speaker, in the Good Book, the Bible, there was mention of someone who had patience. I think that was the patience of Job. I am not going to call myself Job, but I want to say that I have a lot of patience.

But at this time, I would like to further show the document which was given to Whitmore Syms and transferred to him by the lady, Miss Genevieve Watson, and it was done on 12 November 1968. It reads: **“KNOW ALL MEN BY THESE PRESENTS that I, GENEVIEVE WATSON of George Town, Grand Cayman, Cayman Islands, British West Indies, for and in consideration of the love and esteem which I have for my true friend WHITMORE SYMS, of George Town, Grand Cayman, Cayman Islands British West Indies, and especially for his kindness in permitting me to live in his house at George Town for so many years, by this Deed, signed, sealed and delivered in the presence of two credible witnesses, do freely and voluntarily grant and convey unto my said friend WHITMORE SYMS, his heirs and assigns, a piece of land given to me by my late father, WELLRING WATSON, situated in the district of Colliers, Grand Cayman, Cayman Islands, and butting and binding as follows: On the NORTH by cliff lands; on the SOUTH by cliff lands; on the EAST by cliff lands and on the WEST by lands of the late Edward Bodden, or whosoever otherwise the said piece or parcel of land may be butted, bounded distinguished or known: TO HAVE AND TO HOLD the hereditaments and premises granted unto and to the use of the said WHITMORE SYMS his heirs and assigns for ever. IN WITNESS WHEREOF the said Genevieve Watson hath hereunto signed her name and affirmed her seal, this 12th day of November in the year of Our Lord 1968.”**

This document was put together and duly recorded. The affidavits given showed that the same property is butted and bounded by this piece of property, so I do not know what more a decision could be taken on but proper documents.

Mr. W. McKeeva Bush: Was that parcel 48?

The Speaker: So ordered.

Mr. W. McKeeva Bush: [Was that] 74A 48? I wonder if the Minister could say that.

Hon. John McLean: Mr. Speaker, as I asked earlier—

The Speaker: What—

Hon. John McLean: documents are going to the Table. Nothing is being hidden, plus the mover of the motion has actually laid his documents on the Table, so any Member can go and look at them.

Mrs. Edna Moyle: Mr. Speaker.

The Speaker: Would this be a convenient time to break for lunch?

Mrs. Edna Moyle: Mr. Speaker, before you take the suspension, if the Honourable Minister would allow me, I think at some point he had some papers, affidavits, he said he was tabling. But the Serjeant-at Arms was not in the Chamber at the time. I would just like to know if they have been laid on the Table.

The Speaker: They have been laid. They were ordered to be laid on the Table.

Mrs. Edna Moyle: There were two batches, Sir, the second one, the Serjeant-at-Arms was not in the Chamber at that time, so—

The Speaker: He came—

Mrs. Edna Moyle: Could I have a copy of it please, Sir?

The Speaker: Would this be convenient for lunch, or would you rather continue? This is the normal time we take the luncheon break.

Hon. John McLean: Yes, Sir, that is fine with me.

The Speaker: We shall suspend until 2.15 PM.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion 7/98, the Honourable Minister for Agriculture, Environment, Communications and Works continuing.

Hon. John McLean: Thank you, Mr. Speaker. When we took the lunch break I had submitted some copies of affidavits that had been supplied regarding this piece of property being questioned. As I said at that time, and I will repeat: The Governor cleared me of any wrongdoing, and therefore this motion should never have been brought to the floor of this House. Once again, although this has been publicised, I will read the letter which was handed to me from His Excellency the Governor, dated 19 May 1998—

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order, was this letter not tabled before?

Hon. John McLean: Mr. Speaker, I have a right to read this letter.

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order.

Hon. John McLean: Mr. Speaker, I made a point this morning. I have been accused, I accepted all that has been said about me, and I am not giving way for any more points of order! I want to complete—I would like to complete what I have to say.

The Speaker: Are you just reading the letter?

Hon. John McLean: I was only referring to a letter, Sir, and I was going to read it into the Minutes. That is all I was doing, Sir.

Mr. Linford Pierson: Mr. Speaker, I wonder if the Honourable Member could clarify a point he just made. He said he is not giving way to any more points of order. I think he probably meant elucidation.

Hon. John McLean: The Member is correct, Sir, he knows that.

The Speaker: Please continue.

Hon. John McLean: Thank you, Mr. Speaker. Let me refer to this little Book again. I go back to Psalm 27, “**The Lord is my light and my salvation, who shall I fear?**”

Mr. Speaker, the letter was written to Hon. John McLean, OBE, MLA, JP Minister of Agriculture, Environment, Communications and Works, and reads:

“Dear Mr. McLean,

“**Crown Grant Block 74A Parcel 89**

“**Following your request for a review of the procedure followed by Executive Council in arriving at its decision to approve a Crown Grant of the above land to you, I instructed the Attorney General to carry out the review. I have now received the Attorney General’s report.**

“**In his report, the Attorney General states that he is satisfied that the procedure followed by Executive Council in approving the Crown Grant of this land was correct. The background and issues to be decided by Council were clearly set out and the necessary copy supporting documents were submitted as appendices.**”

POINT OF ORDER

Mr. W. McKeeva Bush: Mr. Speaker, on a point of order, I am asking whether this document was first read and it is already in the *Hansard* and is now being read and laid again.

The Speaker: Honourable Minister for Agriculture.

Hon. John McLean: Mr. Speaker, if I could continue reading this letter.

The Speaker: How many times have we not heard emphasis on any particular point in a debate? I do not have access to the *Hansard*.

[Addressing the Hon. Minister for Agriculture] You have laid this particular letter on the Table, right?

Hon. John McLean: Mr. Speaker, regardless if this was laid or not, I am defending myself against what allegations have been brought against me in here.

Mr. W. McKeeva Bush: I am not arguing that, Mr. Speaker, I am asking the question.

Hon. John McLean: Mr. Speaker, I have just asked if I could read the letter.

The Speaker: But you have laid it, and you are not going to lay it again. That is correct. I think that answers—

Hon. John McLean: I do not see it as being necessary to lay it, Sir.

The Speaker: Right. Please continue.

Hon. John McLean: Mr. Speaker, since I was interrupted in the middle of it, may I start the letter over, please?

The Speaker: Yes, you may, go ahead. Start from the first.

Hon. John McLean: Thank you, Mr. Speaker. As I started to point out, this is a letter from the Governor to me dated 19 May 1998. It is addressed to the Hon. John McLean, OBE, MLegislative Assembly, JP, Minister of Agriculture, Environment, Communications and Works, and reads:

“Dear Mr. McLean,

“**Crown Grant Block 74A Parcel 89**

“**Following your request for a review of the procedure followed by Executive Council in arriving at its decision to approve a Crown Grant of the above land to you, I instructed the Attorney General to carry out the review. I have now received the Attorney General’s report.**

“**In his report, the Attorney General states that he is satisfied that the procedure followed by Execu-**

Executive Council in approving the Crown Grant of this land was correct. The background and issues to be decided by Council were clearly set out, and the necessary copy supporting documents were submitted as appendices. Having established that the Lands and Survey Department were satisfied as to the adequacy of the evidence supplied, Executive Council then approved the application for a Crown Grant. A transfer of the land to you as executor of the estate of Milton Whitmore Syms (deceased) was then subsequently executed by HE the Governor Mr M E Gore on 19 July 1995.

“The Attorney General’s report states that in the case of Block 74A Parcel 89 the cadastral failed to delineate the boundaries, which indicates that no survey was completed. The Attorney General therefore recommends that a survey should now be carried out in respect of the land, in compliance with Royal Instructions 12(1). The cost of such survey should be borne by you in accordance with clause 2 of the undertaking entered into by you on 22 March 1995. If you have not done so already, I should be grateful if you would give instructions for a survey to be carried out as soon as possible.”

Let me say that, in accordance with His Excellency’s letter, I have already spoken to one of the surveyors on the Island, Mr. Roland Bodden, and we will definitely have the survey. Once again I repeat, if this survey should show that any boundaries are not correct, it is still for someone, if they want to come forward with another claim, to do so. That is not for me to do, sir.

As I pointed out earlier, I am not a criminal. I have never been convicted of a criminal offence, nor do I have any criminal judgment in the Grand Court or any other court, relating to dishonesty, theft or fraudulent matters. I came into this House an honest person and, by God, that is how I hope to leave. The decision to transfer this land to Mr. Whitmore Syms’ estate was a decision of Executive Council, and not mine.

I wish to say again that my interest was declared, because I was aware that I had a will in my hand from the said Mr. Whitmore Syms, but I personally had no reason to go beyond what I did. I did what was right under the laws of this country. Mr. Speaker, I have served my country for 22 years, and I will continue to do so for as long as I can.

Again, I would like to refer to a letter I read earlier. This came from the Attorney General which was written to Mr. Leroy Johnson: **“His Excellency the Governor has passed to me a copy of this letter dated 5 February and asked to respond on his behalf. The various allegations made in your letter have been investigated by the RCIP as you are aware. I also understand that over the years you have made various representations to the Registrar of Lands claiming title, but that these claims have not been accepted. You have already instructed attorneys to represent you in this matter and the correct forum for settling**

this dispute over title to the land would be through the Cayman Islands Courts by way of a civil claim.”

Of course, as I mentioned, this is signed by our Attorney General. I have no problem with that, Mr. Speaker. I would like the Serjeant to lay this on the Table for me.

Mr. W. McKeeva Bush: Mr. Speaker, may I ask you, on a point of order, whether that document was not laid on the table of this House?

The Speaker: I cannot answer that because I do not know.

Hon. John McLean: Mr. Speaker, I would like to say again to the Members of the Legislative Assembly: Let he who is without sin cast the first stone. I have been accused, I have been ridiculed, but I am happy to know that after so many years in this Legislative Assembly I have done no wrong. I am certain—and I will repeat this—if we check the records of certain people in here, it cannot be compared to John B. McLean. Thank you, sir.

The Speaker: The floor is open for debate. Does any other Member wish to speak? (Pause) Does any other Member wish to speak? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I rise to make my contribution to this motion before the House. Before I make my contribution, Mr. Speaker, I want to preface it with what I consider to be some relevant observations.

I want to comment on the fact that this motion which calls into question the conduct and management of a holder of public office, namely, a Minister of Government, speaks for the sophistication, tolerance, understanding and maturity of our society and our Parliament. Were it other jurisdictions, where people who had reason to believe that their honour was trespassed upon, and were aggrieved in such a way, . . . history and the news media are rife with these kinds of incidents. The matters would not be settled in a debate. So we should give ourselves credit for the mere fact that we are here, willing to debate and argue.

I remind Honourable Members that this motion is not accusing anyone. In this case the Parliament is not a court, it is merely asking that the Member against whom the motion is brought explain to the Parliament his conduct, in what we consider mismanagement, and this irregularity.

And Mr. Speaker, I want to say something else that I have not said before, and I say it because I do not want to cause any problems. I am aware that there are persons in the precincts of this Parliament who are sharing sentiments which are unflattering to Honourable Members in this Assembly. I have heard them, Mr. Speaker, and I have not said anything. I would just like those Members to understand that this Parliament is the Members’ Parliament, and they have a right to their sentiments whatever colour they are! But, Mr. Speaker, it is

unheard of if they expect to come here and insult any Honourable Member, irrespective of what their emotions and sentiments may be.

Mr. Speaker, I would just like those persons to know that I have no quarrel with them holding their sentiments. That is their democratic right. But they cannot come into the forum and insult any Member. Our Standing Orders protect and speak strictly against that, Mr. Speaker. I am sure you will make the necessary reminder when you find it reasonable to do so, sir.

Mr. Speaker, I want to say something else before I begin my debate. I heard people in the Common Room talking about 'laying degrees.' Let me say, Mr. Speaker, it is not necessary for us to get down to that because. . . I say this: They better be careful how they lay degrees around me, lest what happened to Conti happens to some people. I boast that I am an academic, and I have good sources of tracing. So let me say this: I do not think it is necessary. This debate does not call for that. We are responsible people.

Mr. Speaker, here is what I see happening. The Parliament is a fraternity, and like all fraternities, we are questioning the conduct of a brother. There is no animosity and no hatred intended, and when the debate is over, the Honourable Members are going to decide on the basis of who presented the most convincing case! And at the end of the day, Mr. Speaker, I hope that we can get on with the business of running the country, and forget about who was on what side. That is the reason some of us insisted that the ballot be held in secret!

And I hear people talking about being here for 22 years, and how everyone knows who they are, but they do not know who Frank McField is. I want to say who the Fourth Elected Member for George Town is. The Fourth Elected Member for George Town, Mr. Speaker, should be held up in this country as a model for persons who are willing and able to turn themselves around. He is the essence, Mr. Speaker, of what we are talking about when we talk about rehabilitating people!

[Some Members: Hear, hear!]

Mr. Roy Boddén: And, Mr. Speaker, you know something else about that Honourable Member? He boasts that he is the only full-time politician! And sometimes he rubs me the wrong way when he comes out with it too, you know, because I believe we are all full-time politicians, but I understand what he is saying. Because he has such a commitment in what he is doing he dared to open an office, and he sits there all day until the late hours of the evening, because I have seen him waiting until his constituents come to him. He pays his own rent, and I have seen him, when the roads are too narrow for him to drive his car, he rides his bicycle. His commitment and service are to be admired, not to be poked fun at!

[Some Members: Hear, hear!]

Mr. Roy Boddén: And Mr. Speaker, let us not forget that whether we like him or not, whether we like his pres-

ence here or not, he was put here by 1100 people of George Town, wise and sensible people who, if you talk to them now, will return him in even greater numbers. So I do not want to hear anyone talk about who they are, as against who any of us are, because you know what James Madison said? "If men were angels, there would be no need for government." I do not see any haloes in here, the person speaking not excluded. There are no haloes inside here. And we are using this forum as sensible, decent and civilised people, to come to grips with a member of our fraternity, who we deem may have done something which goes against the fraternal order and the fraternal rules. Mr. Speaker, you may check it out. Every fraternity, every fraternal order, reserves those rights.

Do you know how this would be settled in the old days? You get your seconds and I get my seconds, and there would be a duel! A shoot-out! We have evolved from that—

Hon. Truman Boddén: Mr. Speaker, on a point of order.

POINT OF ORDER

The Speaker: Let me hear your point of order, please.

Hon. Truman Boddén: The Member is not debating this motion. He is off in the area of duelling, and I think he should get back to what is relevant to the motion.

The Speaker: I understand what you are saying, but I have given latitude to other Members, and I would ask that you soon get back to your debate. Please continue.

Mr. Roy Boddén: Certainly, Mr. Speaker. But I am showing and demonstrating that by coming here with this matter, we are responsible, civil and decent. Mr. Speaker, thank you for your indulgence.

Now let me get on with my debate. Would that the Minister of Education, who so tenaciously advised and supported his colleague, the Minister for Lands, was so interested and tenacious in replying to the debate brought here some days ago on the state of education in this country! May I remind that Minister that on that day he swallowed his tongue. Why is it he is so emotional and involved now?

Hon. Truman Boddén: Mr. Speaker, I take a point of order, here, Sir.

POINT OF ORDER

(Misleading)

The Speaker: Let me hear your point of order.

Hon. Truman Boddén: I spoke on education for two solid hours. The fact that I did not speak again is my right! And it—

Mr. Roy Bodden: Mr. Speaker, what is the Member's point of order, sir?

Hon. Truman Bodden: Misleading the House! I spoke for two hours—the people of this country know it—saying what was good in the country.

The Speaker: That is not a point of order. Please continue.

Mr. Roy Bodden: Thank you, Mr. Speaker. I always have faith in the wisdom of the Chair.

This motion—and Mr. Speaker, trust me. I will not be upset by the Minister of Education. I can assure him, I will not let him live down his silence in that debate.

Mr. Speaker, this motion is a reasonable motion, because it calls for an examination and a revocation if, in the discretion of Honourable Members, they deem that the mismanagement and political conduct was of such a level as to demand that. That is within the parameters and bounds of this Parliament. But let me say why we have to view these things as serious, and why we have to be concerned about these kinds of alleged breaches.

I have often remarked in this House that the call to serve and the ultimate election to public service, to public office, is second only to the call to be a fisher of men. I believe that! It is a fundamental principle of public administration and public office, that persons elected to public office must be transparent, accountable, and prepared to rationalise and explain away their actions. Anyone who studied ethics, public administration, would know that public office means you hold in trust for the people who elect you, certain duties and responsibilities, and that these duties and responsibilities should never be breached. And if they are, they will be breached under threat of the severest of sanctions. Presidents have been impeached. Prime Ministers have been kicked out of office. Ministers have been prosecuted. We are saying that we recognise the right of the Parliament to question Members on these occasions.

Mr. Speaker, do you know why this exercise is so important? I will tell you why, without making any allegations or accusations. As my colleague on the other side, the Minister of Education, likes to say when he is poking directly at people, 'Speaking generally,' I will tell you why this exercise here today is so very important. In the Latin American edition of *Time Magazine* of 22 June 1998, "**Corruption: The World Community Arms Itself to Conquer a Pernicious Global Disease. Can it Succeed?**" I have prepared a copy for you and a copy of the article to lay on the Table, if it pleases the Serjeant to come and accept them.

The Speaker: So ordered.

Mr. Roy Bodden: Mr. Speaker, I want to draw a reference in this article. I am going to draw several references. I want to draw the first reference—and unfortunately, one cannot clearly see the page numbers, but it will be on page 18 of the document you have, Sir. You

should find it opposite the page that has the caption, "Ousted," with a picture of Benazir Bhutto. Do you have it, sir?

The Speaker: Page 17 is the last page here.

Mr. Roy Bodden: I will lay it on the Table when I am through, sir. The abuse of public office for private gain is how corruption is defined by an organisation called "Transparency International." I want to say a little bit about this organisation, because it is now established in some 60 countries, and was set up by a German man by the name of Mr. Peter Eigen, who was a former senior executive of the World Bank.

Why do we have to be concerned? Because, according to this organisation, 'Transparency International,' this business of using public office for private gain is becoming endemic, and organisations such as the United Nations, the World Bank, and Transparency International have committed themselves to rooting out these kinds of odious practices, and they are extracting from countries and governments a world-wide commitment to be vigilant.

I also want to draw reference from the final report of the first Inter-American Conference on the problems of fraud and corruption in government, held in Miami, Florida, 4-6 December 1989. I want to crave the indulgence of the House to quote briefly—and I am prepared to have the relevant copies of this made to lay on the Table, but I am going to quote briefly from this document, to draw and set the tone for what I am going to say later, which concerns all of us, Mr. Speaker. I am not making any accusations. I am just making some general references as to why we have to be concerned, and why this Parliament, as a fraternity, has to be vigilant in the conduct, behaviour and management of its Members and Ministers.

"Effective control of corruption has to start with leadership positions. When a leader does not understand the concept of honesty, or the difference between his own benefit and the benefit of society, there is little hope for success in the rest of the government structure. In these circumstances, corruption will continue to pervert the entire system, from the highest levels to the lowest. Public officials will create a superfluous need for the sole purpose of self-benefit without considering the common good. In addition to demanding honest leadership, control of corruption requires high standards of ethical and moral conduct on the part of all public servants, so as to demonstrate the political will of the government. All public servants should be required to publicly accept their responsibility to effectively and efficiently manage the resources at their charge, and to be fully accountable for them. They should be able to provide an explanation for their actions that may be verified at any time."

Mr. Speaker, with that underpinning, I know that bringing this motion to this House at this time was the right approach. I heard the Honourable Minister who

spoke for himself, question why this motion was here. The Minister, who prides himself on the fact that he has been here for some 22 years (far longer than I will be, because it is not my ambition to serve that long), who prides himself on the title 'Father of the House,' should know that this motion was accepted by the Chair. The Chair deemed it appropriate, so he should not be questioning the efficacy and the reason why this motion is here. The Chair, in its wisdom, saw no harm in having this matter aired, and I remind Honourable Members that this is not a trial or an inquisition. This is merely an airing of differences of opinion between those of us on this side who believe there is reason to allege some misconduct and some mismanagement.

I want also to take this opportunity to articulate this point: Misconduct and mismanagement are not exclusive to the dealings with this piece of land, because let us not forget the whole business of the longest Finance Committee in the history of this country—let us not forget that, and all the circumstances surrounding that whole acrimonious and lengthy debate! So while the transactions surrounding this piece of land are a focus, they are not the only focus!

Mr. Speaker, if election to public office means that we set ourselves up in a position where we are not prepared to be held accountable, where we are not prepared to be held to a high level of performance, where our conduct is not measured by the strictest of yardsticks, where we are not prepared to be transparent, then we need to tell our countrymen. If that is the desire, the Honourable Legislative Assembly of the Cayman Islands ceases to be a democratic institution, but falls under some other rubric. The essence of any democracy, and particularly a democracy in the Westminster system, lies in the fact that all Honourable Members can be brought to account, and that is what we are doing here!

This motion talks about political conduct, the actions and management of a Member; and it calls for the revocation of the position entrusted by other Honourable Members to that Member! So if it is deemed that there is a breach of trust, we are calling for the revocation. We are exercising our democratic right in disciplining that Member, who is also a member of the fraternity of politicians who are Members of the Legislative Assembly. There is nothing wrong with this motion. It is calling for just that. And it is taking place in a forum of civilised debate.

I do not know about anyone else, but I certainly did not expect to come here and debate this matter like a bunch of zombies or half-dead people because land—LAND—is the essence of all wealth, and in the Cayman Islands, we know the sentiments that attach to land!

The query was also raised by the Minister as to why this matter was not taken in the court. I do not have to remind that Minister that to pursue a case like this, you are looking at, at least, \$80,000 to \$100,000, because this would undoubtedly eventually wind up in the hands of the most eminent of QCs, advised by a barrister, with all the research. What about those persons who do not have access to that kind of money? This is not like the

United States, where lawyers take cases on commission. If you do not pay here, you cannot play. It is as simple as that, because no one works here off promissory notes. No one works here on the basis of, 'If I win, we win.' No, no, sir!

And it goes beyond that! The mere fact that it comes here should serve to reinforce all and sundry in the community that the Parliament is serving its purpose, because a serious public grievance is being aired. So what is the Minister saying? Is he above reproach? Is he resentful of the fact that he has been asked to account for his actions? Is he insulted by the fact that his fraternal brothers dare question his actions and conduct on a certain occasion?

I was tempted at the beginning to say that I have never heard of, read about or witnessed so much emotion since Prometheus stole fire from the gods and gave it to man. There has not been so much Cain raised on earth since then. And if you listened to some people from that side, you would believe that we are committing some great crime by questioning them. So I want to know, are they Zeus? Or Hercules? Or Atlas? since they are resentful of people who are asking them to explain their actions? Documents have been laid and read, and I am going to say some more about that as I get into that section of the debate, because there are those of us on this side who are blessed with God-given common sense and discretion. And we know the meaning and nuances of words, the difference between being procedurally correct and documents being examined scrupulously and found to be in order. Therein, Mr. Speaker, lies the crux of the debate. I am going to come to that.

Mr. Speaker, we do not have any lawyers advising us on this side. But I want people to know that we are cognisant of everything that happens around us, and we are together, and that is what makes us such a powerful and potent democratic and transparent group!

I have to marvel at the Minister of Education, who has suddenly seen the efficacy and the sense, and has suddenly cultivated instinct, to jump on the transparency bandwagon! Were it left to me, I would push him off! But you know what? There is something inside me that says, 'No, don't do that.' For the best thing that can happen is that he, one of these days, will come to his senses and admit he was wrong. And while I am on this point, I want to say something else. The only people I know who have sentimental attachments to communism are over on that side, because the rest of the world read the obituary for communism long ago!

POINT OF ORDER

(Imputing improper motives)

Hon. Truman Bodden: Mr. Speaker, I object to that, on a point of order, sir. He is saying that Members on this side have sentiments of communism, when we have stood firmly against communism. No one on this side has any sentiments of communism. It is impugning an improper motive under Standing Order 35(4), which

says, “**No Member shall impute improper motives to another Member.**”

The Speaker: Honourable Member, I would ask you to withdraw the communism association, please.

Mr. Roy Bodden: Mr. Speaker, the Member did not give me a chance to explain what I was going to say. I hope—

The Speaker: That has been happening all morning, but please withdraw it, because that is really where trouble is coming throughout this meeting.

Mr. Roy Bodden: Mr. Speaker, if it pleases the Chair, I have listened to the Member, and the Member rose before I finished my sentence, sir!

The Speaker: You are absolutely correct, but that is what has been going on for the last several days.

Mr. Roy Bodden: Mr. Speaker, you know what? I withdraw that statement.

Let me put it this way—

The Speaker: Thank you. Please continue.

Mr. Roy Bodden: Mr. Speaker, from my studies, and from my observation of persons' speech and behaviour in here, there are no persons on this side so preoccupied and so interested in communism that they will not let it rest. The world knows that the obituary for communism was read long ago, and that it has been buried, and the Cayman Islands should note that for years every time a certain politician in this country does not like someone he accuses them of being a communist! And every time that Minister opens a closet, he sees the bogeyman! But when he looks in the mirror one day, he is going to see that the bogeyman is himself!

Mr. Speaker, I want to say clearly and unequivocally: I believe that the intentions of all Honourable Members in here are pure, and while I am not the longest-serving Member, I would stick up for my colleagues and say that to the best of my knowledge there are no communists on the Backbench. I am not a Government Minister, and I am not on Executive Council, and I would like to give them the benefit of the doubt, too! So let us get away from this old immaturity of laying those kinds of accusations at one another, because that serves no one any good, and it goes against the best interests of the fraternity. We might say—

The Speaker: I thank you very much for that.

Mr. Roy Bodden: We might say of each other, we are less than we should be as a representative of the people, or we are not as efficient as we should be, or we are not as educated as we should be; but I do not believe any Honourable Member in this House is now, or ever was, of the colour red (or the colour pink, as it is euphe-

mistically put), communist or socialist. I do not believe that, Mr. Speaker!

And as one who suffered for that for years, I detest that kind of behaviour! You know why? Because I have my differences with Members and Ministers. I have it right now! But I would never, ever be so unfair or unjust or uncharitable to them that I give them that kind of label. I would put on them labels that they deserve. They are not efficient. I do not even tell them, like the Minister for Education tells me that I am defunct, I do not even tell them they are defunct!

I am not even worried about all the threats I heard about people who say they are going to lay their degrees when they get up to speak, because if the person really goes through with that, he has enough degrees for all of us, so by the time he is finished laying his degrees, I hope those of us inside here who don't have any now take one off the Table that he lays them on at that point, and then every one of us will have a degree!

[laughter]

Mr. Roy Bodden: Mr. Speaker, that bit of humour aside—because sometimes, Mr. Speaker, that is nice. I want the Honourable House to know that is well-intentioned, but that does not detract from the seriousness of my debate, because I am talking about the fact that public interest, public action, appears to be in conflict with private interest and private action. That is the essence, Mr. Speaker! That is the essence, and a fundamental argument. I pose the question, why did the Minister, in handling this land grant, not treat it the same way he treated the land grant made to Mr. Aamon Ebanks? And Mr. Lester McLean, some years ago when he brought those two claims, Crown Grants, to the Finance Committee. Why did he not bring his the same way? Let me tell you something. Mr. Speaker, I crave your indulgence to tell the House about Julius Caesar. Julius Caesar said—and I am going to give the little surrounding anecdote. “**I wish my wife to be, not so much as suspected**”—I want to repeat that. Julius Caesar said he wished his wife to be not so much as suspected. You know what he did to her, Mr. Speaker? When someone told him his wife was having lunch with Claudius, Julius Caesar divorced her! He did not accuse her of doing anything wrong, but he said it was the principle of the exercise. He insisted—and that phrase among public administrators and among academics who stress ethics and the ethical side of responsibility—anyone who attends a course in public administration and public ethics will be familiar with that statement of Julius Caesar. Indeed, Mr. Speaker, that little anecdote has formed the basis of many an introductory lecture in public ethics and public administration, and it should serve us all today.

I want to go a little further, Mr. Speaker. I do not know how many people have read Henry Fielding's novel *Tom Jones*. If you read the novel *Tom Jones*, many people say it is a very explicit novel, but purists and people who have a sense of morality and a deep

appreciation for literature also find it instructive and entertaining in other areas. And I want to read a brief passage where he is talking about prudence. One of the characters in the novel, called Petty Blyfill, is justifying the advice of Squire Allworthy, and he says, "**Prudence is indeed the duty which we owe to ourselves. And if we will be so much our own enemies as to neglect it, we are not to wonder if the world is deficient in discharging their duty to us. For when a man lays the foundation of his own ruin, others will, I am afraid, be too apt to build upon it.**"

So Mr. Speaker, I revert now to my original question: Why? Can the Minister explain his action or lack thereof, for not bringing this land grant, involving his own self to the same forum in which he brought the land grants to Mr. Aamon Ebanks, and Mr. Lester McLean which, Mr. Speaker, happened just two months apart? Just a few months later! Why did he not bring that?

He gave a lot of reasons, he gave a lot of excuses, he laid a lot of stuff on the Table, but he did not lay anything on the Table, nor he did not give any reason or excuse as to that difference in behaviour. So it is well within Honourable Members' rights to question the disparity. Why? He could have declared his interest to the Honourable House, the same way he declared it to the Executive Council! Indeed, the two bodies have some common members!

There are those of us who say that we understand what Caesar said when he says that he wants his wife not to be so much as suspected! And the Minister's not doing that leaves much to be justified. And he cannot claim that he does not leave himself open to insinuation, conjecture, suspicion—or worse!

I remind those detractors who would have a beef with those of us who brought and support this motion, that we are being charitable. We are asking only for an explanation. We are not levelling any allegations. This whole question of transparency—I have to say that leadership styles differ. Leadership styles—I recognise that leadership styles differ among certain people. I do not know how long I am going to be around in these hallowed Chambers. It is not for me to say, because I do not, in spite of how I might sound sometimes, hold my own fate in my hands. I am ever grateful to the people of Bodden Town, who allowed me to represent them for so long.

And I want to say this, because this is an important time to interject: Do you see this kind of behaviour? I worry when I hear the Minister of Education get up, as he has so often done, and say that certain people have to stay in the Parliament because they do not have anything else to go to; that they are not successful, that they are losers, and that they are not millionaires. Mr. Speaker, if those comments—and he makes them as he talks about 'speaking generally'—if those comments are intended for me, I want to say this to that Minister: Politics is but my mistress. Teaching is my wife. And when I tire of my mistress, I shall return (as many people do in real life) to my wife!

[laughter]

Mr. Roy Bodden: So, Mr. Speaker, if it is intended for me, let the Honourable Minister ponder what I have said. And when I return to my 'wife,' I will be sure he will not have any say in the matter as to whether she accepts me or not, because the qualifications I hold are not limited to jurisdictions, domains and organisations he controls, thank heaven!

But you know what, Mr. Speaker? It goes deeper than that, because if people are not mature, and they hear those kinds of comments and believe them, they will interpret them to mean that they should make the best of the situation that is here. I worry about those kinds of things because when they are misinterpreted, it could convey the message that you are to use your position of public trust. Mr. Speaker, honey will catch flies; fools will easily fall into traps.

Some people better be careful. Would that they were so quick to get up to the charges laid by the First Elected Member for George Town when he was talking about the sad state of education.

Let me return to my point. Honourable Members will have to question the disparity in the action taken by the Minister in dealing with other cases as against dealing with his own. And you know something? I find it regrettable, and, in a sense, ill-advised, that in such an emotive issue officialdom was dragged in. All that the letter from His Excellency the Governor is saying is that the procedure—emphasis on 'procedure'—followed by the Executive Council was correct. There has never been any question as to the rightness or wrongness of the procedure followed by the Executive Council. We know the procedure was right! We know that! But I pose the question: Was the information correct? Were the supporting documents scrutinised and examined? Were the affidavits checked to determine the authenticity of the information? No! The letter does not say anything about that! It says "the procedure followed." We have no quarrel with that!

I want to make this point, too, sir, regarding these documents. They smack of political incestuousness, because—signed by his Permanent Secretary, witnessed by his colleague, a Minister, . . . political incestuousness, Mr. Speaker! Why was that done?

Hon. Truman Bodden: Mr. Speaker, I take a point of order, sir.

The Speaker: May I hear your point of order?

POINT OF ORDER
(*Improper imputations*)

Hon. Truman Bodden: The point of order under which I am rising is 'improper imputations' under the same 35(4). Incest is a criminal offence, and he is imputing that in this House. There is very clearly a letter from the police saying there has been no criminal offence, and he

must withdraw this 'incestuousness' statement he has made.

The Speaker: Honourable Member—

Mr. Roy Bodden: Mr. Speaker, let me pose a question to the Honourable Minister through the Chair. If I said it was political craziness, would that be interpreted to mean that the people were crazy? Or that the political action was crazy?

The Speaker: The Minister of Education.

Hon. Truman Bodden: Mr. Speaker, if he is saying that the act is incestuous, that is a criminal offence, carrying a very heavy penalty. He must withdraw it!

Mr. Roy Bodden: Mr. Speaker, I know the Minister is a lawyer, and he did not study literature and language. It is a metaphor! Political incestuousness! It is a metaphor! It is a metaphoric expression, Mr. Speaker!

The Speaker: May I ask the Honourable Member, since it is legally a criminal offence, would you withdraw it?

Mr. Roy Bodden: Mr. Speaker—

The Speaker: Withdraw it and use your own other word, but—

Mr. Roy Bodden: Mr. Speaker, you know that you and I have always had the greatest of relationships. I have a particular manner of speech that all Honourable Members in this House know—so much so that my good friend, the First Elected Member for West Bay, calls me the 'chef of flowery language!' If you take away my ability to express myself as I have been accustomed to, I am being emasculated and made impotent. I might as well pick up my attache case and go back to my constituents and tell them I cannot represent them, because I am speaking as reflects my level of education, my commitment; the sentiments, and the fever and emotion I feel. I do not have to tell you that there is more than a little of the Latin in me. If you tell me this now, Mr. Speaker, I might as well pack it up!

The Speaker: Just let me say this, Honourable Member. You are speaking to the Members of this Honourable House, and to the listening public. I admire your ability to use these phrases, but not all of us have the ability to interpret them as you mean them, therefore I ask that you withdraw it.

Mr. Roy Bodden: Mr. Speaker, with the greatest of respect, sir—and I would only do this for the Honourable Speaker—I will withdraw it. Let me—

The Speaker: I thank you sincerely.

Mr. Roy Bodden: I have withdrawn it with a heavy heart, sir.

The Speaker: I appreciate your doing it.

Mr. Roy Bodden: But I am going to explain it, Mr. Speaker, in a different way.

The Speaker: Go right ahead.

Mr. Roy Bodden: Perhaps this will be more potent and more incriminating on the person speaking.

For a Minister to think so little of his Permanent Secretary and his colleagues that he would involve them to that extent in this matter—which he must have known would have been controversial—smacks of total disrespect and disregard for anyone, and seems to me to be nothing but self-serving.

The Speaker: Anyway, I thank you for withdrawing it. Please continue.

Mr. Roy Bodden: Mr. Speaker, I have to remark again that the commitment of the Minister of Education in this motion goes far beyond any fraternal commitment. And I wonder if he is not faced with a certain grim foreboding that his own political future may be at stake.

I have to emphasise that there must be a point at which public duty and private interest are clearly defined and demarcated. I have to emphasise that the call to represent a constituency, an electorate, is a serious call. The trust our constituents and representatives place in us is tantamount to the trust a congregation places in its shepherd, its pastor or priest. To betray that trust is to invoke the greatest of sanctions. Let me say this, because I am going to come back to this again and again: In my opinion, the Minister was ill-advised, and showed an absolute lack of discretion; because were I faced with the situation in which there was a claim by a certain sector of my constituents, similar to this, I would have to extricate myself from the position. I would have to relinquish my claim to the point where I would insist that the matter be settled in a neutral court and a neutral jurisdiction. I would not be caught in the position where it appeared that I used my office to defend and protect my interest. That would be too great a conflict and, at best, the charge of conflict of interest could be laid.

I do not have to preach that it is a breach of trust! Breach of the fundamental trust placed in us by our constituents! When people come and mark their ballots, they do so with the understanding that we are going to take care of their interests, that we are going to place their interests above ours; that we are going to make the sacrifices for them. That is our understanding, too. That is why we put ourselves up.

Mr. Speaker, I say to my colleagues, the First Elected Member for George Town and the Third Elected Member for George Town—because I went with them on some of their rounds: I admire your commitment! I saw firsthand some of the sacrifices they make, and it must pain them personally! I see the deprivations! I am not talking about handouts. I see the time they put in, be-

cause their constituency is so broad—references, dealing with problems, mediating—I too have some knowledge of that, although my constituency is much smaller. Althou I do not want to refer to everyone, I admire my colleague, the First Elected Member for West Bay. From the time he and I came in, I have admired him. Going with the flow, Mr. Speaker. And I know sometimes—I saw a guy some years ago in Canada with a T-shirt, ‘Give ‘til it hurts!’ I know it must hurt sometimes. It has to!

That is par for the course, though. We understand that when we set ourselves up. And all of us are prepared to do a certain amount of that but, Mr. Speaker, what is obnoxious, what is detestable, what is wrong, is when we take the behaviour to the other extreme and say, ‘Ah, because I am here, and this is available, I will make use, I will avail myself.’ I hold the view that the trust and faith the people put in us when they elevated us to these lofty positions should never be breached. That is why I like the motto of the Marines: “Death before dishonor,” because that is dishonour to the highest degree.

If we are prudent we will extricate ourselves from any position which can be claimed to be a conflict of interest. But I see that is not the commitment, unfortunately, of many people who profess to be representatives. I want to lay this misrepresentation to rest. The length of tenure of a person in this Honourable Parliament, Mr. Speaker, certainly is not indicative, in every way, of their success in being a representative. There are people here who have not been back to their constituency since they were elected two years ago. So let us not get on this holier-than-thou trip, and flog out the years we have been here, saying ‘*This is a testimony to my success.*’

On the other hand, there are newcomers here who make themselves available anytime, every time. I say that to say that this motion is not a time to be self-righteous. As I have said before, I do not see anyone wearing a halo inside here, Mr. Speaker.

The business of trust is a serious business. I am sure you share these same sentiments, because on occasion we have spoken, if not directly to this, in similar veins. You know what I would love to see, Mr. Speaker? What I think is absolutely necessary? I would love to see, at the beginning of every election, seminars held—for new Members especially, but for all Members who deem they could benefit from it—and have resource people come to us. We could use some of the more experienced Members, because we have a lot of Members here, Mr. Speaker who by virtue of their experience and tenure can offer us leadership. Yourself, Mr. Speaker. Things like responsibility, ethical behaviour, trust. That is my particular interest. I would welcome the opportunity to develop something like that. Perhaps we should begin by mentoring some of the young aspirants, because it is only by practising this kind of behaviour, that we are going to have complete transparency, and that our democracy is going to be healthy.

There have been occasions in this Parliament when I have said, ‘*If we are not careful, we are going the way*

of Nigeria and Ghana and all that.’ And I worry about that, because I would not like to read or hear anyone say that the Cayman Islands is a kleptocracy! A kleptocracy is a place where every Tom, Dick and Harry elected to public office believes they have to steal their way to wealth and millions.

I want this to be a Parliament of which I can be proud, of which all of us can be proud! I want this to be a fraternity which we can boast we are members of! And the people can be proud of us, the people who elect us can hold their heads up! I would not be so naïve—and I want to dispel this notion now—as to think that we are going to agree on everything, every time. So perhaps there is a lesson for those people who have their fingers in every pie—and I know them! Persons such as those who say they are a director of 800 companies; who like to boast that they are so successful, while the rest of us are losers and defunct! There is one thing, one objective I have set for myself when I leave here, and that is that I leave with the good name with which I came. That is all. Simple. And, if I have to say that myself, I believe that is the objective all Honourable Members should try to seek to set.

I want to revert to the conflict of interest and the discrepancy, and I said I found it regrettable and ill-advised. I have to draw a reference to this—and that it was inconsiderate and indiscrete, and a lack of sound common sense to involve persons close, because what kind of reference would I give, if I present a reference for my brother? I mean, give me a break! What would one expect? And my brother is the best guy in the world, but I would have to question anyone who brought me a reference from their brother. That is why on some applications it stipulates that if the reference is from a family member, a business partner or anyone of any close connection, the reference will be discounted.

I like to think that the Government, officialdom, should be above certain fray. I am sad to see that the office of the Honourable Attorney General was drawn into this fray. This whole notion of collective responsibility—I think sometimes it is over-interpreted. I believe, in matters such as this, it is best to take as neutral and as outside a course as we can. You must not impose favours on people because they will give a favour. We are not saying that anything untoward was done, because we do not believe, in this case, it was done.

The Speaker: Would this be a convenient time to take the afternoon break?

Mr. Roy Bodden: Yes, sir.

The Speaker: We shall suspend for fifteen minutes.

PROCEEDINGS SUSPENDED AT 3.43 PM

PROCEEDINGS RESUMED AT 4.07 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion No. 7/98, the Third Elected Member for Bodden Town continuing.

Mr. Roy Bodden: Mr. Speaker, prior to the suspension I was making the point that it would have been good to have the matter independently reviewed and investigated by external sources. That would put to rest any question of neutrality and partiality and sentiments or sympathy and closeness.

I do not believe that this quandary is unique to this Parliament, and to us at this time. That is not excuse enough for us to just accept what has transpired or to accept without questioning the Minister's account of what happened.

We must be satisfied—and the Minister must demonstrate—that in holding public office, and in dealing with this matter, he has done all in his power to be objective. He must do so to the point where the public is satisfied. If he cannot do so by himself, he should enlist the advice, the power and attention of his good friend—and now obvious advisor in this matter—the Minister for Education, who will no doubt add his years of expertise to the task.

Not quite 100 years ago, Lord Acton, who was one of the founders of the modern scientific school of history, remarked to his students—in fact, he urged them, **“To suffer no man and no cause to escape the undying penalty which history has the power to inflict upon wrongdoing.”** I am a believer in Acton, and while he is most popularly quoted regarding corruption, the quotation I just gave is no less significant, for we do not wish this kind of action to become an immutable part of our political culture. That is why there are those of us who dare to question the efficacy of this action at this time. We are not convinced that all is above board. We remain to be convinced that the Minister has removed himself far enough from these happenings, and we are saying that it casts a shadow on the fraternity of politicians and people's representatives.

In soccer—in football—and we have just witnessed the World Cup, there is an expression. It carries a serious penalty, and you don't have to be performing on the field to receive this sanction. It is a penalty described as 'bringing the game into ill repute.' FIFA, the world governing body, reserves the strictest of sanctions for those guilty of such charge.

I am saying that the actions of the Minister, the conduct of the Minister on this particular occasion, raises the concern of Honourable Members who have a vested interest in the maintenance of the fraternity's continuing good image. We reserve the right to use this forum to question his actions. And not only his actions, because by inference, we have to include and involve his good friend and advisor, the Minister for Education.

[inaudible comments]

Mr. Roy Bodden: I raise the question—I am not worried about the communist. That Minister has called me a communist from the time I was born, almost! And I am

still around. So I am not worried about that. My credibility at this point is as good as his.

One has to question the relationship, because on a document that has been circulated, there is a post office box—866—which, when traced, has a direct bearing upon the Minister for Education. I wish to know what the relationship is. Was that office contracted from the beginning for advice? I would expect that when the Minister gets up, he will explain to the Honourable House his relationship. Or is his relationship, as Sir Patrick Hastings, the distinguished Edwardian barrister, said years ago, **“Never defend a man unless you know he is guilty.”**

It is not unusual for some people to be unresponsive when they cannot deal with the barrage of the moment. Holders of public office are accountable for their decisions and actions, and must be prepared to submit themselves to whatever scrutiny is appropriate for their office. It is coincidental that this morning these guidelines of conduct for Members of the Legislative Assembly were circulated. I would like to crave the Chair's indulgence to reflect upon some of these, because I find it very relevant, and extremely appropriate at this time. **“Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.”**

“Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.” How relevant! How timely! How appropriate, on this occasion! I am happy that the Minister of Education is following along as I am reading.

“Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.”

“Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.”

I shall conclude this reference by reading the second paragraph under leadership: **“The primary duty of Members is to their country and their constituents. They should undertake no actions in the Legislative Assembly or Government which conflict with that duty.”**

In the debate in this Honourable House—and I am a true schoolteacher, because I have a penchant for research and for keeping records. On Thursday, 14 September 1995, this is what the Honourable Minister of Education had to say in a debate: **“So Madam Speaker, in real life, what we come back to is really the integrity of the people who run the finances of the country. This Government has responsible Members and Ministers in Executive Council and it has men of fiscal integrity.”** I do not think anyone can

safely and truly question that the Government is made up of men of integrity, made up of decent men, both Members and Ministers. But as I understand it—and I am clearly excluding officialdom—you cannot claim situational ethics. You cannot claim appearance ethics. Integrity should be a lasting quality. It should be a quality which applies on every occasion, or never.

Integrity is an umbrella harbouring many facets of behaviour, of sentiments. Included in that is conflict of interest. If the Minister of Agriculture had been properly advised by his friend, the Minister of Education, he would have brought this matter to the Finance Committee of this Honourable Legislative Assembly to be debated and examined. That was an abnegation of responsibility on their part, for which they cannot—

Hon. Truman Boddén: Mr. Speaker, I am taking a point of order. Here, once again, the same section of the Standing Orders, 35(4).

The Speaker: Let me hear your point of order, please.

POINT OF ORDER

(Misleading)

Hon. Truman Boddén: Misleading. Mr. Speaker, there was no duty, until the Governor's Vesting of Lands (Dispositions) Law, 1997, that came in about over two years later, to bring any dispositions to this House. The first one has just been published in the newspaper. So it is wrong to impute that there was any obligation to bring dispositions to this House before then.

Mr. Roy Boddén: Mr. Speaker, I will allow you to make your ruling, sir, and then I will have to say what I have to say on the Minister's—

The Speaker: What the Minister has said is correct. It was not mandatory. It could have been brought voluntarily, but it was not mandatory that it be brought until that time. So I would like you to—

Mr. Roy Boddén: Mr. Speaker, I said that it was an abnegation of responsibility. I did not imply, nor did I say that it was mandatory that they bring it here. I am now saying, would the Honourable Minister, when he gets up to speak—because I am not giving way on punitive explanations again, sir, with due respect. I will always be respectful of the Chair.

Would the Honourable Minister, if he has to rise again, rise on a genuine point of order?

Let me say this. I am most civil in my debate. If what the Honourable Minister has just said is correct, then can the Honourable Minister explain the disparity in behaviour between the bringing of the claims of Mr. Aamon Ebanks and Mr. Lester McLean to the Finance Committee, and the omission or failure to bring Mr. John McLean's claim to the same Finance Committee?

[Some members: Hear, hear!]

Mr. Roy Boddén: I want to repeat that—because, as a former Member used to say, repetition bears emphasis. If what the Minister for Education has just said [is correct], then when it is the Minister's turn to speak, can he explain to the House their failure to bring the claim of the Minister of Agriculture, which can be perceived as a conflict of interest?

Why did they not bring that claim to this Honourable House in the same way they did the claims for Mr. Aamon Ebanks and Mr. Lester McLean for the Honourable Members to peruse and decide upon? That can be classed as nothing but a serious abnegation of responsibility. And whoever was responsible gave bad advice, and I hope they were offered no financial reward for that bad advice.

The Speaker: Before we go on, let me say once again, what the Honourable Minister for Education has said, the law has changed since the time this one came to the House. You are saying you felt they had a moral obligation, not a legal obligation. Is that correct?

Mr. Roy Boddén: Yes, Mr. Speaker. A moral obligation.

The Speaker: Thank you. Please continue.

Mr. Roy Boddén: I am saying it was bad political management, to handle it that way. I remind Honourable Members that justice must not only be done, but it must be seen to be done. That is one of the points we are arguing: That justice must manifestly be seen to be done. They have failed to deliver a moral obligation, and it is a dismal failure, for which there can be no excuse for those two Ministers who boast on numerous occasions of their seniority in this House! Who chide and castigate us children of a lesser god!

I am tempted to tell the story of Tarbaby, but lest it be misinterpreted, I am not going to do that on this occasion. [Members' Laughter] And my colleagues are encouraging me not to do it, Mr. Speaker, and I won't do it. I will leave that for some other time.

I repeat: We are not prepared to make sacrifices on points of principle. We contend that this is a serious point of principle, and that it speaks eloquently about the root cause of the problem, which we deem to be the reluctance on the part of some people to subject themselves to that accountability and transparency which must follow the public office they hold in trust for the people.

I hope that the Minister of Education is cataloguing these points and preparing himself to reply to them. I am happy that the House is past the stage where when certain people unleash certain threats we cave in. We are not prepared to cater to, nor will we accommodate any longer those who are facilitators of the symptoms, rather than solutions to the problems. At a time when the buzzwords in this Parliament and outside these environs are 'reform' and 'transparency,' we wish to shed these old ways of behaving. We wish to set ourselves clearly

above certain insinuations. Once we have departed from those ways, it is a parting to which we shall never return. It will be plain to all and sundry, before this debate is over, which Honourable Members have the will and vitality to stick to this declared task.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: May I interrupt you, please? We have reached the moment of interruption. The time is now 4.30 PM. I would entertain a motion for the adjournment of this House.

Mr. Roy Bodden: Mr. Speaker, it had been agreed by some Honourable Members, . . . it was mooted yesterday afternoon by me that we would try to carry on late to dispose of some of the business of the House. We are approaching the weekend, and some Honourable Members have commitments. So we would appreciate if you put it to the vote as to whether or not we should carry on until 6.00 PM, as was discussed among some of us.

The Speaker: What is the agreed time? Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Mr. Speaker, we are happy to go on until 6.00 PM.

SUSPENSION OF STANDING ORDER 10(2)

Mr. Roy Bodden: Mr. Speaker, that being the case, I would have to move the suspension of Standing Order 10(2) for the Honourable House to go on beyond the normal hour of 4.30, and I so move.

The Speaker: Do we have a seconder? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I second that.

The Speaker: The motion has been moved and seconded. Those in favour of the House continuing until 6.00 PM, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 10(2) SUSPENDED.

The Speaker: Debate will continue with the Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I was saying that Honourable Members will have a chance to prove and show the extent of their will and their desire to see right prevail.

I want to wind my presentation toward a conclusion. As usual, I will take my time and be as deliberate as I

can. It is not necessary for me to repeat. I will move on into fresh areas, and lay new challenges.

I refer now to the *Caymanian Compass*, the issue of Thursday, 28 May 1998, in which, on page 2—and I am sorry I do not have a copy to make available to you, but it was public knowledge, and it appeared in the *Caymanian Compass*. All Honourable Members will no doubt have read it. It is entitled, "Attorney General's probe clears land grant by Executive Council to Minister." I wish to draw Honourable Members' reference to that section of the report where the Minister was made aware of the recommendation by the Honourable Attorney General that a survey be carried out in respect of the land, in compliance with Royal Instructions. In his statement, the Minister said when these rumours began, "**I requested His Excellency the Governor to carry out a review. His letter fully clears my name. I have requested the Lands & Survey Department to survey the property.**" I notice a disparity. The Minister, before he concluded his contribution, said he has entered into some agreement with a private land surveyor (Roland Bodden) to survey the land. My question is, Why, since he was instructed from 28 May 1998 to have the land surveyed, and since one Honourable Member in this House brought a motion requesting the survey be done within fourteen days, why is the Minister now telling us that the survey will be done in due course?

Hon. Truman Bodden: Mr. Speaker, on a point of order, this is misleading the House.

POINT OF ORDER

The Speaker: Your point of order, please.

Hon. Truman Bodden: The Minister for Agriculture specifically said that the letter retaining the private surveyor was 28 May 1998, and while he did not lay a copy on the Table, it is here. So it is not correct to say that he is just now asking for the survey to be carried out. When he comes back, I will show him this letter, and if he wants to give a copy to the Member, he can.

Mr. W. McKeeva Bush: Mr. Speaker, if the Minister of Education is using that letter to defend, he ought to lay that letter [on the Table].

Mr. Roy Bodden: Mr. Speaker, the Minister would oblige the Honourable House by laying that letter on the Table, since we, the Honourable Members, have no recourse, and had no knowledge of the existence of that letter in the Chamber at this time.

The Speaker: Honourable Minister for Education, are you in a position to lay it, or do you have to wait for the Minister for Agriculture?

Hon. Truman Bodden: Mr. Speaker, it is here, but I would have to wait until the Minister comes. He can decide if he wants to lay it. It is really not—

POINT OF ORDER

Mr. W. McKeever Bush: On a point of order, Mr. Speaker, any time a Minister of Government uses a document—this is in the Orders, if you care to look—he must lay that on the Table when he reads it out.

Hon. Truman Bodden: Mr. Speaker, the Minister did say, did give the date that he employed Roland Bodden & Co., and that is what the Member was stating—

The Speaker: That is clearly in the *Hansard*.

Mr. W. McKeever Bush: That is clearly in the *Hansard*, and the Minister used it. The Minister of Agriculture used it; the Minister of Education used it; now they must lay it on the Table, when a Member asks for it.

The Speaker: If that had been asked while the Minister was in the Chamber, I am sure he would have laid it. Can we not wait until he returns?

Mr. Roy Bodden: Mr. Speaker, with respect to the Chair, I am not above retracting my statement and asking excuse if what I said was misinterpreted, but bear in mind that I did not have the benefit of that letter, and I was just going by—

The Speaker: I fully understand, yes.

Mr. Roy Bodden: So I did not intend any detriment or any mischief.

Perhaps, now that the Minister is back, he would consider laying it on the Table, or instructing his good friend and advisor to lay it on the Table, sir.

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

Do you wish to continue, or do you want to wait until it arrives?

Mr. Roy Bodden: No, Mr. Speaker, I will continue, because I want to make an important point.

The Speaker: The Third Elected Member for Bodden Town, please continue.

Mr. Roy Bodden: Mr. Speaker, it has always been my position in this Honourable House to be straightforward and forthright, and sometimes I am tempted, and I get carried away, like most other Honourable Members in the cut and thrust of debate. But let me state for the record that I am not malicious. I am not mischievous, and I am not vindictive, and I do not need to be in this particular issue because there is enough overwhelming evidence here for the case the Minister should answer to. So I resent the intrusion of his friend and advisor to cast me in a bad light, and I remind that Honourable Minister that he has been doing that almost from the inception of his political life—certainly extending back to 1979.

Every time he looks, Mr. Speaker, I am behind him. He sees my shadow over him like a condor. I do not have to resort to mischievousness to get advantage. I have 'advantaged' him now!

I am going to hasten my conclusion, because I want to touch on some profound matters. On 27 November 1996, at the swearing-in ceremony of Honourable Members to this present Parliament, the Minister of Agriculture got up and took off on a tirade and barrage against the Member speaking and Team Cayman, and he read Psalm 33:8, and he made a statement—yeah! Psalm 35. And he made a reference—when I got up on a point of order—and he made a statement which I want to remind him of now. He said someone told him that when you throw a stone in the pigpen, he who squeals is he who got hit! Inferring—he said 'swine,'—that I was swine! Well, Mr. Speaker, I did not hit him then!

I took it. I did not get up on any point of order, Mr. Speaker, he can check! I hear him in the background! No man! He can check the *Hansards*, because Honourable Members can tell you, I walk with that document! Because you know what? I may live to be the age of Methuselah and I will not forget that, because I am telling that Member that Roy Bodden, the Third Elected Member for Bodden Town, is not swine! He can go check it!

The Speaker: Pardon me a moment. We have to change the tape. Could we just hold off for a few moments?

MASTER TAPE CHANGED

The Speaker: The Third Elected Member for Bodden Town, you may continue.

Mr. Roy Bodden: Thank you, Mr. Speaker. I was drawing a reference and saying how, on 27 November 1996, the Minister for Agriculture made that bold and sweeping statement. I have thought about that many times, and perhaps I am destined to think about it many more times. I want to say this—because I consider I have been fortunate in many ways. I have thought about my career as a public official. I have thought how fortunate it is for someone like me. And that is perhaps why I have so much in common with many people on the Backbench who are motivated by altruism and the desire to serve.

Do you know why that statement does not bother me to the point where it upsets me to do something stupid? Because I discount ambitious satraps who are made rich by the spoils of office and seditious by the temptations of politics. I hope the author, before he again calls someone a swine, ponders what I have just said.

I want to say something else, Mr. Speaker. I would NEVER put myself in a position where my conduct had to be called into question because of the way I dealt with 200 acres of land! Or 300! Because I have sense and decency enough to extricate myself from certain situations, and I will not, in my good senses, be put in a posi-

tion where I can be accused of conflict of interest or worse!

I do not have any lawyer friends advising me, but I have intelligent, honest, frank people who tell me when I am wrong, who insist that I straighten up and correct myself. That is why that behaviour is reciprocated. That is why I feel good in present company. I feel proud of the company I am in, in this Honourable Chamber, and I will never stoop to so low a point where I call one of my colleagues 'swine,' irrespective of the fact that I may not like them.

And as for the Bible reading, I want to say something about that, because I know a little about the Bible too. Second Samuel, chapter 12 tells the story of the prophet Nathan whom the Lord sent to David. He said, 'David, there is a certain rich man who has lands untold and animals, and a harem.' And Nathan told David, 'Do you know what that man did? There is a poor man also who has but one little ewe lamb, and his family, and he took that little ewe lamb with his family and raised it as he raised his little children. It slept in his arms. He fed it and pampered it. One day the rich man had a visitor. But he did not go to any of his herd and cull an animal; he took the ewe lamb from the poor man.' And David was repulsed, Mr. Speaker, and he said, 'Who did such a vile act? Certainly he should be punished!' And the prophet Nathan said, 'David, you are that man. You are that man!' Enough said on that. The conclusion is obvious.

The trust that our constituents place in us is a trust that demands us to bare our souls. So I want to ask, Why did the Minister not table the letter he received from the Lands Office dated 13 March 1993, in which to my knowledge it was stated that there was no available substantiation to the claim of the estate which he claims to represent to this piece of land? Why did the Honourable Minister not table the Executive Council documents, which he used to base the decision of his claim upon? Such an absence does not escape our perusal. It does not escape our eyes, and without those two documents being tabled, the Minister's position falls far short of being solid. I remind Honourable Members that we make no accusation, but we are saying that justice must manifestly be seen to be done.

I reminded all Honourable Members that they will have a chance to vote their conscience. Francisco Pizarro, one of the Conquistadors, took his men from Panama up to the Andes in search of the riches of the Inca empire in Peru. When the going got toughest, Pizarro was moved to admonish and remind his band thus, 'On this side lies Panama, with its mosquito-infested swamps and its misery, decay and degradation; and on this side lies Peru, with all of the riches of the Inca empire.' This was his exhortation: **"Choose, each man, what best becomes a brave Castilian."**

Shakespeare, Mr. Speaker, had one of his characters say, **". . . to thine own self be true, And it must follow, as the day the night, Thou canst not then be false to any man."**

We have an award which was allegedly made to the deprivation of another claimant. We are not a court.

We cannot reverse any award. But we call into question the surrounding factors, including that the award was made to someone in a position of privilege, obviously advantageous, which the other claimants did not have. It bears emphasis that the reviews conducted were based on the procedures which were followed, not on the absolute right to title. We have never questioned those procedures. I want to appeal to the good conscience of my colleagues not to be misled, not to curry favour, although the conduct of our colleague and fraternal brother comes into question. Let us rise above certain things and be neutral and impartial as our office demands we should be when it comes to the business of our constituents and our constituency.

This kind of action, when it involves the powerful people who have certain status, must not become representative of the routine. It must never be allowed to be common practise. We must set ourselves up to be true practitioners of what is right. We must set ourselves to be prepared to be completely open and accountable, to be transparent. We must not only make that claim, we must practise the action. And above all—I want to say this because this is important—we must refrain from being so uncharitable to our colleagues, irrespective of what we may think they have done, as to address them as swine. I am wounded by that to my heart. I will resist any urge to exact revenge. That is not in my nature. But I want to throw it out, because I want those involved to remember that I have been hurt.

I want to end on this note, because I think it is a striking note for my colleagues. I am going to reiterate something. The prophet Micah, chapter 6, verse 8: **"He has showed you, O man, what is good, and what does the LORD require of you but to do justly, to love mercy, and to walk humbly with your God."** We believe there is an injustice. We believe there is a conflict of interest. I leave it to the discretion of my Honourable colleagues, bearing in mind that all the explanations we have heard were related only to the procedures used in Executive Council, and not to the authenticity or right to title of the land.

I ask again, Why were these important documents used in Executive Council to give the grant not tabled? Why was this case handled differently from the cases of Mr. Aamon Ebanks and Mr. Lester McLean? Justice must manifestly be seen to be done.

Mr. Speaker, that is all I have to say in my contribution, sir.

The Speaker: The floor is open for debate. Does any other Member wish to speak? (pause) Does any other Honourable Member wish to speak? (pause) The final time: Does any other Honourable Member wish to speak? If no other Honourable Member wishes to speak, does the Honourable mover wish to exercise his right to reply? The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I am indeed surprised by the types of tactics sometimes used in this hall. I believe if you have something important to say, and if it

must be said, you can say it at any time, and the relevance of what you say will remain. The truth, the correctness of any statement will not necessarily be lost by the position in which that truth is said. Therefore, whether a person speaks first, second or last is immaterial in the final analysis, because those listening are intelligent enough, concerned enough, sensitive enough to take into consideration all that is being said.

This is, of course, one of the darkest hours in the political history of our country. It is dark because the light of justice has not been lit up in here by a rebuttal, in particular from the Leader of Government Business. I wonder why he has not become involved in this debate. I wonder if it is not an attempt again to say, *'I will go so far, but I will go no further with my friend, because when it comes to my political career, I will sacrifice my friend to protect my career!'*

Justice is what propels me to stand up in here and ask that Honourable Members who have been here longer than I have answer to the codes of conduct which I am entitled to and the people of this country expect of them. Regardless of how much people talk about my past, the people had enough confidence in me to put me in this position to do exactly what I am doing here today. Praise God for that! I would never come in here and read Psalms. I have come here, Mr. Speaker, because in church, I read the Psalms. In bed I read the Psalms. At home I read the Psalms. Here, I have a political obligation.

I have only asked that Members, in making their consideration, take seriously into account the Guidelines for a Code of Conduct which was distributed again in this Honourable House this evening. I found the guidelines for those codes of conduct very useful, indeed. Why were they tabled on 27 September 1996 if they have no relevance to the political process in this country? Why were these guidelines for a code tabled if they have no relevance and if I have no right to get up in this Honourable House and question the political conduct, the managerial conduct, of a Minister responsible to this Parliament?

I have said, and I would like to go back to say, that my involvement here is not personal. It is truly not personal. It has truly been difficult for me since February of this year, when Mr. Leroy Johnson came to me to make the complaint. It has been difficult because the first thing I did while Mr. Johnson was in my office the first time I realised who this person was, because I had heard of this case before. I had heard of this situation before, and I tried, with all my heart and with all my mind and with all my soul to avoid that injustice, because I did not want to become a part of trying to correct these types of injustice in this country, because I felt that all the tribulations and problems I had prior to my being here had a lot to do with my preoccupation with justice and honesty and integrity.

There are Ministers today who will stand by and laugh at me, and talk about the man who went around wandering about the Island looking at the stars. But in gazing at the stars, I saw something that other Members

did not seem to see when they were gazing at the ground. I saw the glory of God and the goodness of righteousness and truth and justice, and all those things we seem to bring into our political institutions without realising that they all come from God. They all come from our biblical interpretations and relationships. It is not that the political institutions are created by us down here, in our warring state. Because if we had to rely seriously on our relationships to create our political institutions, we would fall far short of where we should be going. Sometimes we need to gaze toward the sky, to gaze toward the stars, to truly see how far we can go in this world, as honest, God-fearing people.

Mr. Roy Boddén: Preach, brother, preach!

Dr. Frank McField: And without land, and without all of the amenities that rich and powerful people need to feel like true people. Philosophically, I have never been impoverished. Philosophically, spiritually, I have always felt wealth, like I do this minute. The fact that I have come here, sincerely asking that the Minister answer a question, that it is seen that a conflict of interest did exist, does exist, does not mean that I am a terrible person. I know I was not a good person! I know I am not Jesus Christ! I know that I as a human being fell from grace and had to discover a new knowledge, and that that knowledge has a lot to do with my faith today! And that is why, when someone else came to me and gave me the task of bringing justice, delivering justice to them, I said, 'I shall walk until the day I find justice for that person.'

I got on the telephone on 10 February about it. I called the Governor, and he was very nice, as he always is to me, and he invited me to come and see him the next week. It was one of the earliest appointments. It was like that. And I went to see the Governor in February. I made the complaint to the Governor in February, so it is not as if, as the Minister seems to be implying, that he went to the Governor. Why would he go to the Governor if someone had not already said something?

Mr. Leroy Johnson had his lawyer, Mr. Keith Collins, write him a letter in 1996, saying he (Mr. Johnson) had claim to this land, and he was wondering why Mr. McLean had been awarded this land. Mr. McLean did not answer him. He had nothing to do with this person. So the fact that I went to the Governor and sincerely got the ear of the Governor, and presented certain evidence to the Governor, was the reason the Governor got involved in this situation in the first place, and why Mr. McLean asked the Governor to do the perusal of the procedures. Mr. McLean cannot honestly come here and say that he initiated this, nor can the Governor say he initiated this.

Hon. Truman Boddén: Mr. Speaker, on a point of order.

POINT OF ORDER
(Misleading)

The Speaker: Let me hear your point of order.

Hon. Truman Boddén: The Governor's letter is clear, and it states—and it is misleading the House—it specifically states, if I may have a minute to. . . . It has been laid on the Table and the Governor has written to the Honourable John McLean, saying, "**Following your request for a review of the procedure followed by Executive Council in arriving at its decision to approve a Crown Grant of the above land to you, I instructed the Attorney General to carry out the review.**" There is no doubt that the Governor says that the Minister for Agriculture was the person who requested the review.

The Speaker: Honourable Fourth Elected Member for George Town. I think the letter is quite clear. I do not know the chronological order of your request, but the Governor did say he had responded to the request from the Honourable Minister, so I wish you would make that clear.

Dr. Frank McField: Mr. Speaker, it is quite possible that I could have made a request and that the Honourable Minister could have made a request; and that he could have responded to the request of the Honourable Minister? This letter does not disprove the fact that I went there first.

The Speaker: But we have no proof of that, so I—

Dr. Frank McField: Mr. Speaker, we have proof of that. What would have stimulated Mr. McLean to go to the Governor to request this then? Maybe someone can explain that to me. It could have been the result of pressure, and now—I mean, there is a diary kept regarding the visits to the Governor—

The Speaker: The Minister of Education was rising. Would you give way, please?

Hon. Truman Boddén: Mr. Speaker, from what I can remember from what the Minister said, it was because of all the lies and rumours going around the place about the land that he requested the Governor to do the enquiry. And it cleared him! It has cleared the Minister!

The Speaker: To me, it is very clear that the reply in the letter from the Governor was at the request of the Honourable Minister for Agriculture. Whether you have a letter of reply, if he replied to your request, or not—but the letter in question is a reply to the Honourable Minister, and I wish you would withdraw what you have just said.

Dr. Frank McField: What am I being asked to withdraw?

The Speaker: I just want to clarify that the Governor's letter was in reply to a request by the Honourable Minister

for Agriculture, Environment, Communications and Works. And it has been clearly tabled in this House.

Dr. Frank McField: Mr. Speaker, I have not said that the Governor's letter is not a reply to the request. I said I went to the Governor's office around the 10th of February of this year—before Mr. McLean made his request. If I cannot prove that, I am quite willing to forget that. It is not important.

The Speaker: Let me explain what I am saying. I am going by the content of the letter tabled in this Honourable House. The letter says it is in reply to a request by the Honourable Minister for Agriculture, Environment, Communications and Works.

Dr. Frank McField: Mr. Speaker, I also had the Governor make an appointment with me to see the Attorney General. The Honourable Attorney General is in this Chamber, and we can ask him whether or not I came to see him in February of this year.

The Speaker: I am not doubting you at all, Fourth Elected Member for George Town. I am not doubting you at all. I am simply saying that the Governor's letter is in reply to a request from the Minister. I would just ask you to acknowledge that.

Dr. Frank McField: Mr. Speaker, I acknowledge that, but I also need to make it quite clear that I went to see the Governor in February of this year, and that I had a meeting with the Honourable Attorney General in February of this year.

The Speaker: That is fine. Continue. I am not arguing what you did, I am just saying that the reply was a request of the Honourable Minister for Agriculture.

Dr. Frank McField: Mr. Speaker, it is an important point, because I said I got involved in this situation because of a complaint by one of my constituents (that the Minister for Lands at one time said was more or less bothering me, which I replied that was not so, this is my constituent, this is my job, and this is what I do).

The only reason I am saying this is because I am trying to put this within a framework of how this whole thing got kicked off. The fact that we are talking here about procedure, the fact that the Minister for Agriculture, Environment, Communications and Works is using this letter from the Governor as proof that he did nothing wrong—he is using this as proof! But the first thing we have to bear in mind is that the Honourable Attorney General did a review of the procedures of the Executive Council—he carried out a review. "I have instructed the Attorney General to carry out the review." I have now received the Attorney General's report. He said, "**The Attorney General states that he is satisfied that the procedure followed by Executive Council in approving the Crown Grant of this land was correct.**" No one has ever questioned that. I have been questioning, all along, the body of evidence submitted to Council, and

the way in which it was submitted to Council by the Minister responsible for Lands.

The Minister responsible for Lands has two positions—and this is one reason I may have referred to him as Mr. McLean. Because on one hand you have the applicant, who is, in fact, Mr. McLean, and on the other hand, you have the Minister of Lands, who again is Mr. McLean. So it is important that the Mr. McLean, who is the private citizen, with the private interest, does not conflict with the Mr. McLean who is the Honourable John McLean, the Minister responsible for Lands!

I think it is important for us to realise that if our Government departments are allowed to make errors and not correct those errors themselves, and that every citizen must take to court errors committed by Government departments, without Government departments being willing to correct those errors themselves, then our courts will be continuously filled with cases to be tried by judges, and the citizens' pocketbooks will be exhausted because every time they have to go to court to get justice. Justice should be administrative justice as well. The people, administrations, should administer justice, and we should not always have to go to court for the remedy.

The Permanent Secretary of the Minister responsible for Lands, and the Minister himself, were responsible to see that the case presented to Executive Council was presented in such a way that it was understandable to them that Mr. Whitmore Syms was a proprietor in common with Capt. Henry Watson. That was their duty! And don't say now that because Capt. Watson might have been someplace and might not even have been aware of certain things, . . . that because I am not aware of my rights, I should not get my rights from the administrators of justice if they know! Ignorance of the law to us is no excuse for breaking the law, so how is it an excuse for a Government officer to be in breach of certain procedures because they did not know?

How would they not have known that Capt. Henry Watson was a proprietor in common? How would they not have known of the very Registered Land Law that governs what the Lands Office has done? Why is it that the Minister did not table—did not table—Mr. Syms' claim? Why is it that the Minister responsible for Lands did not table the answer from the Lands Office, dated 13 March 1993? Why did he not table these documents? Why did he not table his recommendation to Executive Council, when he has tabled the affidavits he took to Executive Council. It would have cleared up the whole thing, Mr Speaker. It could have been easily cleared up.

This debate, this discussion, was the last thing I wanted. Since 10 February I have worked on this case, this situation. I have gone to the Governor. I have gone to the Attorney General. I have spoken to Members of Council. I have had public meetings. I have tried to get us not to come to this position. It is interesting that we have come this far together, but now it is necessary for every one of us to use our consciences to choose the direction we might go, because the world is the way the world is, and sometimes we must decide that road we must walk, even if we must walk that road alone.

In other words, I think it is quite obvious that the Minister has been unable to prove that his management style, his choice to deal with this particular grant in Executive Council rather than Finance Committee, leaves much to be desired by this Honourable House. We have a duty and a right as the representatives of the people, to say to him, *'Sir, we believe there is a charge of conflict of interest here to be answered, and that it can easily be answered by your putting on the Table of this Honourable House, just like you were so anxious to put all the other documents on the Table of this Honourable House, to put the position of the Lands Office regarding this claim, on the Table. To put the Executive Council recommendation dated 14 February 1995 on the Table of this Honourable House.'*

There were also other documents that went to Executive Council—the one for 1907 that I mentioned in my beginning, and also the letter from Miss Genevieve Watson, which I laid on the Table. That is important because that document differs from the deed of gift dated 12 November 1968. It differs in that the real deed of gift talks about lands on the west belonging to Edward Bodden, where the letter from Miss Genevieve Watson says that the lands on the west are lands of Sparks Tatum. But the letter from Miss Genevieve Watson is consistent with the 1907 indenture that says the lands on the west are lands of Sparks Tatum.

It is for this reason that the Lands Office, in 1977, took the letter and awarded title to Mr. Whitmore Syms and Capt. Henry Watson. They awarded title to Parcel 48 as a result of the letter. We heard from one of the affidavits here that Mr. Whitmore Syms did not like to give papers to certain adjudicators. For this reason he kept some documents. But why did the letter then end up in the pouch at the Lands Office as the basis for him to be awarded provisional title to Parcel 48? He gave up some document. Or did he not have this? Who gave that document? Maybe he thought he would give that document and keep the other one. But the important thing to realise is that the deed of gift presented there, the letter which preceded that dated earlier in that year, is the document that was used by the Lands Office to award title to Parcel 48.

Once Parcel 48 was awarded—and if we look at the affidavits signed by the persons here—it is important, when we see that the Minister has tabled this information. And why not table all the information? Why not clear this thing up? He is a public officer. These are public documents! table all of them! It is interesting that one affidavit says, "I was aware that Mr. Whitmore Syms' property was considerably larger than Edward Bodden's land, which is approximately 89 acres and adjacent to it." Now I do not know where Mr. Edward Bodden's land is, because we did a lot of searching. One of the things we found out is that the name Edward Bodden was a very popular name at that time, so it was not very easy. But he says, in number three, **"It was always my understanding that Mr. Whitmore [Syms] owned the entire parcel, having acquired it from Miss Genevieve Watson in the mid-to-late 1960s. I also have no knowl-**

edge of the title to this land ever being in dispute, or that anyone other than Mr. Whitmore Syms maintaining the fences or raising cattle on it."

Well, the land was in dispute. If he is talking about 89, it was in dispute. If he is talking about 48, 48 was never in dispute! But 89 certainly was in dispute, and we know from my introducing the Leroy Johnson case, we introduced a history of disputes. So for the affidavits to have said, and for the Lands Office to have perused this affidavit and not seen that that would be incorrect information, because there was a dispute, . . . Unless, of course, he is saying that there was no dispute regarding Parcel 48. This is my contention, in fact, that all of these affidavits are referring to Parcel 48.

The affidavit by Leavey Conolly says, in number three, "**The late Lisby Johnson shared 2/3 of his land at Colliers and conveyed same to Ellis Johnson, Gilburne Watson and Wellring Watson. It is my understanding that Wellring Watson conveyed most of his share of land to Genevieve Watson in or around the late 30s.**" That is what I said again. If we go back to my summary of important dates and events, he says this is the share acquired by Mr. Whitmore Syms in 1968. So it goes to show again that in no way could Mr. Whitmore Syms claim any land that he was not a proprietor in common of.

And the case being made—and I am using the word 'case'—I know it is not a court. . . . I am not a lawyer, Mr. Speaker, but I think I have a little bit of common sense. I am saying again that if I went to the shop with a dollar that belonged to me and the Fourth Elected Member for West Bay and we had never divided that dollar, although we were conscious that he owned 2/9 of the dollar and I owned 7/9 of the dollar, if we bought something and the shopkeeper gave us wrong change, then he has given both the Fourth Elected Member for George Town and the Fourth Elected Member for West Bay wrong change. If I go back representing the Fourth Elected Member for West Bay as well as myself, and when I get change corrected from the shopkeeper I am obligated morally, if not legally, to come and give the Fourth Elected Member for West Bay his share as well, his part of the change.

We are saying here—and I think the case has been made—that Mr. Whitmore Syms had no claim to any sole property in Colliers at East End. At no time was Mr. Whitmore Syms in possession of any document, of any title, for any sole piece of land. He was only in possession of documents that entitled him to a part of a piece of land. And that because it was the obligation of the Lands Office, the Portfolio, the Permanent Secretary, the Minister, to see that the lands under their care are adjudicated properly, it follows that it was the responsibility of the Minister of Lands, finally, for the fact that this land was not awarded to the persons to whom it should have been awarded, based upon the claims he presented. Based upon the claims he presented, the land should have gone to two persons— Capt. Henry Watson's estate and Mr. Whitmore Syms' estate, one having 2/9 share and one having 7/9 share.

It is okay for us to say people make mistakes, but this is what I have been trying to get since 10 February. Since 10 February, I have been trying to get persons to accept the fact that a mistake could have been made! I was trying to elicit a desire to correct the mistake. But instead of the Lands Office cooperating with me and answering questions, they have the attitude that unless we get a letter from the Minister we are not supposed to go and ask any questions. I was prohibited from obtaining information that may have placed me, the people's representative, in a position to clarify this situation. I was prohibited!

There may be persons here who question my qualifications. I had to do what we call 'empirical research,' which means I did not just have to look in books and read and make conclusions; I had to get out there in the field, and through participant observation, make sociological conclusions. I was creating empirical evidence; I did not just wait for it to be given to me, for me to have sociological understanding, if some Members get where I am coming from.

Mr. Roy Boddén: Tell them how it goes!

Dr. Frank McField: Of course, I have tried to forget the fact that I have a sociological background, because to a lot of people that meant I was a socialist!

Mr. Roy Boddén: But it wasn't by correspondence course!

Dr. Frank McField: Anyway, Mr. Speaker, it is important for people to understand the methods by which I went about this. It was difficult for me to prove my case. But it should not be this way, because all I was asking for was a review of the situation, a review of the evidence to see if I could spare a poor citizen hundreds of thousands of dollars that would go to lawyers at the end of the day. Whether the Minister of Education is a lawyer or not, it goes to show that when you have friends who are lawyers, it is not too bad.

I have a cousin, A. Steve McField, who is a lawyer, and I have often gotten free information that would have cost me thousands of dollars. I know the advantage of having a friend who is a lawyer to advise you! But what about our citizens, whom we are supposed to represent? What about those who we are supposed to care about? What about that oath we took to put selfishness down and altruism up? to put the people on top, and we on the bottom as their servants? to serve them first and serve ourselves last? What about that?

As the Third Elected Member for Boddén Town said with such eloquence and conviction: We cannot allow our political tradition to be tarnished by the lack of objectivity. Anyone who is charged with public office must prove beyond a reasonable doubt that they are objective in carrying out their responsibilities. The Minister still has the opportunity to prove beyond a reasonable doubt that his objectivity was not tarnished by his private interest! And he can do that, Mr. Speaker, by putting those pa-

pers on the Table of this House; by tabling those papers just like he tabled all the other documents—the one from the Chief of Police, the one from the Governor, the affidavits, a few other documents, the one saying that the Johnsons sold their land, all the other documents. What happened to the relevant document? What happened to the conveyance document of 1907, which establishes ownership in the hands of the Watsons, of Wellring Watson, who then later turned around and gave this land to his daughter, Miss Genevieve Watson?

I believe that the people of this country deserve justice. I believe that the people of this country can expect justice, and that is why I am proud—regardless of what people may think my contributions have been to this country—to be a part of it. I am proud to be accepted by it. I do not boast about what I did for it, I am just happy that it has done something for me, that it has given me a chance and an opportunity to be here today, and to talk about service to the people, rather than service to oneself.

[Some Members: Hear, hear!]

Dr. Frank McField: Service to the people, rather than service to oneself! I have to protect our fraternity by reminding us about what people say—*‘Oh, those crooked politicians; you can’t trust politicians; they only know you at election time!’* So, Mr. Speaker, let us send a strong statement to the people that politics in the Cayman Islands is alive and well! That it is changing for the better! And not make people believe that just because Frank McField has come in here asking a few questions, that he is trying to destroy the Cayman Islands!

When I came back to this country in 1977, and I started talking about the youth problems, they said I was going to drive the foreigners away by talking about the social problems in the country. The Minister of Education was one of the people who got rid of me (because he was a Minister at the time) because he said I was going to cause problems! *‘We don’t want to talk about these problems!’*

But as a reformed trouble-maker, I shall tell you that until you admit you have a problem, you will never have a solution.

[Some Members: Hear, hear!]

Dr. Frank McField: I confess that I had to admit that I had a serious alcohol problem before I got a solution to it. I am not proud of my past, but I am hopeful of my future!

[Some Members: Hear, hear!]

Dr. Frank McField: And given the opportunity in this country, I will serve the people well. And I expect no less from my colleagues in this Honourable House today, than that they will verify my faith in them and in this country by voting their conscience on this issue. There is a case to be answered, and we have the right to de-

mand that the position of the Minister is revoked, because he has fallen short of what this Parliament has accepted as a standard for a Minister. Thank you.

The Speaker: I shall now put Private Member’s Motion No. 7/98 to the vote. In accordance with the suspension of Standing Order 43, the ‘Resolved’ section, which reads that **“in accordance with Standing Order 86, Standing Order 43 be suspended to allow that at the conclusion of debate on Private Member’s Motion No. 7/98, that the vote be taken by ballot.”**

I would ask the Acting Honourable First Official Member and the Honourable Second Official Member if they would act as scrutineers for this ballot.

Mr. W. McKeever Bush: Third or Second?

The Speaker: Do we normally use First and Third?

Mr. W. McKeever Bush: First and Third.

The Speaker: Let us use the First and Third, then. Would you come to the Clerk’s table, please? Has the ballot been prepared? Would you like to take a brief suspension while the ballot is being prepared?

Mr. W. McKeever Bush: Have they not made the ballot yet?

The Speaker: In the meantime, we would ask the Serjeant if he would show the empty ballot box to the Members.

While we are waiting for the ballot, I would like to say a few things about this vote. The vote is actually for the revocation of one Member, so it will be ‘Yes’ or ‘No’; and voting in this will be solely the Elected Members. The results will require nine affirmative votes from the Elected Members for the expulsion of the Honourable Minister. If there are nine or more the motion will pass; less than nine, the motion will fail.

I would also like to say that the Chair would appreciate, at the conclusion of the vote, that order prevail, regardless of the results.

[pause]

VOTE BY BALLOT

The Speaker: The Serjeant will now present a ballot paper to each Elected Member of this Honourable House.

[pause]

The Speaker: The First Elected Member for George Town.

Mr. Kurt Tibbetts: Thank you, Mr. Speaker. I just observed that the ballot paper says you must mark it with

an 'x'. For the benefit of Members, this is not a tick, but an 'x'.

The Speaker: If all Members have marked their ballots, I will now ask the Serjeant if he will take the ballot box around and collect one ballot from each Elected Member of this Honourable House.

Mr. W. McKeeva Bush: Mr. Speaker, before the Serjeant takes up the ballot from the two Ministers, the Minister of Education, and the Minister of Communications and Works, I would like to draw your attention and have your ruling on Standing Order 83, Pecuniary Interests: **“(1) A Member shall not move any motion or amendment relating to a matter in which he has a direct pecuniary interest or speak on any such matter, whether in the House or in any committee, without disclosing the nature of that interest, and shall in no circumstances vote on any such matter.”**

The Speaker: I would like to say to all Honourable Members that I expected this question to come up. I took the question up with the advocates from whom I got legal advice, and they said the Member involved was eligible to vote. It is a Censure Motion; it is a Private Member's Motion. The content was clearly embodied in the motion, and it would necessarily state that he would have some kind of involvement in it.

Mr. W. McKeeva Bush: Mr. Speaker, as I asked you some days ago, you were going to give us the written advice you had, right?

The Speaker: It is my ruling that all Elected Members can vote.

Hon. Truman Boddén: Mr. Speaker, if this is going to prejudice anything, I will leave my two ballots on top—the two ballots on top of the table. Is that what the Member wants?

Mr. W. McKeeva Bush: Mr. Speaker, I asked for your ruling. You have given your ruling.

The Speaker: I have made it very clear that the Serjeant is to collect one ballot from each Elected Member of this Honourable House.

Hon. Truman Boddén: Mr. Speaker, what should we do? Put it in or not put it in?

The Speaker: Put it in! I have had proper professional advice and I have ruled on that.

[pause]

The Temporary Acting Hon. First Official Member: (counting votes) No...no...no...aye...aye...aye...aye...aye...no...no...aye...aye...aye...no.

The Speaker: The results of the secret ballot: eight Ayes; six Noes; the motion fails. As I said before, for clarification, under our Constitution it requires nine affirmative votes for the motion to pass and there are only eight, so the motion has failed.

PRIVATE MEMBER'S MOTION NO. 7/98 FAILED.

The Speaker: At this time, I will entertain a motion for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman Boddén: Mr. Speaker, this is the happiest adjournment I have proposed in a long time. I adjourn this Honourable House until tomorrow morning at 10.00 AM.

The Speaker: The question is that this House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned until 10.00 AM tomorrow.

AT 6.00 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 17 JULY 1998.

**EDITED
THURSDAY
17 JULY 1998
10.31 AM**

The Speaker: Prayers by the Fourth Elected Member for West Bay.

PRAYERS

Mr. D. Dalmain Ebanks: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth II, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, and all the Royal family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Executive Council and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office.

All this we ask for Thy great name's sake.

Let us say the Lord's Prayer together: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

The Speaker: All Honourable Members are aware that we have a number of Select Committees formed and are awaiting deliberations before this Honourable House as far as we are convinced they are individual Committees and I would like to read a statement pertaining to that.

“STATEMENT ON THE APPEARANCE OF WITNESSES BEFORE COMMITTEES OF THE LEGISLATIVE ASSEMBLY

“I am concerned that in recent times the Legislative Assembly has not been following the procedure to be adopted by Standing or Select Committees as set out in our Standing Orders and where they are si-

lent by Parliamentary Practice of the House of Commons (UK) (Erskine May 22nd Edition), and The Legislative Assembly (Immunities Powers and Privileges) Law (1996 Revision).

“You will recall that on 8 May, 1998, I circulated to all Members of the Legislative Assembly a memorandum (ref: P/14/0178) which reads as follows:

‘I have thought it desirable that the procedure to be adopted by Standing or Select Committees in respect of powers granted to them to send for persons and papers, should be more clearly set out.

1. Standing Order 72(1) gives every select committee the power to send for persons, papers and records.
2. Standing Order 73 (1), (2), (3) and (4), sets out the procedure for requesting the attendance of persons before a Committee:
 - (a) the Chairman will indicate (normally after discussions with members of the Committee) which persons should be asked to attend;
 - (b) the Clerk to the committee shall then, subject to the directions of the Presiding Officer, summon the witnesses on behalf of the House;
 - (c) normally a period of seven days' notice is given to witnesses.
3. The Legislative Assembly (Immunities, Powers and Privileges) Law (1996 Revision) also sets out various provisions for procuring attendance of witnesses. Section 9 sets out the privileges of witnesses.
4. It will be observed that the word “summon” is used, but it has been general practice of select committees, etc, in the House of Commons, UK, to request witnesses to appear and give evidence by means of an informal invitation. Committees now seldom use their formal powers to summons individuals, preferring to keep them in reserve. Nevertheless, when a committee has the power to send for persons, that power is unqualified, except to the extent that it conflicts with the privileges of the Crown and of Members of the House of Lords, or with the rights of Members of the House of Commons, (May's 22nd Edition - pages 646-653).

'Further, May provides that there is no restriction on the power of committees to require the production of papers by private bodies or individuals, provided that such papers are relevant to the committee's work as defined by its order of reference. As when sending for persons, select committees generally hold in reserve their power formally to send for papers and records and proceed by informal invitation.

5. I should also like to emphasise the provisions of Standing Order 81(2) which states that "**THE STANDING ORDERS RELATING TO SELECT COMMITTEES SHALL APPLY TO STANDING SELECT COMMITTEES UNLESS OTHERWISE SPECIFIED.**"

'The Legislative Assembly must comply with the Standing Orders and Law and where there is any lacuna, then with the Parliamentary Practice of the House of Commons (UK). Accordingly, the procedure for witnesses appearing before Committees of this Legislative Assembly in the future will be as follows:

1. In accordance with Erskine May *Parliamentary Practice*, 22nd Edition, pages 646-647, witnesses will be requested to give evidence before Committees by means of an informal invitation issued through the Clerk. A summons will only be used should the witness fail to accept the invitation. In accordance with Order 73(1) of the Legislative Assembly Standing Orders (1997 Revision) at least seven day's notice shall be given to the witness.
2. Where the witness is a public officer he/she is obliged under section 9 of the Legislative Assembly (Immunities Powers and Privileges) Law (1996 Revision) to obtain the consent of His Excellency the Governor (acting in his discretion) before giving any evidence or producing any documents to the Committee. Accordingly, every invitation or summons shall identify the papers and documents to be produced and give details of the questions or subject matter upon which evidence is requested. There must be sufficient detail for the Governor to give specific authority to the public officer concerned.
3. Evidence will normally be unsworn, but may be sworn if the inquiries are "of a judicial or other special character." (Erskine May 22nd Edition, page 654). Then in accordance with section 9(1) of the Legislative Assembly (Immunities Powers and Privileges) Law (1996 Revision) the witness will be given the same right or privilege as before the Grand Court. This may well mean that the Committee will need legal advice.

4. The procedures which I have outlined above are not in any way to inhibit the ability of Members of this Honourable House and of its Committees to perform their duties and responsibilities; they are to ensure that the law and practice of the House are fully complied with.' "

Item No. 3 on today's Order Paper. The Third Elected Member for Bodden Town.

Mr. Roy Bodden: It is highly unusual, sir, for Honourable Members to raise with queries on Statements from the Chair, but, Mr. Speaker, I would like to raise a concern. If what you read is to be the case, is the Chair cognisant that this is about to change the tenure of Standing Committees since it does not leave much to the discretion of the Chairmen of the Standing Committees in certain regards? I am particularly concerned with the point you raised that the Committees may now need legal advisors.

The Speaker: I have no objection to meeting informally and discussing this at length if that is the wish of the House. Let us proceed with today's—
The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you.

Mr. Speaker, I am craving your indulgence, sir. The reason why queries are being put forward is because we understand that what you are reading out is a ruling of procedure for the future. If that is the case, how does it then give us latitude to discuss it?

The Speaker: This has only outlined what is said in the Legislative Assembly Standing Orders and the Legislative Assembly (Immunities Powers and Privileges) Law (1996 Revision) and I am quite willing to have an informal meeting and discuss it at length.

Mr. D Kurt Tibbetts: So, if I understand you correctly, sir, you are simply outlining a situation, and you are quite prepared for us to meet informally before you actually rule on the procedure which will follow?

The Speaker: That is correct.

Mr. D Kurt Tibbetts: Because, if I may say, sir, one of the things that we have to be very careful of is that both sides and situations are balanced. Lots of time Committees are held and we on the Backbench do not have knowledge of the Committees being held within seven day's time. So it would be physically impossible for us to even call any witnesses. Especially, for instance, in Finance Committee, we sometimes only know of it in two or three days, if you take the point. I would ask that we be able to discuss it.

The Speaker: I am fully cognisant of that fact. I have sat on that side as well. So we will meet informally and have a long discussion on this.

The First Elected Member for West Bay.

Mr. W McKeeva Bush: Thank you very much. Mr. Speaker, I am pleased that you are saying you are prepared to sit down with us. Would to God that that had happened before you read that this morning. I hope that this is not an attempt to stop Members from getting their work done and the exposure that is going on in the Legislative Assembly.

The Speaker: For the benefit of the Member, in case he was not listening to the last paragraph: **“The procedures which I have outlined above are not in any way to inhibit the ability of Members of this Honourable House and of its Committees to perform their duties and responsibilities; they are to ensure that the law and practice of the House are fully complied with.”** That is all that I am attempting to do.

Mr. W McKeeva Bush: Mr. Speaker, I am not going to hold any more argument with you—although I am tempted, I must tell you. The truth is that what you are saying, if carried out, will severely inhibit the way we can do, and have done, business in this House.

The Speaker: Let us move on to Item No. 3 on today's Order Paper. Government Business, Bills.

Before we move into Government Business, Bills, I would entertain a motion for the suspension of Standing Orders 46 and 47 to allow us to take the third reading on the same day. The Honourable Temporary Acting First Official Member.

GOVERNMENT BUSINESS

BILLS

SUSPENSION OF STANDING ORDERS 46 AND 47

Hon. Donovan Ebanks: I beg to move the suspension of Standing Orders 46 and 47 to enable the Prisons (Amendment) Bill to be taken.

Mr. W. McKeeva Bush: Mr. Speaker—

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: I rise to object to the suspension on this Bill. It is a very small Bill, one page, but it is a most controversial one. We should be doing things to deter crime, not to assist it! That is what this will do—encourage it! This Member is certainly not going to support the Bill. I am certainly not going to support the suspension. We only got this yesterday, and the Government has been here for how many days complaining?

They had full time to do this. I cannot and will not support the suspension and I will not support the Law when it comes. This needs to go to the public, talking

about stopping people from being flogged when it has not been done—but it should be done!

The Speaker: Does any other Member wish to speak?
The Third Elected Member for West Bay.

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

Mr. Speaker, I think that Bills are normally given 21 days. That gives us 21 days' notice in order to look at the Bill and review it. I believe that it would be very wise for us to adhere to that practice with regard to this Bill. As the First Elected Member for West Bay said, this is a very controversial issue and I am one Member who is not prepared to support this.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Over and above what has been said by other Members of the Backbench regarding this Bill, the truth of the matter is that the practice to suspend Standing Orders when Government Bills are before us with less than 21 days' notice, is one which has been talked about. My understanding is that the old time Government would make an attempt to do this when it was something it could not avoid and there was basically an emergency situation.

What has come before us now, less than 24 hours of our receiving the draft Bill, is a situation that has caught us off guard regardless of what has caused this to happen. Perhaps if the Government had brought it to our attention and explained it to us...but it cannot come to the floor of this House now and expect us to be dealing with it and going through the procedure of voting on it.

Mr. Speaker, it is like this: Perhaps this is a coincidence, but if this is a sign of the times, we are all in for some warm times.

The Speaker: Does any other Member wish to speak?
The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, just to briefly say that I support the position of the other Backbench Members. This was a very controversial provision of a Prison Law. And for the Government to have brought it here only yesterday and request the suspension of Standing Orders in order to push it through without giving us the time to consult our constituents goes to show that they really do not have it altogether. So, if we the people do count, they should give us an opportunity to go to the people with these proposals. I am not going to support the suspension of Standing Orders.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you.

Mr. Speaker, I have to support what my colleagues on the Backbench have said. I cannot support that. We should be really looking to deter crime, not help them along, whether or not the UK wants it! I cannot go along with this.

The Speaker: The Honourable Temporary Acting First Official Member.

WITHDRAWAL OF MOTION

Hon. Donovan Ebanks: Perhaps, in light of the sentiments expressed, an appropriate compromise might be for me to withdraw the motion to suspend Standing Orders and, instead, ask your permission to simply table the Bill at this time, if you will permit.

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

AYES.

The Speaker: The Ayes have it. The motion is withdrawn.

AGREED: MOTION TO SUSPEND STANDING ORDERS 46 AND 47 TO ENABLE THE PRISONS (AMENDMENT) BILL, 1998, TO BE TAKEN, WITHDRAWN.

The Speaker: *[Addressing the Honourable Temporary Acting First Official Member]* Is it your desire to table the Bill? So ordered.

Moving on to item 4 on today's Order Paper. Other Business, Private Members' Motions. Private Member's Motion No. 8/98, Increase of Financial Assistance to the Elderly, Handicapped and Other Persons in Need.

The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/98

INCREASE OF FINANCIAL ASSISTANCE TO THE ELDERLY, HANDICAPPED AND OTHER PERSONS IN NEED

Mr. W. McKeeva Bush: Thank you, Mr. Speaker.

Before we do that, are we going to suspend Standing Orders to deal with the motion, being that today is not Private Members' Motion day?

The Speaker: There is no other business on the Order Paper. This is the only business remaining.

Mr. W. McKeeva Bush: All right. Thank you.

I beg to move Private Member's Motion No. 8/98, standing in my name, which reads as follows:

"WHEREAS the Government promised in the 1996 Election Campaign to increase the financial as-

sistance to the elderly, the handicapped and others in need;

"AND WHEREAS the financial assistance of \$200 per month, per person, is the only income that most recipients receive;

"AND WHEREAS the cost of living is not on the decrease;

"BE IT NOW THEREFORE RESOLVED THAT the Government consider putting in place the necessary funds so that at the year 2000 the financial assistance would be at a figure of \$400 per month, per person."

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to second the motion.

The Speaker: Private Member's Motion No. 8/98, having been duly moved and seconded, is now open for debate. Does the mover wish to speak to it?

Mr. W. McKeeva Bush: Thank you, Mr. Speaker.

I think all Members of this House are aware of the history of our country. I think they know what it took to get us where we are today where, in spite of some problems, we are living a pretty good lifestyle. Many people don't know what it took to get to this point. The elderly Caymans built this country. They worked hard at a time when salaries were really nothing in this country. It would be remembered that there were other persons in addition to our elderly, such as the handicapped, mentally and physically, who are in need in these Islands.

During my time at the helm of responsibility for these persons, I was successful in getting a policy through Executive Council and this House. And thanks to its universal character each one who indicates need (and it is checked to be so) has some measure of support that assists in preserving their pride and self-respect. It is the only source of income they have.

Mr. Speaker, if I may say so myself, that policy was a benchmark in the social history of this country. It is no surprise to any of us in this Honourable Legislature that the cost of living is expensive in these islands, nor is it any surprise that it is not decreasing. When we take the cost of everything it takes to live, especially the basics—clothing, food, electricity, cooking gas, medical, water—Mr. Speaker, we don't have to guess what the cost is, we feel it and live it day by day. Persons with good incomes know quite well that it is not easy, much less those who have no income at all.

When we look at what it costs an elderly person to live, . . . and I should say to the House that the cost of a domestic helper must be added because some people must have a helper due to some infirmity or another. These are costs that some must bear, especially what the Social Security Department does not pay for. I know that the increase I spearheaded was a Godsend for the elderly and others in need, but we have to be realistic, at this time in our country it is simply not enough. I recog-

nised that in Executive Council, and others recognised that also as being correct. We went into the general elections promising to increase the present amount to \$400 by the year 2000 or before.

I know we must be realistic, but the amount now is not enough. After all, what counts is not the actual amount of the assistance but its purchasing power. If it cannot provide for food, shelter and clothing, the basic needs, and sometimes medical, to the extent of at least minimum comfort, then it must be too low. If we want to be fair to these people, if we don't want to see them struggling along in conditions of poverty—and far too many of them do—then we must guarantee them assistance that will permit them to live in dignity with a basic degree of comfort, both physical and psychological. To do that they certainly need an increase now, and continued increases in direct proportion to any projected rate of inflation.

This is a matter of equity and justice as far as I am concerned. In my opinion this is not charity, nor should anyone think it is any outstanding example of State generosity; that the country is giving this so they should be satisfied. These people worked. I am not talking about years and years ago. Some of them did, yes, back in the 1940s. But you check it out now, some of our elderly worked in the hotel industry, a good example, and received such a small wage that at the end of the week they had to go trust (what we call credit) for groceries depending upon the next month's income. That cannot be right in this country. That is why I called for a look, and an increase in wages in the hotel industry was recommended. So, let no one think this is charity. Those people built this country, and some of them are still building it!

If a country as wealthy as ours purports to be cannot give its seniors and others in need sufficient financial support to keep them out of poverty then something is drastically wrong. Our economic principles need attending to if we cannot do that. If we will not, then it is our basic moral and philosophical principles that need revamping. Perhaps this is a good time to say that maybe this request comes at a time when Government is not flourishing financially. But the truth is, the country is doing well. What is necessary is for Government to prioritise properly.

Ever since we went and increased this amount there has been much talk about who gets, who does not get, who needs and who doesn't need. I said a long time ago that one of the problems in our country is that some people think that they know everybody's position and that everybody's position is better than their own, and their own is worse than everybody's—'*You don't need but I need.*' We don't know how people have to live most of the time. We don't know by just looking at the situation what a person has to live with. And to say that these old people are getting this money without any problems, that Government just up and gave it to them is a lot of nonsense. They have to go through a means test. If this is not a means test, what you see me holding in my hand, then I don't know what it is because, Mr. Speaker, this is really mean! [Laughter]

First of all, in this application, you have to be referred. Then you have the particulars of the applicant: Date of birth; Surname, First name, Middle name; Age; Marital status (single, married, divorced, separated, widowed); Resident status (Caymanian, non-Caymanian); Living in Cayman for how many years; Names of children, if any; surname if different. Do you have dependants? Yes or No? What relationship are they to you? Next of kin. Then it goes again repeating the same information. Then in number 10 it asks "Name of person with whom you live, and what is the relationship."

Question 11: "If you have a social worker please state the name of that social worker." Then it goes on to disabled or handicapped in 12. "What is the nature of the disability?" Financial information: "State whether amounts are monthly, weekly or hourly." Then it goes on to question 13: "When was the last time you worked? What was the salary, monthly, weekly, hourly? Number of hours worked per week if hourly. Income, if any. Earnings of applicant, monthly, weekly, hourly. Number of hours per week if it is hourly. Earnings of spouse," and the same information. Question 17: Pension. Question 18: Social Security. Question 19: Veterans Pension. Question 20: Alimony. Question 21: Insurance. Question 22: Social Services Department. Question 23: Other source. And you must give the total, that is, if you have any.

Then there is the expenditure side of it: Rent, or mortgage. That was 24. Question 25: Food. Question 26: Loans. Question 27: Credit charge or trusts. Question 28: Electricity. Let us stop counting. Telephone, water, stove fuel, transportation, light, health insurance, medical expenses including medications, other expenses. Then it goes on with more general questions: "If the application is approved in whose name do you want the assistance to be made out?" Where to send it, that sort of thing. Something like nearly 40 questions. So let no one think they can come up and say, '*I want it, give it to me.*' They go through a lot.

In my opinion, let me tell you that it is too many. Any Minister, any Department worth its salt knows their people and knows what the situation is. But, because they want assistance, they do it. I guess that at the end of the day it gives you some protection if you are accused. But when it comes to doing it for the elderly, my position has been that we give it to them.

And, Mr. Speaker, if you will recall this came about when I was trying to get severance pay increased. As Minister responsible for Human Resources, labour, that is, what I found happening was that older people were being pushed out of their jobs with no income. What good is it to give somebody a watch, a pen, a basket of groceries even, or a nice tap on the shoulder saying, '*You are up high in my books. You did a good job?*' What good is that after twenty years? And they leave without any kind of pension to help them. If they had managed to save \$5,000, . . . the truth is the older people did not want it because they are so independent. They did not want to touch it. They would tell you, '*I don't want Government to bury me. I have a few dollars saved.*' But by the time they buy the vault, the casket and everything else, that money

is gone. Remember that our elderly are very independent people. Even if they managed to save something, the little amount would not be any good. All we have to do is go sit down and talk to them. They will tell you—if they trust you, that is.

When that was happening and there was no support for pensions, I made the proposition that if they could not do pensions in this country and they wanted to get rid of people, they would pay them properly. And, boy, did the forces rise up against me! Even here in this House people did not support it. There were various reasons. I had no support in Executive Council. Behind my back, not to my face, they were peddling away at me. Nevertheless, I accepted their position. We didn't get it, but I said to the people who opposed it at that time that if they were not going to do this they would have to support pensions. Even at that time the recommendation was made that we pay the older ones a little bit more. I don't know if that is happening. I don't believe so.

Now, Mr. Speaker, what did these older people do to deserve anything from Government? Let me give you a broad heading. They built this country so that all of us in this House can live well. And they kept it so that all of them coming in could live well. What those who worked as domestics in people's homes back then did was scrub the floors, wash the clothes, sweep the yard, pull the bush, sometimes cook the meals, wash the dishes. Some people today forget that kind of thing. They do remember the people who washed their clothes, cleaned out their toilet. Let me be very open. They don't forget that.

They cleaned the hotel rooms; they cooked the meals in the hotels and the condominiums. They washed the dishes there too, scrubbed the floors, made the beds, and went into bathrooms that you and I would turn our face up at. We, in this House must forget that and listen to people who can only think, *'I'm not getting' it*, and *'This one is getting' it so why should I not get it?* Me? I know when to stand up and when to sit down.

Never mind about those who got damaged on the job and got nothing for it. Today it costs their families heaps of money because they are just now, at this age, feeling the effects of it. And when you have to go to the Baptist Hospital, or any hospital in the United States, it's not one penny. And some have to pay it back! What about those who went to sea? And let us now include the veterans because that includes veterans, as we know them—they who went and faced battle, and then veteran seamen who travelled in wartime.

Where did we have an income from to keep up the country? The Meskito Banks. Swannie Shipping Company. Your family, Mr. Speaker, had a big shipping company and hired a lot of people. But they never had any pension. They travelled during that time. You are a master mariner. I think you are old enough to know something about it. We have at least one other in this House, the Fourth Elected Member for West Bay, who knows about it. These people built this country! Yes, the banks came, and the trust companies and the investors came with their money. It was good for us. Then tourism came and it was good for us. But they set the foundation. Let's put it

this way: They did the dirty work so that all of us today could be better off.

Who went to sea starting out at the Meskito Key Banks? Swan Island? These are things that have to do with our history. In wartime there were those willing to go off and up front so that this world could be free today. They fought the Axis Powers at the time, the Germans and others that were united. There is not much question about those who went to Trinidad because everybody recognised that group. But there is some grumbling that they should not get it. I wonder if they know what it was like? I wonder if they ever faced 40-foot seas between here and the Meskito Key Banks, when they had to chop out the vessel's mast to save lives? When lives were taken in the *Majestic* and the *Hustler* do we forget that? There are people still living from that era who have nothing, or they call them old drunks. They say, *'They are drunks. You don't need to give them anything.'* But when this country and the world needed saving they were the iron men in wooden ships; men who went down in the sea. Don't forget.

I wish to God that we never had come to the stage where people are so eager to put down, criticise, and ridicule without knowing what we they talking about. But when you have a right to do it, . . . Well, it is your right to do such things. But in this instance I say no one has any cause to criticise because some who are criticising today don't know anything about it. So these are the ones who should be getting, and we are not doing enough. I would like to see who will stand up and say they should not get it, when we boast of a per capita income of some \$21,000 or \$18,000; yet we cannot give this kind of money.

There are veterans who not only went to Trinidad, but they were in Bermuda, they were in England. The truth is that England should be giving us something to give to them.

Mr. Roy Boddan: True!

Mr. W McKeever Bush: All they do now is take away laws that are good for us!

[Members' laughter]

Mr. W McKeever Bush: There were veterans who faced battles, widows today of husbands in foreign prison camps. I had a grand uncle who spent many years in a prison camp in Germany.

There are other families who are affected by it. Can we as a Legislative Assembly put politics in the way of these kinds of things? No! We should join hands and do anything we can to see that that is increased to a level that makes our people comfortable. The truth is, some people never had to do it. They never had to scrub the hotel floors, they never had to clean the toilets, but they did other things. They helped build the country. But today they don't have anything. And we have people who were in the hotel industry and are out of the industry now but really have nothing. I said sometime ago that it is time

that we be a kinder, gentler nation with a willingness to assist and allow for one another with sincerity and trust; not to walk with daggers, but to do justly and to love mercy with a willingness to help our brother rather than putting him down.

In my life I only know about one thing, and that is to do all the good I can to all the people I can. And during my term in Executive Council that was what I was doing. I did it and I have no apologies to make. Perhaps in this investigation, or this audit (let's not call it an investigation) there will be a few people who fell through the cracks. That can be tightened up. But I would hope that there is no all out effort to try to make anybody look bad by saying they did wrong. If anyone fell through the cracks and got something, there are ways to rectify that. But people on the street, standing, sitting or living in their homes or wherever they are, should not be ready to judge who got and who gets and who does not need, because we don't know what a person has to live with. We can see people with a nice pair of shoes. We might think that that person is wealthy. Don't think that way. We don't know.

I have been rambling this morning, but I think that what we are trying to accomplish needs to be done. Between the veterans and the elderly, financial assistance was less than \$3 million, when we are spending here, there and everywhere, putting up buildings. We want to spend all sorts of money on roads, and we say we don't care, we have to drive well, so we are going to spend it on roads. Never mind spending less than \$3 million on the people who built the country, and who need it. But we can spend how much on the prison? I didn't look at that estimate. But how much are we spending on the prison in this country?

We are doing so badly that we have to spend millions and millions of dollars on protection by building up the police force. We spend millions and millions of dollars on a national airline. We spend millions of dollars on castles and two civic centres in a district. We can afford that, but we cannot afford to pay our people who built this country \$400? I say, '*Shame on us!*' if we cannot do it when we are supposed to do it.

The good thing about this type of expenditure is that the cost is not an increasing one year after year, but one that will decrease year by year with the advent of pensions and, of course, the death ratio. This is not something that will be increasing forever; it is something that is decreasing. I can recall numerous persons who have passed on to glory, who started getting this back in 1995. Some died before they could even get their first cheque. The cheque was written and everything. Passed on to glory.

Mr. Speaker, I had better sit down. I hope that I have touched enough hearts to go with it. I would like to thank the seconder of this motion and all those on this side who agree.

The Speaker: The motion is open for debate. Does any Member wish to speak? The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

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

I rise to lend my support to this motion as I recognise that individuals who are determined by an assessment process to be needy will require the financial assistance given by Government to be adjusted accordingly to compensate for such increases in the consumer price index. We all know, when we go to the supermarket and have to purchase other goods, the incredible cost of living in the Cayman Islands.

Government also recognises that \$200 which it gives on a monthly basis, although much appreciated, does not go very far in providing the necessities for these individuals.

As the mover mentioned, when leading up to the 1996 election, included in the Manifesto of the National Team was that an increase to the needy would be discussed. I must stress, however, that although I am in full support of this motion I am making the point that this assistance should only be given to individuals who are determined by assessment to be in need. I know this was also enforced by the Honourable Member moving the motion.

I would like to advise this House that since my Ministry has taken over responsibility for financial assistance the financial assistance criteria have been revised by the Social Services Department in conjunction with the Ministry and are being used to determine if a person is needy. For the benefit of this Honourable House, I would like to table a draft of these criteria, and will also pass on copies to Members.

The Speaker: So ordered.

Hon. Anthony S. Eden: In agreement with the First Elected Member for West Bay, adhering to the means test will enable us to concentrate on giving more to those who genuinely need it. I envisage increasing the figure in the future to realistic figures. As the mover said, when we look at the amount of money that passes through these islands, and the supposed affluence here, our elderly in need, especially those who may be handicapped, should not be put in the position of being looked down on. We must assist them. I agree with the mover 100 per cent.

These criteria should be taken into consideration, such as the responsibility of adult children to maintain their elderly or disabled parents, and grandparents. This was also taken into consideration in section 5 of the Maintenance Law (1996 Revision). The other Law which affects these guidelines was the financial assessment by the Social Services Department, and that is the Poor Persons (Relief) Law (1997 Revision). Section 4 provides that any person receiving government financial aid who has or comes into any property, that property shall be vested in the Crown.

Government cannot continue supporting individuals who do not have genuine needs and the Laws mentioned earlier will need to be taken into consideration when assessment is made. But this point was borne out earlier by

the mover in the means test. I think that when this is done it will eliminate much of this and give that concentrated help to those who really need it.

In closing, I am pleased to lend my support to this very important Private Member's Motion which has been brought to this Honourable House by the First Elected Member for West Bay, and I would like to commend him for his continuing commitment to those of our citizens in need.

Just to touch briefly on the systems audit report, which I will share with those concerned. As he said, and as was also advocated, this will do a periodic revision of those getting it to ensure that it is going to the right bank and many other things. That is what this audit will address.

The Speaker: Does any other Member wish to speak? The Third Elected Member for West Bay. But before you begin your debate, would this be a convenient time to take the morning break?

Proceedings will be suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.35 AM

PROCEEDINGS RESUMED AT 12.02 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 8/98.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Mr. Speaker. I rise to offer my support to Private Member's Motion No. 8/98, entitled, Increase of Financial Assistance to the Elderly, Handicapped and other persons in need.

We have elderly who enjoy this privilege in West Bay. That \$200 they get from the Government on a monthly basis is, in many cases, the only income many of them have. The only reason it is \$200 today is because the former Minister of Community Development (the present First Elected Member for West Bay) pushed to get it increased to \$200 per month, and that was about two years ago. But the fact is that even with that, a number of our elderly are still having a difficult time making ends meet. The cost of living goes up in this country on an annual basis. It costs more for food, and electricity is also very high. There is also a water bill to contend with in most cases.

I believe that the increase from \$200 to \$400 per month is reasonable. As the mover mentioned, they did a survey to determine what would be a reasonable figure and this is what was agreed upon. The concern I have is that there are more and more of our elderly in a position where they need financial assistance from Government. Many of them find themselves in this position because former Governments did not have the foresight to put in place some type of pension plan for their golden years. There comes a time when they can no longer physically work.

Mr. Speaker, I have heard it bandied around a lot recently that one's children, if one has children, are sup-

posed to take care of one. The reality of life here in the Cayman Islands is this: Everyone is strapped up to their necks financially because of the high cost of living. They all have a difficult time making ends meet. So I don't think we can assume that because someone has children that they are in a position to assist financially.

I am aware that a means test has to be filled out and reviewed before one qualifies for consideration. But I am one Member who feels very strongly that our elderly in their golden years deserve to enjoy some amount of dignity in their lives. If Government can assist with that by giving them a little monthly amount, then I think that is in order. I am aware that the district officer conducts this means test, or financial review. The reason for this, and it makes sense, is that the officers know most of the people in their respective districts. So they are in a much better position to find these people and sit down with them. They know the family connections and I believe it makes more sense to approach it from that standpoint.

Our elderly worked very hard during their lifetimes to build this country. I recall as a boy that the only way of life many of our men knew was going to sea. That meant going to the coast of Nicaragua to do turtle fishing, or going to what was known as Southwell and being employed on the tankers that sailed the Seven Seas. Also, many of them went to Swan Island, my little paradise, in order to support their families. The fact of life here in the Cayman Islands is that they have no steady means of income. We did not have the foresight many years ago to put in place a pension plan. I am glad that we have the political guts to do it now, even though we had some ripples and resistance. By taking that decision we should see an easing of the demand for assistance from Government in maybe 15 or 20 years.

I go to my MLA office in West Bay on Mondays and Wednesdays. This past Wednesday some people came to see me concerning the new policy on free medical. Basically, they told me that the person concerned is a gentleman who is 80 years old, a former cancer patient with an elderly wife who is totally dependent on others for care. They went up for free medical and were told that the new policy is that they have to offer some asset, like a house or a piece of property. Government is now saying that in order to enjoy that benefit of free medical, or the little monthly allowance, they have to get a lien over a piece of property.

There are situations and circumstances where children are capable of taking care of their parents. Maybe that parent has land and a house that the children would inherit upon the death of their parent. If Government has to step in and say, *'Okay, if you won't take care of your mother or father and we have to, then we are going to see to it that somehow when you come to inherit this property that you have to contribute something back in return.'* I have a problem with that. I don't think it should be a general policy because many of our older people have a little house they are sitting in. Our people are very independent, very private and confidential and they would be concerned thinking, *'Oh, my goodness. I am getting \$200 per month and now I have a lien over my house.'*

Many of them have not had a mortgage for years. I am concerned that our people who deserve and need this assistance will refuse to give Government a lien over their property in return for the \$200 a month dole or free medical, in which case that person is then deprived of what they need in order to maintain a certain dignity in life.

I have seen before where this nonsense was insisted upon. I recall a lady from West Bay who was being given a hard time about putting her land up for collateral. Because she resisted it, she was deprived of the medical assistance that she needed until it was too late. That is not right under any circumstance. So, as a representative I support what is fair, but I will not support that type of draconian policy.

I believe that this is a reasonable request and I support the idea that only those who deserve it should get it. I keep hearing are rumours about people on that list who are driving around in rented cars and getting that \$200 per month dole. I don't support that kind of nonsense. It should be, and it is, intended for those who need it. So I support this request and I must also mention that it was a part of our 1996 National Team Manifesto. In order to get the vote, we promised that. And I am a man of my word. If I promised it, then I am prepared to deliver it. I just hope that the Government will now get on with putting this new policy in place.

Be very stringent as to who qualifies, and if one qualifies, then I don't think there should be a whole lot of conditions attached to this little dole, because, Mr. Speaker, \$200 or \$400 per month...let's put ourselves in that position and see how we would react.

I support the motion and I commend the mover and seconder.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: The remnants of political promises, the failure of what remains of the National Team and the Government to deliver what they promised the people is becoming more and more obvious. I remember specifically that this was a primary consideration among at least certain genuine members of that political team at the time of the 1996 elections, and after. I understood this consideration was not based upon the fact that the Government of the Cayman Islands had an abundance of money to pay out to persons in need. But, it was a consideration based upon the concept of what I call Caymanian humanity, that special humanity that does not allow us to sit down and eat our 'din-din' without including the poor or disabled that might also be hungry.

I remember the word 'din-din' because when we used to have our stew-food, our boil-down or run-down, back in the 1950s when food was not necessarily all that abundant like certain people like to pretend it was—at least not in our poor family in George Town—we had to share. I used to be amazed at how my grandmother Sara McField used to take a pot and share amongst so many people. Before she started sharing, there was no point in

going into her kitchen and see what you were not going to get. You were only going to get a result of how it had to share, not a result of *'this belongs to me, and I live here in this house with you, and they live across there.'* No. When we were all present we were all invited to partake in that communion.

It is important that the remaining members of the National Team in Government remember the seriousness of political promises. They must remember the number of absentee ballots in particular, in the district of George Town, that went to members of the National Team. These absentee ballots were from disabled people, poor people, elderly people, and indigent people. And I remember specifically when those absentee ballots were being counted on that fateful night that I was behind, I was so terribly behind because I had not hustled that group of particular people. And some people had like 100 votes just from absentee ballots because they had people who went out there to visit these elderly people and persuade them to vote for specific members of the National Team. It would be a betrayal, indeed, a betrayal beyond repentance, if at this particular stage—midway in the term given to them by some of these persons—the National Team were to say, *'We support this. But all we are going to do is make it more stringent, make it more difficult for elderly and disabled people to qualify.'*

If you look at the number of cases in the courts of this country for maintenance of children, when you look at the whole Maintenance Law, and when you look at the way the court has to become involved in forcing fathers to support their children, the difficulties single mothers have in this country collecting money from fathers, then we know how difficult it will be for grandmothers to collect money from grandchildren, and for mothers to collect money from their children. We can make laws, but the laws will not replace the tradition before time. Laws, somehow, must be moulded and formed in such a way so as to support the tradition and make an easy transition from one stage of social development to another stage of social development.

I spoke about communalism—not communism, now Mr. Speaker, because those of us who are old enough and wise enough know the difference between the two systems. The communalism in the Cayman Islands is a result of our self-sufficient society, a society based around planting breadkind and going and catching fish and turtle, living in a self-sufficient economy. The competitiveness was not there. Therefore, people were not doing things just for self interest and self praise and self recommendation, they were doing it so that somebody would say, *'You're a good person, God bless you.'* Because the blessing of God put upon you by somebody else is better than you demanding that God give you that blessing yourself. If I pray, I pray for myself, but it is more holy to pray for someone else.

I will never forget that during my presentation of the Censure Motion that transpired and finished yesterday, I went to see the widow of the late Whitmore Syms. That lady is 82 years old. She is deaf in one ear, blind in one eye, has high blood pressure and heart problems. She

gets \$200 per month and her telephone was cut off and she cannot pay her electricity bill. She said, "Sonny, the water bill is so high." She has no telephone, no contact, because Cayman is not the way it used to be 30 or 36 years ago when Granny Sarah was sharing stew-food on Mary Street.

Cayman is no longer that way. People live next to you and you don't even know if they are living or dead, if they eat or don't eat. That is the type of society that this little small island has developed into. Therefore, old persons in this society, as the First Elected Member for West Bay has said, contributed to the society that we all profit from and we should have some sensitivity to the care and maintenance of the roots of our very existence—being the elderly in this society, the roots of our very existence. We know that our society has developed so rapidly that people have forgotten about the very values that compelled them to create the social security system for the elderly. It was we, as responsible children and grandchildren, who were the social security system for the elderly at that particular time.

That was done because our conscience was involved with them. The social fabric of the society allowed that to happen. When it came to being valued and recognised and praised, the praise of an old person saying '*God bless you, son*' was more important than getting a Mercedes. It truly was. So, we looked for the blessing of the old person rather than looking to deny them something so that we could go around with pretty clothes and pretty cars and pretty women.

It is important to note that the choices people are making today are no longer fair choices, no longer necessarily ethical and moral choices. People are choosing very egotistically, very selfishly, not very altruistically. They are not looking toward their past saying, '*Let us protect our elderly with dignity and pride.*' That would be the true judge of how our society cares for the disabled, the weak, how we defend the poor, not how we care for and defend the rich.

The rich can go any place in the world and be treated with dignity and respect, and get what they want. I think we had a lesson in that yesterday. I know that we will continue to have lessons in this type of behaviour in the future of this island because it is the way of the world. It is the way it is. But let us not forget that in these Chambers there are men of conscience and that this conscience compels us to remember promises made by politicians. This particular increase should have been done some time ago.

The law is not sufficient, because if the value is not there in the child to support the parent or grandparent, the law will not be successful. It can drag people into court, but what happens to the old person in the meantime? What happens to the old person at that time? What happens? So while the elderly must come to court to beg irresponsible children for support, what happens then? The Government must understand that it is our responsibility to see that the standards of society are maintained, at least to a level, by not allowing certain persons to sink below a particular standard. Because the standard of the

society, at the end of the day, will be the standard of the lowest in the society, not the standard of the highest. So it is the low-line we have to look at.

It is important that the older people—and I know I have one special person in George Town with whom I meet on Sunday mornings, God bless his soul. We talk, and he tells me about the wars he was in. He remembers, and all he has now as wealth, Mr. Speaker, is his past, not his future. His future does not exist! He is at that age where all he has is the memory of his past, and the memory of his past is filled with accomplishments, a wealth of accomplishment. Yet, with all that brag about Caymanian culture and tradition, and the pride of the Caymanian people, and we want to build an art gallery, and we want a museum, we want this and we want that, . . . but we cannot support the elderly?

What kind of priorities does that suggest? What type of leaders do we have in this country who believe that a cocktail party is more important to pay for than medical attention for the elderly and disabled in this country? What kind of leadership do we have in this country? It is time that the people of this country wake up and understand the hypocrisy of the politics that has existed in this country for the last twenty years, where people can come and promise handouts at election time, but not stick to election promises, to campaign promises, and we must only go back to those nicely printed manifestos of the National Team for the 1996 elections to know exactly what Frank McField is talking about.

Those manifestos were so glossy and so pretty and so nicely printed, and the pictures of the people on them were so pretty, and they were so expensive. How could anyone forget them? Especially the people with their pictures on it?

Of course, I am not talking about the First Elected Member for West Bay, because he is the one from this side who has to remind the National Team of the political promises and obligations they have to the people. As a person who always said—

[Inaudible comments, laughter]

Dr. Frank McField: —who always said—

[Laughter]

Dr. Frank McField: Mr. Speaker, the good humour is caused by seeing the Minister of Education rolling up his pantlegs again to walk through the puddle of water to save the people from the floods! But we would like to see the Minister of Education rolling up his shirtsleeves to fight for the people, to help the people from starvation and poverty.

But how can people starve in the Cayman Islands? we ask ourselves. Well, if you give someone \$200 for a month, Mr. Speaker, and everything you get these days has to be bought from the supermarkets—nothing is planted, nothing is given. What about the days when we used to go to people and give them some breadkind, and give them a little piece of fish? Do you think any old peo-

ple are being given fish today? No, because I can get \$4.50 for a pound of fish! The fish have commercial value. The breadfruit has commercial value. The coconut has a commercial value, so people do not give things any more.

So it is the duty of Government to protect the disabled, to protect those who cannot protect themselves—not because of laziness, because I do not support that—but because of need. We have created such a one-sided, competitive, harsh society, that unless you can jump in and have all kinds of credentials, you could very well be pushed out of the pecking order. So when you peck, there is nothing left. There is nothing left to peck!

A lady I have known for a very long time, from George Town, has worked hard in kitchens. The last place she worked was 'Cookrum', and that is now closed. She came to me and told me she could not find a job washing dishes! And anyone who tells me that that woman is lying does not know what they are talking about, because she is the hardest, darkest person you know! She is the epitome of that hardworking black woman. She is not lying. All her daughters are the same way. They work hard. But now she has come to that age when no one wants her services any more. She is not fast enough. The mule does not run half as fast as it used to run when it was young, so we should put it to rest by shooting it down, burying it and getting rid of it, getting away from it totally—our responsibility for its humanity.

So we have allowed our system to drift, and we have postponed pensions and social security benefits and all those things for so long in this country, and now we have people who are well into their late 50s who are no longer competitive workers, and people want to push them out. How is the system going to deal with all of this? It is important for us to make these kinds of considerations, to have these thoughts of what we are going to do with those persons who are no longer competitive. Are we just going to say, *'Well, the day you cannot work for yourself any more, you have nothing?'* That person does not have a home. That person has children, but that person's children have children, too! So would we take those children to court because they are making \$200 a week, and they have to support their three, four and five children?

We have to be very careful. We have to be very careful about not figuring out a way to deal with the waste in the lack of human competitiveness—and I say 'waste' not from my regard of it, but from the industry's saying, *'We have used you for twenty years at Holiday Inn; we used you for this time at this place; you are now 58. We cannot use you any more. You don't stand on your foot good enough. Let us throw you out to the waste dumps.'* To the labour waste dumps we see being created in this country. Mr. Speaker, it exists. My pocketbook can prove it exists. My overdraft, my continuous overdraft can prove it exists. I like to say no sometimes, but the cases I witness are so compelling that I have to do something!

What can we do, Mr. Speaker? Should we say we do not want to create a welfare state? I do not want to create a welfare state. But I see a welfare state as a state that supports those who can work! But a state that sup-

ports those who cannot work, that is not a welfare state, Mr. Speaker. That is a good state. That is the state that should exist.

If we had brought in the pensions earlier, we would not have the obligation. But because we brought in the pensions at this particular point, and we are compelling people to save for their golden age, it automatically speaks to the fact that we have an obligation for those who were not brought into the system earlier. I think that is what the First Elected Member for West Bay has been saying. This is what I understand him to have been saying to me before the election of '96, and after the election of '96, when I identified with the National Team policies regarding certain social issues and certain health issues. Because I thought they had found a point that seemed to be in harmony with Caymanian humanity, the concept of Caymanian humanity.

It is not going to be helped and assisted if all the Government of the Leader of Government's Business is going to do is try to use legal terminology and technical jargon to outsmart us again, and say, *'Yes, we do support you, and this is how we support you,'* and so forth and so on, so that somehow it dies. The Backbench cannot really compel Government to become involved in anything that would tax the treasury, so it is up to Government itself to do something about this. How genuine are they in wanting to do something about this?

I am not going to take anyone saying they are going to do something any more in this House and believe they are going to do it, not after yesterday, Mr. Speaker! Not after yesterday! No word is good enough after yesterday, Mr. Speaker! I've got to see ACTION! I'll believe it when I see it, Mr. Speaker. Politics is a strange institution. I have to see it. So I am going to put the pressure on them now that if they back down, and if they are not vigilant and industrious in causing this to come to be, then I am going to go out there with my little TV programme, and my little way of campaigning and getting things done, and whip 'em! Because, Mr. Speaker, let me tell you, there are a lot of old, poor people in this country. There are a lot of them! All you have to do is go look at some of the statistics!

These are the same kind of old people who keep governments like the National Team in power! These are the same people that the Leader of Government Business can talk about destroying the country too! And being this and being that! But it is important that the people who have supported the National Team Government be given the opportunity to be supported as well, because they certainly have not only given political support to this country, they have given other support to this country. They have given this country the best of their years, and once it is no more, then you disregard them? No! You tell their children they have to support them, when you know their children are probably involved too much in supporting their children? How many of us really have extra money that we can give our parents?

I tell you the truth. Even with my salary, even with the fact that I have no children to support, it is hard! And if my mother had not worked in a system like the United

States where she was able to accumulate some type of social security benefits or medical benefits and some kind of savings at that time when she could work for a better wage there than she could at Galleon Beach and other hotels here, because the people who were working here back in the 60s were not making very much to save! In their golden years—when they were working at the hotels, they were not paying them anything for them to save. So what would they have saved from? You see?

So I really must be sympathetic toward those persons the law would now assume should pay for their parents because, Mr. Speaker—and I will finish in a minute—it is not good enough to use the law. We need to come up with a concept that will allow us to pay for our responsibilities. Just like children have responsibilities to parents, governments have responsibilities to people. We have to find a formula, in this very, very rich society where most of us don't really benefit in proportion to those who do; in a society where the interest rates are so high, where the lawyers make so much money, where the accountants make so much money, where the banks are tripping over with the kind of interest they are making and funds they are making, and there is nothing being put back into maintenance of good law and order and good humanity, good civilisation. The society will not remain civil and humane if it is not reinvested, if we have asset stripping. Asset stripping is when you do nothing to maintain a particular level of human decency. We need this money to maintain a particular level of human decency. Therefore, the Government needs to realise this is not the obligation of the Backbench, but their obligation, to find where that money is going to come from.

The Speaker: This will be a convenient time to take the luncheon break. We shall suspend until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 3.59 PM

The Speaker: Proceedings are resumed. Debate continues on Private Member's Motion No. 8/98 with the Second Elected Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Mr. Speaker. I rise with great anticipation to offer my contribution to Private Member's Motion 8/98, 'Increase of Financial Assistance to the Elderly, Handicapped and Other Persons in Need,' which is being moved by the First Elected Member for West Bay, and seconded by the Third Elected Member for Bodden Town.

First, let me take this opportunity to applaud the efforts of this Honourable Member. His passion for the elderly can only be admired. His people are his first and foremost concern. Yes, I remember that promise made to these people in the 1996 general election and I too am here today to fully support this motion.

Mr. Speaker, it is my opinion that the elderly, the handicapped, and other persons in need are very special and important people in our Caymanian community, who,

in their own way, have either contributed or are still contributing to our Caymanian way of life in a very big way. I feel that we, as a country, owe them a moral obligation to assistance as much as possible. Further, these special people look to us as their representatives to ensure that we provide for their general well being.

I know these people are very grateful for the assistance they now receive, which is but a small \$200 per month; but realistically this cannot provide them with a decent standard of living. With the cost of living constantly on the increase, \$200 can barely buy enough food for them to survive, and for some of the persons receiving this financial assistance, the \$200 is all they have to depend on.

These are very special people who are very near and dear to my heart. Anything good I can do to help them, I am more than anxious and happy to do. Further, I truly believe that the needs of these people are specific needs, and we must make every effort to be specific when we try to address their financial hardships.

I believe that with the ever-rising cost and inflation generally we should do whatever possible, and should consider increasing the financial assistance to these people. I thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak? The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Mr. Speaker, I thought it would not have been necessary for me to say anything on this motion when the First Elected Member asked me to second it, because I knew I could rely on his passion to carry the motion. I looked forward to just rising to second the motion and then retaining my seat. But certain circumstances, including some comments I heard one day on a radio programme, 'Talk Today,' have impressed upon me the necessity to offer a contribution; and, indeed, Mr. Speaker, to dispel some misinformation.

Great countries were not suddenly manufactured, but came about as the result of long years of sacrifice and unselfish toil by generations. One of the things I admire about the United States—although I have always said it does not attract me as an immigrant, . . . I have studied its history and genesis, and one need not go any further than the inscription on the Statue of Liberty, which was a gift by the French people to the new nation of the United States, upon their proclaiming their independence, and setting themselves up. Part of that inscription reads, "Give me your tired, . . . huddled masses."

In spite of what many people may think, our country did not reach this level overnight. The foundation was laid by people, many of whom have now passed on, unable to reap any of the benefits that have accrued, and are accruing, to their progeny and successors at this stage. Some are still left, but they are fast being left out and left behind. It seems that in our busy and selfish schedules we seldom take time to appreciate and pay respect to those people who laboured long, who risked their lives, who worked literally for pennies, who now are in their twi-

light years, neglected many of them, forgotten and unappreciated.

I believe one of the characteristics of any people has to be the cultivation of a social conscience. I am happy that the world has reached the stage where speaking of a social conscience does not mean one is a socialist, but rather, a sensible human being.

History would not be kind to us, heaven would not forgive us, if we pretend that those people who laboured long and hard deserve nothing at this stage. To those who are begrudging the efforts as proposed in this motion, it is too bad for them. We owe it to our elderly; we owe it to the handicapped; and we owe it to those people who volunteered their services during the war years, those people who went into the armed forces as well as those who served in the Merchant Marine; and those people who plied the trade in, as Caymanians call it, Meskito Quay, in the days when turtle was the staple food and a viable marketing product taken to Key West, Florida, for sale by Caymanian fishermen.

I would not be the representative I claim to be if I stood up here and offered no support to these people. I am glad it was highlighted that this was a promise in the manifesto of the National Team in 1996. The National Team, or its remnants, owes it now to the people to fulfil this obligation. In so doing, they have the support of those other Members of this House, like myself, who have a social conscience. Any self-respecting politician who has walked his or her constituency knows we have cases in the Cayman Islands who are deserving of the assistance we seek. Any knowledgeable representative knows that \$200 per month is but a paltry sum. It was intended to be a token, and now it is necessary to increase that. That is exactly what this motion is calling for.

I cannot respect those who say this is undeserving. I will tell those who issued the claim to the First Elected Member for West Bay and I to say where this money is coming from. It should come from all self-respecting citizens of these Islands who feel a moral obligation to contribute to those who have laid the foundation for those of us who are reaping the benefits now. Is this too much to ask? We, who are so quick to profess that we have such a charitable spirit, we who are so quick to flaunt the Bible and say we have a Christian heritage—is it now too much to say that we should give the needy, the indigent, the handicapped, a little \$400 per month?

Other Honourable Members before me have highlighted the fact that this is not a sector of people whose numbers will be increasing yearly. The obverse is true. Unfortunately, their age and state of health will preclude many of them from the longevity and length of time they would need to enjoy the fruits of the sacrifices they put in. I do not now see what the big deal is. We spend millions on other things that have a less auspicious history. Why should we be so stingy and so Scrooge-like that we will begrudge giving to these deserving persons at this time?

I understand that there is talk of reform in the air, and that we need to evolve a more sophisticated system. I am all for that. I understand some people say there may be cases of abuse. Well, we have regulations and guide-

lines designed to catch these cases. I am satisfied that regular and constant review will do just that. I have always been an advocate of helping those less fortunate, for it is only in so doing that we will develop a society free from threat of destruction from any sector. I am happy that the Government, at least according to the Honourable Minister for Health, is accepting this motion. I am certain other Ministers do not need any reminder that it is their obligation—those who were part of the National Team in 1996—as stated in their manifesto.

So Mr. Speaker, the sooner we craft a system and get this in place, the better it will be for all and sundry, because it makes no sense to boast that we enjoy one of the highest per capita incomes in the world if we also have the largest percentage of people who are suffering for want of the basic necessities. Before I sit down, I want to say that as far as I am concerned the time has come in the Cayman Islands to do a survey to find out what is considered the poverty line, nationally, in this country. I think any country—certainly, in the developed world, every country knows what constitutes the poverty line, below what level of earning, what level of income people are considered officially poor. I think we need to embark upon that in the Cayman Islands, and I am throwing it out as a challenge for the Minister in charge of that particular area, that is a project his Social Services Department should undertake, in conjunction with the Statistics Department, because that will help officialdom, help the Members of the Legislative Assembly, and help the Government arrive at some system, as well as give them an idea of the numbers we need to prepare to cater for.

I am happy to lend my support to this motion.

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

Hon. Julianna O'Connor-Connolly: Thank you, Mr. Speaker. I am happy this afternoon to give my full support to Private Member's Motion No. 8/98, calling for Government to consider putting in place the necessary funds so that by the year 2000, the financial assistance to the various persons as stated therein would be at an aggregate sum of CI\$400 per month per person. The Good Book tells us that the poor will always be with us, meaning that the Government—in this, I am using it in the wider sense—all Honourable Elected Members therefore have the unchanging fact of life, which is identifiable. Therefore it is my humble submission that a positive, practical and humanistic solution has to be applied to this most important social issue.

One never really knows the pinch of the shoe until one walks in it, and if anyone knows what it is to be poor, and to commence this life at what most would categorise as the low level of the social stratification, indeed, I know. Coupled together with this compassion to help others, especially those in dire need, is my Christian heritage, which has been instilled, the neighbourly principle and the principle of loving one another, regardless of colour, creed or race.

Out of an abundance of caution, let me hasten to say that I have not prefaced my contribution with these personal sentiments merely to attempt in any way to blow my own trumpet, but to show that when one talks about assisting the elderly or handicapped, or those who may be less fortunate than ourselves, they are already speaking to the converted. Therefore, I do not have to spend any more time considering whether these persons' financial assistance should be increased, because I, like most if not all other Members, feel that it is our duty, as the last speaker specifically emphasised, our moral obligation to assist these persons, and an increase to \$400 per month, in my view, should be done as quickly as possible.

Indeed, I am grateful that persons categorised in the proposed motion are now receiving the sum of \$200 per month. For some persons this is all they receive, and therefore the key for their physical and financial survival is based on this stipend. When this financial assistance arrives two or three days late, I am sure your good self, Mr. Speaker, as well as all other Members have had the experience of many of these persons calling up, wanting to find out when the cheque would arrive. When this does not occur, it causes a financial and emotional crisis, and in my view, unnecessary stress on those persons.

The rate of inflation continues to rise in this country, as in most countries. Unfortunately, the financial assistance has not kept abreast of the cost of living. Each year it becomes increasingly more difficult for persons in need to maintain a basic standard of life with the funds we are able to offer. Many of my people from the constituency I represent, but in particular on the Brac, depend heavily on financial assistance. Many of these elderly persons' husbands or wives, in the respective cases, are now deceased, and they have no other means of support. It will indeed be a happy, happy day for me when the financial assistance is increased for these persons in need.

Perhaps, too, the time has come for regular reviews of the financial assistance to the elderly, the handicapped and other persons in need, so that they can maintain reasonable bargaining power throughout their life. Anything we can therefore do to assist persons in need we should do post-haste.

I would like to thank the mover and the seconder for bringing this motion, because I feel that as a Government, we have a moral obligation to assist these persons in need, and we should make every effort to ensure that the means test we have in place, or if it is deemed to have any amendments thereto, should be done in as amicable a fashion as possible. I am sure we will agree that our Caymanian people are a very proud set of people, and justifiably so. Oftentimes they will do without requesting the requisite financial assistance because of pride or perhaps ego in various cases.

Therefore, sir, I believe we should take this moral obligation to a higher level, in that we should take the initiative to identify persons falling within this category, and do everything possible to ensure those needs are met. I am happy to give my full support to this motion. As many of our elderly today, in particular, those who were here during the time, as the older folks like to say, '*when mos-*

quitoes were our only source of defence,' should be recognised, and any increase to the financial assistance is but a small token of our appreciation. With those few words, Mr. Speaker, I take great pride and delight in supporting this motion. Thank you, sir.

The Speaker: Does any other Member wish to speak? The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Mr. Speaker. I rise to give Private Member's Motion No. 8/98 my full support because I feel our people—our old people, our handicapped people—need the support that can be given to them. What they are now receiving is just a pittance in a box. They have to pay the same price for any material or food as those who have the money, who can afford it. Therefore, supporting them is a great help. We support them because we feel within ourselves that this is the right thing to do, to help the poor and aged to enjoy their twilight hours and their last days.

I want to congratulate the Member for bringing this motion to this House, and also the seconder. The Member who brought it and I have talked about this many times, and I am giving this my full support, sir. Thank you.

The Speaker: The Honourable Minister for Education, Aviation and Planning.

Hon. Truman Bodden: Thank you, Mr. Speaker. I fully support this motion. I think it is very important that we ensure that the elderly, those who are less fortunate, those who have suffered the perils of war, are given a sufficient income to ensure that they can preserve the dignity they have in their later years especially. A society has to put back into it. There cannot be a constant taking out without putting something back. I feel there are many people whose dignity, at times, would perhaps not let them feel that they should be given handouts, but if this is done in the correct way, it benefits a lot. To double it to \$400 per month, I think, is very good. It is still obviously small.

But I would like to go on to dwell on just one other area, because I think, while this can be done, it is important that people within that family unit assist the elderly. The Cayman Islands community has been built on the basis of a strong family unit; it has been built on the basis of sharing. That is what got this country to where it is today. That foundation is something that is very important, and I know in recent years, with the rapid development, people have less time, perhaps, for family, but it is important that we preserve as much of that as possible.

We are also a Christian community, and we must, therefore, be kind. As the Lord tells us, to give is better than to receive. I fully support this, Mr. Speaker, and I commend the Member for bringing this. I believe the people of this country who get it do deserve it, but I would also say, sir, that those within a family unit who help and assist, . . . it keeps the family unit strong.

The Government has never, ever, in my many years in here, done anything other than assist those who are in need. I think that basic principle is one that must con-

tinue, and I think there must, from time to time, be the necessary increases. The Cayman Islands, compared to many of the other Caribbean islands, are well off, and it is important that those who are less fortunate receive what is necessary to live well and to preserve their dignity. It is something I will always support, and have always supported. As far as I could, I have always assisted directly. It is something that my father, especially, taught me. I remember vividly in the early days going at Christmas, or at times when people were ill or whatever, my father sent me there with things from the store for those people. It is important that we give, because there may be times, Mr. Speaker, when we are also in need ourselves. Many times, those people give, either in the form of advice or friendship or whatever, and it feels good to give. I fully support the motion and will continue to do so and ensure that from time to time there are the necessary increases.

The Speaker: Does any other Member wish to speak?

The Minister for Agriculture, Environment, Communications and Works.

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

I have seen many motions before this House, and let me say that this is a motion that I feel each Member of this House has an obligation to support. It is my belief that when a Government supports education, health, the elderly and the handicapped, funds are spent well. I am pleased to offer my full support to Private Member's Motion No. 8/98.

It is a fact that during the 1996 election most Members, if not all, gave the commitment that we would look at whatever way possible to offer our full assistance to the handicapped, the elderly and other needy persons. I believe today that every one of us can leave this Chamber feeling that we have done what is correct, once this motion has passed.

In these islands today it is no longer like it used to be. We have to face that fact. One of the proudest moments in my life was when I was able to establish a little home in East End for the elderly. It has proven to be an asset to that district because the persons who have been able to go there are living their last days in peace. Because of the commitment of the Cayman Islands' Government and the support of that district, they have been able to live in comfort. It is the duty of this Legislative Assembly and the people of this country, regardless of how the elderly have contributed to this country. We must look back with pride because they have made a contribution to this country and what we can offer to them, call it what we may, is all deserving. They have made a contribution to a country we can all be proud of today.

I have no problem in trying to give more than what has been given. We are all aware that the cost of living in these islands is constantly going up. If we can do something, I would rather know that we cut corners in another area, so that the handicapped and especially the elderly are looked after properly.

As I said, it is with pride that I stand here this evening to give my full support to the motion. I also would

like to congratulate the mover of this motion for bringing it before this House.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: We have reached the hour of interruption. I think it is the intention to go beyond this hour. The Honourable Minister responsible for Education, Aviation and Planning.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Truman M. Bodden: I move the suspension of Standing Order 10(2) to enable the House to conclude the business on the Order Paper.

The Speaker: The question is the suspension of Standing Order 10(2) to enable the House to conclude the business on the Order Paper. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED. STANDING ORDER 10(2) SUSPENDED.

The Speaker: The Third Elected Member for George Town.

Mr. Linford A. Pierson: I would be remiss in my duties as a representative if I let this golden opportunity pass without making my contribution to this most important motion. Before doing so, I wish to also congratulate the First Elected Member for West Bay, Mr. McKeeva Bush, and the Third Elected Member for Bodden Town, Mr. Roy Bodden, for moving and seconding this very important motion.

I am happy that there have been no attempts to play politics with this very important motion. It is above politics! This is an issue that many of us do not wish to talk about, and many of the people who are suffering and perhaps living below the poverty level are also ashamed to talk about. But as other speakers have mentioned, it is our responsibility to ensure that we do all that is possible to take care of those in need. Let no one get the impression that because the Cayman Islands are frequently referred to as some of the most affluent in the world we do not have our share of poverty. One only has to look around at many of the neighbourhoods and that dire situation is quite evident.

Many times we hear comments made about the country's per capita income. What is not realised is that that per capita income is divided in the proportion of 80% of the wealth of the country being divided among 10% of its inhabitants. That is the basic capitalistic system. While I am not knocking that system, I draw attention to this so that the whole situation of the affluence of these islands can be brought into the proper perspective.

It is not today that the First Elected Member for West Bay has shown his concern in this respect. I happen to know that he was the guiding force behind the much criticised \$200 per month that was issued some years ago. That Honourable Member should be congratulated for getting that ball moving. The Third Elected Member for Bodden Town made a very good point when he said that perhaps through the Statistics Department, or otherwise, we should try to determine the accurate amount needed. I congratulate him also for moving this motion. But I believe that even though \$400 per month may not be adequate to cover all the needs of these poor individuals, it will go a long way in satisfying this particular problem.

I, too, experienced what it was to grow up under a certain level of poverty. But I am very proud that despite that poverty we lived in dignity. We lived a dignified life and the people around me, though poor, also lived dignified lives. Those individuals we seek to help with this increase from \$200 to \$400 per month must also have their dignity left intact. While I congratulate the Hon. Minister for tabling the procedure on financial assistance, I request him to ensure that when individuals are seeking financial assistance they are treated with dignity.

I have heard many complaints where individuals sought assistance and were unnecessarily embarrassed. I trust that if this situation exists it will be corrected as soon as possible. I note that the time to process applications is some six weeks. I imagine that after that six weeks it takes a period of time before an individual receives help. I also ask the Honourable Minister to see that those people in dire need get urgent attention as soon as possible.

The Honourable Minister for Agriculture mentioned his assistance with the old people's home in East End. I am happy to associate myself with that project also, for it was during my year as president of my Rotary club that I also assisted in the development of that project. I also recall that during that period I was instrumental in helping a very poor family in George Town build their own home. I only mention this to say that being able to assist others brings such joy. A previous speaker said that the joy in giving is that satisfaction you feel when you have helped somebody else.

I said when I got up that I would not speak for very long. But I would like to remind my honourable colleagues that this is an emotive subject, a subject one could get carried away with and politics could be played. But I believe, like other Members, that I have not heard any Member in this House say that he would not support this motion. I believe, like other Members, that we must take action, and take it now. There is no use standing here this evening supporting this motion if there is no intention to carry it through.

Although the Resolve section of this motion is calling for the Government to consider putting in place the necessary funds so that by the year 2000 financial assistance can be given at the \$400 level, I would like to suggest that the Honourable Members of Executive Council

consider increasing this to \$300 next year so that by the year 2000 it will have gone to \$400.

I, too, as a former Member of the Government in the Finance Department, realise that these things cost money, and that this will have to be costed. But I also appreciate that this money could not be spent in any better way. Our people come first. I know we need roads, we need a lot of other infrastructure facilities, but there could be nothing more important than the welfare of our people.

I give this motion my full support.

The Speaker: The Honourable Minister responsible for Tourism, Commerce and Transport.

Hon. Thomas C. Jefferson: I have pleasure in rising to support the motion moved by the First Elected Member for West Bay, and seconded by the Third Elected Member for Bodden Town.

Much of what we find today in the Cayman Islands began many, many decades ago. I would attribute the carving of the society to the elderly of this country, based on pride, sharing, and on caring for his fellow man. Equally important is the social harmony that we enjoy in the Cayman Islands. Their contribution to this country is perhaps difficult for all of us to detail. But if we go back to the decade of the 40's and 50's when many of them were turtle fishing (which I think one Member spoke about that earlier), moving some of that turtle on to Key West, Florida where they had turtle canning. When we moved to the 50's and early 60's the main economic means of this country, and the investment pool that the banks had at their disposal were the remittances of seamen sailing on ships all around the world.

These were men and women who were role models for the younger generation, and still are. I believe today that their example as role models is something that all of us, including every Member of this Honourable House, should emulate. If we have so much concern about the youth, and the development of youth, it is appropriate that we establish in this country respect for everyone, including the elderly.

There was a time when the only utterance of a youth to an elderly person was either "Mr." or "Mrs." Times have changed. I believe that the family is an integral part of that harmony we always boast about. It is an integral part of the Cayman Islands and the Caymanian way of life. All of us have a responsibility to ensure that whatever prosperity comes to this country, no matter how big the Government becomes, or how much money it has, we must ensure that the elderly and the handicapped who are in need have sufficient funds to meet the essentials of life to enable them to retain the pride they have always had.

They did not have the sort of things we have today. In the 1940s, there was an elderly man in West Bay who used to ride a bicycle to George Town through much of the Boggy Sand Road—and got bogged many times—to collect the mail to bring it back to West Bay. They are some of the people who have passed on but who have left a mark in the minds of the people of this country, par-

ticularly those in West Bay, the role model of hard work, integrity and honesty that all of us appreciate so much. We need to ensure that we honour them by voting sufficient funds, whether it be \$400 or some other number, given the cost of living and their respective needs.

I agree with the Minister for Health and Social Service who tabled a document as to the procedures. I think it is essential that there be procedures. I think it is also essential that each case should be examined on its own merits and decisions taken in accordance with the needs of that individual elderly handicapped person in this country.

We are aware that we have many people who fall into that category, although the Cayman Islands is a very prosperous country. If we are aware of it, we must continue to do what is right by them. I have every support for a motion of this type.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Having found myself in the position of being one of the last persons to speak on this motion, and having listened to what others have had to say, there is not much more to add in support of the motion.

One of the things I consider to be very important to this entire process of increasing this amount in order to assist those persons who qualify for this assistance, is that we ensure that the means test mentioned is carried out in a very consistent manner. While no one may have addressed this, I have personally heard many rumours of individuals who do not qualify for this assistance continually bringing up examples of individuals who get this assistance, and there is always the comparison of *'Why can this person get it, and I can't?'*

I believe that it should be explained in detail to the public exactly what qualifies an individual for this assistance. One of the problems we have as representatives is that there are some people who believe that if they do not channel their requests through their representatives they will be unsuccessful in their application. I think we need to dispel the myth that one can only be successful in this area if one utilises their representative.

I am one who, if I may say so myself, tries the best I can for everyone—whoever comes, and whatever the area the need is. But I sometimes have difficulty because I find myself in the position where the expectations of some individuals are not in line with what can be done. So, I ask the Minister, as it appears Government is going to accept the motion, to pursue the situation where it is an equitable one. I am not suggesting that this is not happening now, I am saying that I believe it is important that one and all see this working for all of those people who qualify.

From time to time we will find the list of individuals who qualify changing. Some will pass on, and we will find additional people qualifying for this assistance. But I think it is important for us to extend the thought process a bit further by saying that as a country we should be able to utilise the resources available to us outside of Govern-

ment to the best of our ability. Families must be willing, once they are in a position to do so, to accept a certain amount of responsibility for these people, and not just put the onus on Government saying, *'I don't have any responsibility. I can take care of myself and I can leave it alone because Government will take care of it.'*

I am not casting any aspersions, but I think the community at large needs to understand that the Government cannot provide whatever is needed perennially. The country at large and the people who make up the various communities must accept a certain amount of responsibility. Some of us do not even wish to talk about that because we figure it takes away a bit of the popularity. But with any popularity as representatives goes a responsibility, and we must live up to that responsibility by ensuring that we send this message to the people.

I support the motion and I support whatever we can do to assist those persons who qualify for this assistance. But I think we all need to send a message to the people of the country: That those who have parents or grandparents, or someone in the family in need, or with some disability and they cannot fend for themselves, that they too need to pick up whatever part of the burden they can. I think the Minister will certainly do the best he can utilising his resources within the agencies he is responsible for to ensure that this is done. For all intents and purposes let us clearly understand today that having made this conscious decision it will cost this country probably another \$2 million to \$3 million per year. That is not going to diminish right away.

I am not suggesting for a minute that we should not do it. I support it fully. But I am simply saying that we must understand that the message must be put across to the people of the country that the Government is not there to fill every gap. The people who are in a position must accept some responsibility. I trust that that message is received with the same tone that is intended.

I am sure the mover, who will wind up shortly, will feel a certain amount of satisfaction. I know that this is one of those subjects near and dear to his heart. It is heartening to see that there is unanimous support for the motion. I trust that what will transpire from the motion will be done speedily and that everything will work the way we envisage.

I certainly commend the mover and the seconder, and I won't get into the politics this evening by asking why it had to come as a Private Member's Motion. Nevertheless, since we are that far into the day I think it is probably the best thing for us to leave in peace. I am sure the Fourth Elected Member for West Bay is happy to hear that! I commend the motion, and I trust that we will see the right results.

The Speaker: I think all Honourable Members have spoken, am I correct? I will now call on the mover to exercise his right of reply.

Mr. W McKeeva Bush: Thank you, Mr. Speaker.

I would like to thank the seconder of this motion who gave his unqualified support to this resolution. He made a

very pertinent and important observation when he asked Government to get a survey of what the poverty line is. That is something that this study of the Caymanian family might shed some light on. Government needs to follow through with recommendations on that and take up the Member's challenge to do that audit. I would also like to thank all other Members for voicing their feelings and opinions, and the Minister for accepting, as he is most times gracious enough to do. I did feel that some of the support was qualified.

What I have to say now will not include the Minister for Social Welfare. I am amazed at some of the criteria contained in the papers laid on the Table of this House by the Minister, specifically the aspect of it when it says, **"Adult children are responsible for maintaining their elderly or disabled parents and grand parents."** And they point out the Maintenance Law (1996 Revision) section 5. It goes on to say, **"As such, contact will be made with all adult children and grandchildren to ascertain what assistance they can provide to their parents or grandparents."**

"In accordance with the Poor Persons (Relief) Law (1997 Revision) section 4, any person receiving Government financial aid, who has or comes into any property, that property shall be vested in the Crown." Specifically this means, as they point out in their paper, **"taken by the Government."**

This gives me great concern. Not that I don't believe that children must do for their parents, or grandparents, or must take up responsibility, because that is something that I preach in church. That is something I preach from the public platform and privately to individuals. Yes, we must all try to look after our families. We must look after our ageing parents who were there for us. It is true that there are those who are irresponsible enough not to somehow care what affects their parents, whether it is physically or mentally. They don't seem to understand that words affect them.

Having said all that, I cannot agree with this new criteria, and I would like to say that when this criteria points to the 1996 Law Revised section 5, and the Poor Persons (Relief) Law (1997 Revision), these were not laws that were passed or revised by me, nor were they amended by me in any way, shape or form while I was responsible for Social Services in this country.

These criteria were mooted to me while I was the Minister. But I refused them. I would have no part in it, and I will tell you why: I did not then, nor do I now, believe that if a child doesn't feel that they can support the parents or grandparents. . . . I was not going to force them by a law. I will not force anyone by law through the courts to do something which is their moral obligation to do, if they can. At the same time, I did not then, and do not now, when I see any of our elderly in need not give to them, whether by fixing their house, or giving through Social Services. Let us understand that God Almighty alone must be the judge of whether a child is right or wrong in giving or not giving to their parents, if they have something to give. God alone! Not the Government! The Gov-

ernment's job is to take care of the person if nobody else is.

I wonder how Government believes those old people will feel when it says to them, *'We will give you the little \$200 per month, but you must sign over your house to Government. You must sign over your land to Government?'* I say No! One thousand times No! Technocrats, financial advisors, and even legislators know about systems, about guidelines. But most times they are bereft of the kind of soul it takes to do social work. They don't mix with them, they don't go into their homes, they don't go into the areas and the districts where real poverty exists.

I can remember the criticism I took in building the Truman Bodden Sports Centre. But it is paying off to this country today, and it will continue to pay off in the future. I will tell you something else: If the Government continues to maintain it, it will grow in value. It is not a diminishing return to Government. I can think of many things that I did for which I was, and am probably still am, criticised. But I went into Government with a mandate—one of the biggest in the history of this country—to do something about these things. And we started to do it. I am out of Executive Council now, but it is my responsibility to see that what I campaigned on, and what the people asked me to do, gets done. I am going to attempt that whether or not some people think we are giving away all that Government has.

This motion is not asking Government to do anything, but give to the elderly, the handicapped and disabled. We are not asking Government to do everything.

Mr. Speaker, people, quick to criticise and warn, make recommendations and judgments about Government giving or doing something. The truth is, what must be done now is that Government must look at the things it is doing that they do not need to do! Then it will have more money! This is calling for money, yes! That is a fact. It says for Government to consider—that is the only way I would get it through, but it is something we promised to do.

This cannot impoverish Government. If it is studious enough, it can take this from some of the savings of the things it does not need to do. So let those who are quick to warn, judge and make recommendations about where the money is coming from, and about Government doing everything—I understand that the former senior assistant secretary in the Ministry over which I had charge was questioning on the radio where we were going to get the money. You see, it is easy for people who came here when the country was already doing well, and they in turn could do well. I am not talking about expatriates now, lest anyone gets the feeling that is what I am doing. I am talking about a Caymanian who criticises. It is easy for that person, the senior assistant secretary, who came here when things were beginning to go, to talk about where we are going to get it, and we should make the recommendation. If he were not so interested in politics, and trying to make a gain over one of us to get here, he would have recommended, himself, where the money could come from, since he knows it all.

Let me stop here lest anyone say I should not be doing what I am doing. The truth is, sometimes it does not even pay to answer some of these people. They want to take me on? You tell them that I said, *'Come into West Bay and I will shed some light on them, when that time comes!'* But as of now, the people gave me a responsibility, and I am going to attempt to do it, and I hope my colleagues, . . . and I ask my colleagues, and I know they will help and assist in doing so. If they want to complain about McKeeva Bush's action, that is their prerogative, their democratic right. But I am not going to sit down and take it, because I have never been one to always turn my cheek. If I get a blow, it is more than likely the person giving it will get one back. So I hope I do not see any editorials about what I am doing.

What we gave the elderly has boosted their pride and dignity, even restored faith in their country. They felt they had contributed to these Islands and, at long last, they were being remembered without having to go and sit at the feet of Social Services and continually beg and stand in line with their hands out and wait weeks upon weeks, months upon months, and even years before they got something. I am not criticising Social Services, because they do a lot of work. But, simply, my philosophy—the one I expounded to Executive Council and this House—is that Social Services should be about curing the social ills. Let some other entity deal with the giving out of money. I firmly believe that what should happen is what we had planned, that is, that the Social Services Department not give out these funds, but that—and they would have less to do with it—it go to the entity where it was supposed to go, to the department or a unit made up of the pension people.

You cannot really change as a Government in mid-stream. Not because I am not on Executive Council, but when you set out on a road, plan, rent buildings, do all that, why change from it? Why? I believe Social Services' time will be much better spent in doing more counselling and that sort of thing.

The elderly feel that, at long last, they have been remembered. To them, this financial assistance is not a handout! They say it is a pension! That is how they feel about it. They feel it is a pension from Government for what they have done for the country. And if they can feel that way, then I am here to make them feel that way, because these are their last days. This is how they feel about it. They feel it is a pension from Government.

I will tell you this: Maybe it is a good thing they took me out of Executive Council. You would have seen a law, to put it as such, because I feel deep within my heart that is what should happen to protect it, so certain people cannot use their whims and fancies, giving to whom they want to give. In fact, that is what I said I would have done, in West Bay at least, when we campaigned.

There have been probes. The press complained, of course. They take their opportunities to lambaste me. But now that I am out of Council, Mr. Speaker, they are doing a little better. I am not making policy now so they put up with me a bit more. But when I look at this financial assistance criterion that was tabled this morning, it is not a lot different from the one we had, of which I will read the guidelines in a minute. This is much taken up with that aspect I read. For instance, they say, **"medical certificate in cases where the person is seeking help due to ill health or disability."** They had to do this before. **"Place of employment and length of time at this job."** They had to say that before as well. **"Bank account and bank**

statements." Of course, they want copies of utility bills. Sometimes that was asked under the old procedure, but this is much taken up with. . . . They want to get land titles, certified copies. They are asking much deeper questions in the income section. They are asking for rental properties, churches—whether someone gets an income from rental properties, churches or service clubs.

Mr. Speaker, it is not much different from—and I would like the Serjeant-at-Arms to table these guidelines.

The Speaker: So ordered.

Mr. W. McKeeva Bush: Thank you, Mr. Speaker. Let me read them.

"1. Assistance is given to persons 60 years and over who have little to no income (expenses exceed income); disabled and handicapped persons.

"2. All questions must be answered and be as factual as possible. Failure to do so may result in additional information being required and/or the disqualification of the application.

"3. The applicant can be referred by anyone but preferably by someone who is well known and well-respected in the community. The referee should sign the application and can be called upon at any time to substantiate information given.

"4. When an applicant is referred by the Social Services Department, the referral should be in written form.

"5. Where the applicant is Caymanian by status, the original Certificate of Status must be provided and a copy will be retained for our records.

"6. Where the person is disabled and/or handicapped, an up-to-date medical certificate must be provided.

"7. All income and assets must be declared.

"8. The name of the bank and account number to which funds should be sent directly must be given on application.

"9. All applications must be signed and dated by the applicant where possible. In the instance where a person is signing on the applicant's behalf, this must be clearly stated as well as the authority on which they are signing, and this must be countersigned by a Justice of the Peace or a Notary Public.

"10. All applications except in the cases of emergencies should be submitted within the first week of every month.

"11. All applications will be reviewed by the financial committee once monthly; except for emergencies.

"12. Once approved, applications will take approximately one week to process."

So you see, Mr. Speaker, when you couple that with this application I read this morning in my introduction, . . . as I said, they want a means test. Well, you can bet it was mean! Anyone could recommend the person. We moved on. We did not have—I do not believe we had the District Social Worker at the time, or Community Development Officer at the time, and they now can go and check. The procedure (we started out in 1995) has been revamped several times to improve it, and I just read the last one we did.

I believe Government was stringent with who qualified. It is just that some people like to spread rumours. And, of course, you had people in the Administration who listened to that and did what they could to help the rumours along. I had a complaint when I was the Minister about a certain elderly man and wife who were claimed to have loads of property (I was told) but would not sell it. They did not need anything, according to some of the neighbours around there. I investigated, and my Perma-

ment Secretary investigated, and lo and behold, all the couple had was the little house, an old-time Caymanian house with a leaky roof. And you know what that investigation produced? We had to fix the roof. They did not have any land, except what they had. They did not have any pile of money in the bank, except for—I think it was \$5,500 between the two of them, for their burial. And was I, who grew up knowing what it is to be poor, going to take that from them? Say, *'You go ahead and spend that and I will give you from Government?'* Well, make them who are there now do it, not me. I 'na' into that!

I am made up different. And don't talk about the heart where the head should be, or the head where the heart should be. I want to see good, but I know when we have to be practical and realistic, and we have to put certain guidelines in place. I know all that.

If you believe I am going to be party to taking away a child's inheritance, some little piece of land, or a home—not McKeeva Bush! We talk about what we are doing in this country, and we must not press on Government to get everything. I want us to take up the Estimates for this year and see what we are spending on police for 1998: \$11.399 million! And what are we spending on prison? \$4.977, nearly \$5 million. That is nearly \$16 million. That is not talking about the capital we have to spend! That is not talking about that. And I am not saying we are not to the stage—because it is a sad thing when we, this little Island, are to that stage that we have to spend that kind of money. That is why I have said, and I will continue to say, I am not going to vote any money for adding on to prison or building more prison rooms! Get out there and do more social work, educate and rehabilitate! That is what is going to stop this! You are not going stop all of it, but that is what is going to cut it down.

Do you believe, Mr. Speaker, if we had not taken the initiative, and I had not taken my licks, we would have been where we are today? Well, we do not have as many problems and crimes, juvenile crimes. We have the programmes; we just need to keep more emphasis on it. We have problems, mind you, too many now, because from what I believe there is no emphasis now on what I was doing.

Government must take a better look at what it is doing, so it can have more money. We do not need two civic centres in the district of East End! We did not need to spend \$10 million on Pedro Castle! People must have the will of their conviction to do what is right, and spend money where it can do the most good; and spending it on our elderly is doing the right thing.

So the critics can criticise, but we have to do what is right. If the audit the Minister says he is doing turns up some people who went through the cracks, well, then, it is a good thing to do that audit and clean it up every now and then. But to give anyone the impression that there was wholesale abuse is a bunch of rot. It is a bunch of rot! One Member mentioned the elections. Sure, there were more in the National Team at the time—there doesn't seem to be any National Team now—who were glad to recommend. But do you know what, Mr. Speaker? They made recommendations because, I believe, from the depth of their hearts and souls they knew that the person they were recommending needed. That is why they made the recommendations! And I believe everyone in this House—elected, that is—made recommendations, including the Speaker, for someone, somewhere, to get; and as I said, because that was their duty. They knew the person needed.

They made recommendations for someone, somewhere, to get. And since everyone did, I guess, if some happened to slip through the cracks, it will not be only McKeeva Bush who gets the blame. I am proud that I stand with people—and the country does not know how well off they are when they have representatives who are willing to do that kind of social work,

because that is what it is. Most times, the representative is a glorified social worker. People do not understand when people come and knock on your door at one o'clock, or five o'clock in the morning. They do not know about that. They do not know about the time when the parent has to sit down in front of you, and you have to shed tears with him because of the situation, the environment a child is in, or the parent is in. So while people are quick to criticise, they are fortunate that they have elected representatives who pay attention to their needs.

A lot of us, Mr. Speaker, give and give and give, and continue to give until it hurts our own families. But we do not spread that abroad, because we believe we are doing the right thing, in helping a person in need.

I guess everyone knows in this House that I could go on debating this until tomorrow morning. But I ask the Government, in closing, was there ever anyone prosecuted for not providing for their children? How many cases are backlogged, and the courts can't force anyone to pay maintenance for their child? How many times have we as representatives—and if they want something to do, and in fact, I challenge them, I call upon the people now who have the power, who have the authority, to see to it that those with children pay their maintenance when the court so orders. If the courts cannot force these wayward fathers to pay maintenance for their children, how then will they force children to do for their parents and grandparents? I ain' gon' be no part of this, regardless of what team I am on! I am not going to be party to it, and I will oppose it with every strength I have, from here to East End, to West Bay, because I believe that what Government is doing with the new criteria is wrong.

As I said, I have no qualms with the Minister, under whose responsibility this falls. I think he is a gentleman. However, he is being misled by the technocrats. And if the Minister of Education believes this is what should happen. . . . I do not want to get into his debate, because I thought he was supporting, but he gave qualification when he talked about children supporting. I guess that was the part he was talking about. I am not sure. I was busy writing. But I am not going to support it. As I said, when I was the Minister, the technocrats wanted me to do it and I said, 'No way!' Little did I know, Mr. Speaker, that not too long afterward, they would throw me out and get it anyway. As for me and my house, I am going to do what is right.

I want to again thank everyone who spoke and supported this, and I ask Government to see to it that when these elderly come they are treated with great respect, and handled with much dignity. They built this country so people could sit in the Glass House, sit in the Tower Building in nice air conditioned offices, while they were out cutting buttonwood, fixing the roads with no graders, building the roads, burning the cliff rock to make roads, going to Meskito Quay, going to Southwell, working for little or nothing, helping to build up this country, helping some of us in this House to get an education! Those that got it by scholarship, we should be proud we can do something, and we should put it down in law so that no one can meddle with it. Thank you very much.

The Speaker: I shall now put the question on Private Member's Motion No. 8/98. All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The motion is passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 8/98 PASSED.

The Speaker: Item number 4A on today's Order Paper, Presentation of Papers and Reports, the Honourable Minister for Agriculture, Environment, Communications and Works. Proposed Vesting of Land, Block 77A Parcel 48, Salt Rocks, Little Cayman.

PRESENTATION OF PAPERS AND REPORTS

PROPOSED VESTING OF LANDS

- ⇒ Block 77A Parcel 48 Salt Rock, Little Cayman
- ⇒ Block 13E Parcel 151 George Town
- ⇒ Block 104A Parcel 9, Cayman Brac
- ⇒ Block 12C Parcel 11 and 215
- ⇒ Granting of a New Lease Block 12C Parcel 216

Hon. John B. McLean: Thank you, Mr. Speaker. In accordance with section 10(1)(b) of the Governor's Vesting of Land Law, I beg to lay on the Table of this Honourable House a report and recommendation for the proposed vesting of land, Block 77A Parcel 48, Salt Rock, Little Cayman; proposed vesting of lands, Block 13E Parcel 151, George Town; proposed vesting of lands, Block 104A Parcel 9, Cayman Brac; the proposed extension of lease in respect of Block 13C (sic) [12C] Parcel 11 and 215; and the granting of a new lease, Block 12C Parcel 216.

The Speaker: So ordered. That includes the five parcels: Block 77A Parcel 48, Little Cayman; Block 13E Parcel 151, George Town; Block 104A Parcel 9, Cayman Brac; and the proposed extension of lease in respect of Block 12—you said 13—13C Parcels 11 and 215; and the granting of a new lease, Block 12C Parcel 216.

That concludes the business on today's Order Paper; and there being no other business—you said '13,' my paper says '12.'

Honourable Minister for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Yes, Mr. Speaker, it is 12C.

The Speaker: 12C. Thank you.

I will now entertain a motion for the adjournment of this House.

ADJOURNMENT

Hon. Truman Bodden: Mr. Speaker, I move the adjournment of this Honourable House until Wednesday, 9 September 1998 at 10.00 AM.

The Speaker: Before I put the question, I would like to thank all members for the courtesies and tolerance they have had for the Chair. There have been some rough days during this session, but I realise we are all human beings, and I assure you that I have attempted to do the very best I could.

I would like to thank the Clerk, the Deputy Clerk and the office staff. I would like to thank the Hansard Officers,

the Serjeant-at-Arms, and Anita for preparing the refreshments and the lunches she has prepared for us. I would like to wish those Members going to the Parliamentary Conference, a very successful conference, and to other Members, a happy and enjoyable vacation.

At this time, I will now put the question that this House do adjourn until 9 September 1998 at 10.00 AM. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

Hon. John B. McLean: Mr. Speaker, I would also to thank the Chair for the tolerance, because while we have had a very heated session, I must say that the Speaker has actually acted very professionally. While I know sometimes you may have been a bit heated with all of us, you have been very tolerant and acted within our Standing Orders. For this I am very grateful.

The Speaker: Thank you.
We shall now adjourn.

**AT 5.48 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 9 SEPTEMBER 1998.**

**FRIDAY
11 SEPTEMBER 1998
10.35 AM**

[Prayers by the Second Elected Member for Bodden Town]

The Speaker: Please be seated. The Legislative Assembly is in session. Item number 2 on today's Order Paper Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF
MESSAGES AND ANNOUNCEMENTS**

APOLOGIES

The Speaker: I have apologies from the Honourable First Official Member who is presently acting as Governor of the Cayman Islands, and I have apologies from the Fourth Elected Member for West Bay who is presently in the hospital and quite ill. We wish him a speedy recovery.

I ask that all Members stand as we take item number 3, the Administration of the Oath of Allegiance by Mr. W. F. Ebanks to be the Temporary Acting First Official Member.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF ALLEGIANCE

Mr. Donovan W. F. Ebanks, M.B.E., J.P.

Hon. Donovan Ebanks: I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

The Speaker: Mr. Ebanks, we welcome you as the Honourable Temporary Acting First Official Member. Please take your seat.

Please be seated.

As there is no other business on the Order Paper, I will ask for the adjournment—

Mr. Roy Bodden: Mr. Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. Roy Bodden: Before we take the motion for the adjournment, I crave the Chair's indulgence to rise and register my comments on, once again, a false start to the beginning of Parliament.

If this is indicative of this country's leadership, then, indeed, we are in serious times. We have had all of this

time, the Business Committee, to put the business of the country on an Order Paper and bring it to Parliament. That this is all we have on today's Order Paper is a downright shame, a sinister evil and, Mr. Speaker, it is a damning indictment on the Government that seems to be so inept and so incapable that it cannot run the country's affairs as they should be run.

It is time we put a stop to this and run our country the way our people expect it to be run—professional, forthright and with good managerial sense. No sentiment can be too easy on this kind of ineffective Government. It seems to be that this is part of a consistent pattern of deceit and obfuscation on the part of some people who would like to keep the Parliament and the country in darkness while they cavort and hold the business of the country in secrecy. I would like to register my gravest concern and say enough is enough! Thank you.

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Mr. Speaker, I am taking a different line, with your permission, while I wholeheartedly agree with the sentiments expressed by the Third Elected Member for Bodden Town. Can we at least have an explanation as to why we were called here for Parliament to start if there was no business to conduct? If it was known that there was no business to be conducted why did we come here?

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

ADJOURNMENT

Hon. Truman M. Bodden: Thank you. I would like to move the adjournment of this Honourable House until Wednesday 16 September—

Mr. D Kurt Tibbetts: Mr. Speaker.

Hon. Truman M. Bodden: Mr. Speaker, the . . . If the Member had given me an opportunity when you called the motion, . . . normally the speaking is on the motion, I could have explained the reason for this request for the two days.

We have to get back, by the 15th, which is Tuesday, a considerable amount of information on the financial structure of the Cayman Islands to the OECD in London. We have to get it back through to them by the 15th which is Tuesday. Time is needed, sir, because this is very important that the information goes in and that it goes in properly. There will have to be a continuation of considerable meetings to try to get this together in the best

form that we can. That is the reason why we are asking for these extra two days to get in the information.

The Speaker: Could I make a suggestion before I call on the First Elected Member for George Town? Could we not defer this further discussion to an informal meeting, which I understand we will be having shortly?

The First Elected Member for George Town.

Mr. D Kurt Tibbetts: Thank you. Mr. Speaker, I am not simply prolonging to make use of the day's time. I don't want to get into a long argument either, but the Minister made a statement and, with your permission, I would just like to clarify something. The Minister said "if the Member" (and I was the last one who spoke, so I am assuming that he is talking about me) "had given me a chance I would have explained." Whoever he is thinking about, it doesn't really matter. I am assuming it was me but it doesn't matter who it was. The point I wish to make is that, I don't know about anybody else, but I am not a great reader of minds—especially his! I would not have known, and I am sure the rest of us would not have known that he was going to proffer any explanation upon moving the adjournment. That is why the question was raised.

Regardless of what has to go on, perhaps if we were all made aware in a sensible fashion as to exactly what was going to take place, instances like these may not occur. Also, perhaps if it was thought of a little longer, Parliament would not have opened today. Whatever had to be done, supposedly in an informal fashion, could have been done. That is all that I am really saying, and I am sure that the rest of the Members who are in the dark, like myself, agree with what I am saying.

The Speaker: The Member for North Side.

Mrs. Edna Moyle: I would just like to clear a point with the Leader of Government Business, the Honourable Truman Bodden. I think he said we are adjourning until the 16th. Did I understand that correctly? Can I ask a question? Will there be an Order Paper for the Wednesday meeting, seeing that Honourable Julianna O'Connor-Connolly, a member of the Business Committee, is in Malaysia, and Mr. Dalmain Ebanks is in the hospital? There is no quorum without those two members. Is the Leader of Government Business, Chairman of the Business Committee, prepared to move a motion this morning to appoint additional members to the Business Committee so that an Order Paper can be prepared for Wednesday?

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

Hon. Truman M. Bodden: This problem arose, . . . as the Member knows, she resigned. Otherwise we would have had a quorum at this stage. However, we will get a quorum and I will have the Order Paper ready for Wednesday. I have no way of knowing, . . . and I will go

to see Mr. Dalmain today. . . the extent of his illness, but I don't think it should be held against him at this stage. There will have to be an appointment for her resignation, the lady Member's resignation, and that is something that we can look to bring on Wednesday.

The Speaker: I don't want to prolong this debate any longer. The Member for North Side.

Mrs. Edna Moyle: Thank you very much, sir. Although you may not wish to prolong the discussion, and with all due respect to the Chair, I think it is very important that the matter of the Business Committee be settled this morning so that this Parliament is not in the same position on Wednesday morning that it is in this morning.

I resigned from the Business Committee, but that notice was given to the Committee quite some time ago. An appointment could have been made to replace me. I resigned because the business was being carried out sometimes without a quorum and I do not agree with that sort of procedure. I still insist, Mr. Speaker, . . . you have just said that Mr. Ebanks is quite seriously ill. There is no guarantee that he will be out of hospital between now and Wednesday. I really think that a replacement to fill the position I had on that Committee should be done this morning.

The Speaker: The Fourth Elected Member for George Town.

Dr. Frank McField: I will try to be brief. Are we to understand that the reason we have to adjourn at this particular time is because the Government has urgent business to attend to and that this business really consists of them having to fill out a questionnaire in regard to the financial matters or institutions in this country which has to go to the OECD? Whether or not this information is of a political nature or a technical nature is the question. Certainly, if it is of a technical nature it is something that could be handled by the relevant departments responsible for fiscal matters. It would not have to be handled by the Elected Members of Executive Council who have no real responsibility for the financial affairs of this country.

So, to hold Parliament up, and to use it as an excuse and to continue to say that he will not, at this particular point, deal with the appointment of new members to the Business Committee is a case in point of the Honourable Mr. Truman Bodden's attempt to run the country and the Parliament single-handedly. There is no reason. . . he said this morning also on TV that I am a confused person because the issue of the OECD is too complicated for me to understand, basically, or other people to understand. But if the people of this country cannot understand Mr. Truman Bodden I guess it is because he really doesn't present himself as a kind of person who can be understood. He talks in parables. But we know that the parable means that he should always be in control.

This is the situation here. We have to adjourn because he has not positioned himself again in a controlling position. So we have to wait until he can manoeuvre

to do everything by himself, like he likes to do everything, and come back here to be able to put a business plan together for the committee so that we have an agenda. Of course, he doesn't want any Member of the Backbench that is not agreeing with him to be on this Business Committee. That is basically why he won't do this at the moment.

POINT OF ORDER

Hon. Truman M. Boddén: Mr. Speaker, I object on a point of order. He is imputing improper motives to me, saying that I don't want anybody on the Committee who doesn't agree with me. I ask him to withdraw that. That is an improper motive that he has imputed.

Mr. W McKeeva Bush: Mr. Speaker, I would like to draw to the attention of the House—

The Speaker: Let me deal with this subject first, please.

I was listening very carefully to what the Fourth Elected Member for George Town was saying. You did not put it as a hypothetical situation. You directed it directly to the Honourable Minister responsible for Education, Aviation and Planning. That is contrary to our Standing Orders and I ask that you withdraw it.

Dr. Frank McField: Mr. Speaker, I said that it is my opinion that that is why he is doing it. If that is how I need to phrase it, I will say, "it is my opinion." I have a right to my opinion and it does not necessarily impute improper motive, it imputes political manoeuvring. There is a difference between political manoeuvring and improper motives—

Hon. John B. McLean: Mr. Speaker.

Dr. Frank McField: Mr. John McLean, would you please allow me to continue?

Hon. John B. McLean: Mr. Speaker.

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

POINT OF ORDER

Hon. John B. McLean: Mr. Speaker, with due respect, and on a point of order. He is now challenging the Chair. He did impute improper motives, and I think he should withdraw it.

The Speaker: Fourth Elected Member for George Town—

Mr. Roy Boddén: Mr. Speaker, if you are getting into that kind of position, those who are innocent should cast the first stone.

The Speaker: Let me deal with one thing at a time.

[Addressing the Fourth Elected Member for George Town] I said that in your initial presentation you did not present a hypothetical situation, you went directly to the Minister. I ask you to withdraw that. Your second explanation was a different presentation completely. Your first presentation is what I am asking you to withdraw. Please do so.

(long pause)

The Speaker: I will defer my decision on this matter until I get the *Hansard*, and I will deal with this on Wednesday. I now move the adjournment of this House—

Mr. D Kurt Tibbetts: Mr. Speaker, if I may, sir. I am not for any more trouble. I just want to bring—

The Speaker: The First Elected Member for George Town.

Mr. D Kurt Tibbetts: I would just like to bring to your attention and to the attention of the House that there are four Select Committees for which chairmen need to be named. I also note that you have made attempts to get this done, as we have asked you to. It seems, for various reasons, on several occasions it has not been possible to satisfy everyone and to get it done. I am asking you, although this is not on the agenda, while we have what we have here, if perhaps you would consider having that done at least so that other part of the country's business can proceed.

The Speaker: I will say that that has been referred to the Father of the House. I have recently done that and it is being taken care of. You will be hearing very shortly.

Mr. W McKeeva Bush: Mr. Speaker.

The Speaker: The First Elected Member for West Bay.

Mr. W McKeeva Bush: I rose earlier to speak in regard to the two committees that need members, that is, the Public Accounts Committee which is void one member and, as the Elected Member for North Side has already referred to, the Business Committee. So when plans are being made for the Business Committee they need to take into consideration that the Public Accounts Committee is also void one member.

The Speaker: At this time I will suspend proceedings while I think on the previous matter. We shall suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 10.55 AM

PROCEEDINGS RESUMED AT 11.50 AM

SPEAKER'S RULING

The Speaker: Please be seated. Proceedings are resumed.

When we took the break I said I would make further enquiries into the Point of Order taken by Honourable Minister for Education, Aviation and Planning on a remark by the Fourth Elected Member for George Town. I rule that the statement made by the Fourth Elected Member for George Town was out of order and definitely a point of order under Standing Order 35 [(4)] **“No Member shall impute improper motives to another Member.”**

At this time I would like to give the Fourth Elected Member for George Town an opportunity to withdraw it, for a final time.

The Fourth Elected Member for George Town.

Dr. Frank McField: Mr. Speaker, I have the greatest of respect for the Chair and I do not intend to create any difficulty for that position, nor for you as an individual. Before I bow to your ruling, could you enlighten me as to the understanding of the House of the concept of “improper motives”?

The Speaker: I feel that that is something that every one of us should be very familiar with. If you look at the *Hansard* and at what you said, in particular you said that the Honourable Minister for Education, Aviation and Planning—and you called him by name—had to reposition himself to have political control, is what in essence it meant. You went on with many other statements. Have you been privileged to the *Hansard*?

Dr. Frank McField: I have had neither the privilege of seeing a copy of the *Hansard*, nor of going into your Chambers to discuss the matter further with you as was the privilege extended to a Member of the Government bench.

The Speaker: My office is always open for any Member. You're always welcome at any time. It is a very open thing. I welcome any Member to come at any time. Please don't feel that you have been avoided. But I ask for your final decision. If you will withdraw it at this time, we will proceed.

Dr. Frank McField: Mr. Speaker, just one last statement because I am trying to show that I do have respect for the Chair. I have a bit of difficulty as a Member of the Opposition. I am speaking in regard to what I consider the Government's monopolising of the available positions on the Business Committee and other Committees and, in fact, dictating, somehow, the procedure the Honourable House takes in regard to the functioning of the Committees.

If I make a statement in regard to what I consider to be my political analysis and my political understanding of the situation, and if this has offended the Honourable Minister for Education, I am deeply sorry. But, it is the truth and I do not believe that anyone should fail to speak anything but the truth.

I fail to be convinced that I would be acting in the wisest possible manner by withdrawing a statement that I consider to be a political statement that has political relevance and truth.

The Speaker: I want to make my position very clear as the Presiding Officer of this Honourable House. I am not saying what has been said, or anything else. I made a ruling and you are now in contempt of my ruling. Either you withdraw your remarks, or I will have to proceed with the other process which is afforded me.

I give you a final opportunity. If you will withdraw it, or you will not, please say yes or no.

Dr. Frank McField: Mr. Speaker, I cannot withdraw that statement.

The Speaker: I will deal with this on Wednesday. At this time I shall suspend the House until Wednesday, 16th September at 10 am.

THE SPEAKER SUSPENDED THE HOUSE AT 11.54 AM

**EDITED
WEDNESDAY
16 SEPTEMBER 1998
12.05 PM**

(CONTINUATION OF 11 SEPTEMBER 1998 SITTING)

PROCEEDINGS RESUMED AT 12.05 PM

RULING BY THE SPEAKER

The Speaker: When we took the suspension on Friday, I said that the House would suspend until 10.00 a.m. Wednesday, 16th [September], in order that I could further consider the question before us concerning my request that the Fourth Elected Member for George Town withdraw a statement he had made.

On Friday, 11th September, on a motion for the adjournment, the Fourth Elected Member for George Town, in his contribution, made comments which the Honourable Minister for Education, Aviation and Planning raised a Point of Order, under Standing [35(4)] which reads: **“No Member shall impute improper motives to another Member.”**

After careful consideration, I ruled that it was a valid Point of Order and asked the Member to withdraw his comments. The Member refused to withdraw it, and again I asked him to withdraw his remarks. His answer was, **“I cannot withdraw that statement.”** I then said that I would deal with the matter on Wednesday, 16th September.

At the time of this discussion I realised that tempers were somewhat inflamed and I did not want to act without giving due consideration to the matter. I fully realised that if I were to have acted under Standing Order 41(2) or (4), it would have to be done within the sitting, therefore the reason for suspending the procedure until today. However, I never act without due consideration being given.

I wish to state that I consider disrespect to the Chair and the rules of the Legislative Assembly by any Member of this House a most serious breach of order. I call to Honourable Members' attention our Standing Order guides and procedures of the Legislative Assembly and particularly to Standing Order 88(1) and (2) which tells us:

“88. (1) In any matter not herein provided” meaning our standing Orders **“for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.**

“88. (2) In cases of doubt the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order after the making of those Orders shall be deemed to extend to this

House or its Members until the House has by Standing Order provided for such restriction.”

In view of the fact that this act of disobedience took place during the sitting of the 11th September, and this is a part of that same sitting, I wish to state very clearly to all Honourable Members that should a similar situation arise again, I shall immediately exercise all authority vested in the Chair.

Disrespect to the Chair in not complying with an order issued by the Presiding Officer is a very serious reflection on the Member and further shows disrespect to the country and its Parliament. It should be realised that disrespect to the Chair is disrespect to the office and not the person holding that position.

I should also say that extreme care should be exercised when making media presentations concerning events of this nature.

Having said all of this, I now wish to call to the attention of the Fourth Elected Member for George Town that I ruled that his [statement] was out of order. He did not, and said he would not, withdraw it. In view of that, under Standing Order 41(2), which is very clear and says: **“(2) The Presiding Officer shall order any Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of the day's sitting and may direct such steps to be taken as are necessary to enforce that order.”** I now ask that the Fourth Elected Member for George Town remove himself from this Chamber and the precincts of this Parliament.

[Pause while the Fourth Elected Member for George Town withdrew from the Chamber.]

The Speaker: The suspension shall be for one day's Sitting.

I now call upon the Honourable Minister for Education, Aviation and Planning for the adjournment of this Honourable House.

ADJOURNMENT

Hon. Truman M. Boddén: Mr. Speaker, I move the adjournment of this Honourable House until 12.30 pm, today [Wednesday, 16th September, 1998].

The Speaker: The question is that this House do now adjourn for approximately fifteen minutes. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House do stand adjourned.

AT 12.10 PM THE HOUSE STOOD ADJOURNED UNTIL 12.30 PM WEDNESDAY 16 SEPTEMBER 1998.

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**PROCEEDINGS RESUMED AT 12.48 PM**

*[Prayers by the Honourable Third Official Member]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable First Official Member, who is Acting Governor; from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, who is off the Island on official business and the Fourth Elected Member for West Bay who is still sick in the hospital.

Item number 3 on today's Order Papers, Questions to Honourable Members/Ministers

**QUESTIONS TO HONOURABLE MEMBERS/MINISTERS**

**The Speaker:** Question 126 is standing in the name of the Second Elected Member for Bodden Town.

**QUESTION 126**

**No. 126: Miss Heather D. Bodden** asked the Honourable Second Official Member responsible for Legal Administration to provide an update on the extension of the HAGUE Convention to the Cayman Islands in relation to child abduction.

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

**Hon. Richard H. Coles:** There are two international conventions governing child abduction and custody. The United Nations Convention on the Civil Aspects of International Child Abduction, which was extended to the Cayman Islands on 1<sup>st</sup> August 1998, and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children, which was extended to the Cayman Islands on 1<sup>st</sup> September, 1998.

The implementing legislation for both of these Conventions is contained in the United Kingdom's Child Abduction and Custody Act of 1985, which was itself extended to the Cayman Islands by the Privy Council in London in the Child Abduction and Custody (Cayman

Islands) Order 1997, which came into force on 2<sup>nd</sup> December, 1997.

**The Speaker:** Before I call for supplementaries, I neglected to ask for the suspension of Standing Order 23 (7) & (8) so that questions can be taken after the hour of 11 o'clock.

The Honourable Minister responsible for Education, Aviation and Planning.

**SUSPENSION OF STANDING ORDER 23 (7) & (8)**

**Hon. Truman M. Bodden:** I beg to move the suspension of Standing Order 23 (7) & (8) to enable Question Time to continue after 11 o'clock.

**The Speaker:** The Motion has been moved. Those in favour please say aye. Those against no.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

**SUPPLEMENTARIES**

**The Speaker:** Supplementaries. The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the Honourable Second Official Member say at what stage the enabling and supporting legislation is at?

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

**Hon. Richard H. Coles:** The answer is really contained in the first answer that I gave which is the implementing legislation is the Privy Council, the Order in Council which came into force in December of last year. That came into force in advance of the two conventions being extended to Cayman.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the Honourable Second Official Member say if it is retroactive?

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

**Hon. Richard H. Coles:** Like all legislation, it takes effect from the date it comes into force. It is not retrospective.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Am I to understand the Honourable Second Official Member to say that we do not need to enact legislation locally to govern these conventions?

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

**Hon. Richard H. Coles:** We have local legislation which was the Order in Council. When we requested the British Government to extend both of these conventions to the Cayman Islands and at the same time we requested the British Government to extend to the Cayman Islands the implementing legislation that was already in force in the United Kingdom, and they did that by the Order in Council which was then gazetted here in December of last year.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** What recourse would a Caymanian parent have under these conventions were there grounds to . . . in the case where that Caymanian parent had a complaint of a child being removed from this jurisdiction illegally?

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

**Hon. Richard H. Coles:** It is difficult to answer a hypothetical situation but it may be that an application would be made to the Grand Court here in Cayman, or possibly under the convention an approach should be made to the central authority in the country in which the child had been removed to. Each country that is a party to this convention has a central authority. In Cayman, the central authority is the Attorney General. So, one of those two courses would take place.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Second Official Member state if it was the opinion of the Government at the time that the legislation which the Government asked to be extended to us was quite satisfactory and there were no other situations which might prevail locally which this legislation might not take care of?

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

**Hon. Richard H. Coles:** The legislation that has been extended to us by Order in Council will be perfectly adequate for implementing these two conventions. Perhaps I can say that the Order in Council, the implementing legislation, is predicated on the Children Law which was passed by this Legislative Assembly, but is not yet in force in Cayman. So, the provisions of the Children Law

will need to be implemented, will need to be in force to allow all of the provisions of the implementing Order in Council to take effect.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** In regard to the supplementary asked by the Third Elected Member for Bodden Town, can the Honourable Second Official Member say if there is any recourse for people who may have had situations which they would need the law to satisfy that situation if those situations occurred prior to this law coming into effect? Is there any other recourse?

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

**Hon. Richard H. Coles:** Having said that neither the law or the conventions are retrospective, I certainly cannot say that if an incident took place prior to them coming into force that they could necessarily have the benefit of these conventions or the law.

Having said that, there is always the fact that these conventions now apply to Cayman, and Cayman is a Member, a signatory, to these conventions like all the other countries are. So that very fact may be of benefit to individuals seeking redress—the mere fact that Cayman is now a party and a signatory to this international convention.

**The Speaker:** If there are no further supplementaries, the next question is number 127, standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 127

**No. 127: Mr. Roy Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning to state the total number of students in the Government school system who are (i) visually impaired and (ii) hearing impaired.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The number of students who have been identified to date in the two categories at the various levels of the Government school system are as follows:

#### VISUALLY IMPAIRED

| School         | No. of Students | Degree of handicap |
|----------------|-----------------|--------------------|
| Primary        | 3               | Mild               |
| Secondary      | 0               |                    |
| Special School | 5               | Mild to severe     |

It should be noted that one student, who was legally blind, graduated from John Gray High School in July

1998. There are eight visually impaired students presently in our schools.

### HEARING IMPAIRED

| School         | No. of Students | Degree of handicap |
|----------------|-----------------|--------------------|
| Primary        | 4               | Mild to severe     |
| Secondary      | 2               | Mild to severe     |
| Special School | 2               | Mild to severe     |

It should be noted that three students graduated from John Gray High School in July of 1998 whose impairment was mild to severe. There are currently eight hearing impaired students in our schools.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if these impairments are of such a nature that allows the students to be integrated into regular classroom setting, or do they have to have special provisions made for their instructions?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** In the Primary and Secondary Schools they are integrated. In the Special Schools there are normally multiple handicaps there. But as is shown, there have been graduations as we have showed there of impaired—three at the John Gray High School. So there is integration whenever that is possible.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say, as he has noted in his answer, where he said **“It should be noted that one student, who was legally blind, graduated from John Gray High School in July 1998”** if that student having been allowed to graduate was also in a position and, in fact, did take any of the external examinations that are afforded those students at that year?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I don't have the answer to that question, but the Chief Education Officer says he doesn't think that she took any of the external exams. I am not certain.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Assuming that, and I think it is fair assumption, that the individual was not in a position to

actually sit any of these exams, has the Department, or the Ministry, looked at the situation (and obviously that will be a situation that sticks out like a sore thumb) in regard to what happens to that individual after having been allowed to graduate but knowing full well that there are no qualifications, or no situation where any other type of either secondary education or tertiary education is obviously affordable to that individual. Can the Honourable Minister say exactly what the Government's position is on that?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I understand that she was placed at the hospital in the X-ray area. She was given vocational training rather than academic. That is basically all I can say at this stage. If there are further questions on that specific student, then I will attempt to find out and answer.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Perhaps the Minister will simply give an undertaking to follow the situation up on whatever needs to be done. While I am standing, Mr. Speaker, I have another supplementary, if I may be allowed.

**The Speaker:** Please continue.

**Mr. D Kurt Tibbetts:** Thank you. Going on to the section (ii) of the answer where the answer states, “It should be noted that three students graduated from John Gray High School in July of 1998 whose impairment was mild to severe”, does the Minister have any information on those three students? It is possible that they might well have been in a similar situation. To make life easier for the Minister so that there is no long question and answer, if enough information is not known about it, can it be pursued in the same light as the original one we were talking about, that the Minister would give an undertaking for that also?

**Hon. Truman M. Bodden:** Mr. Speaker, I give that undertaking. I will get the information to the Honourable Member.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say how many specialist teachers who are trained to deal with the visually and hearing impaired are at the primary and secondary level?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** We have one trained teacher for hearing impaired, and one trained for the visually impaired . . . for hearing impaired, rather. They are peripatetic teachers so they would deal with both.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** If we only have one teacher for both, can the Honourable Minister explain if, particularly the primary, the seven students, the four hearing impaired and the three visually impaired, are they all from the same primary school? If not, how does this one teacher handle the situation?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I understand, or I know rather, that most of them are at the primary side or at the George Town Primary. Otherwise, the teacher goes to where the children are. But they are in classes as well. I mean they are still in classes when they are not being given the specialist's help.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just to follow-up on the answer just given by the Minister, can the Honourable Minister say if the department is satisfied that the individual who is the specialist teacher is able to circulate within the various locations in a satisfactory manner, or have there been any reports by said teacher or teachers complaining that there are insufficient bodies to deal with the situations that obtain?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The Chief Education Officer says that he has not had any complaints, and that the system seems to be working. If it isn't, let me just say this, sir, I will do whatever it is within my power, and I believe this House will, to correct anything relating to these children.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** I think the Honourable Minister has just said that he will do whatever he can to correct, and to make certain that some benefit is given to these children. Can I ask if there is a progress report done by this one teacher on each student monthly, or quarterly and handed to the Department of Education, or to the Ministry?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I am not certain of when the report comes in but, obviously, reports would be going in. I can find out precisely when for the two different categories and let the Member know.

[inaudible interjection]

**Hon. Truman M. Bodden:** No. It goes to the Department.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Perhaps just before I ask the supplementary the Honourable Minister might take on board that any report being done on these students might also be passed on to the Ministry so that the Ministry can have first-hand, and hands-on grip on the situation.

Mr. Speaker, with your indulgence, sir, just so that the Minister will understand the line of questioning: There have been complaints passed on to some of us representatives in this area and our aim is not to prove who is at fault for something not being done properly. We would simply like to ensure that the situation is made known to both the Ministry and the Department and that all efforts are made to ensure that the best results that can be achieved are achieved for children who find themselves in these situations.

One of the things that is very blatant to some of us is the fact that some students who are impaired in some form or fashion are allowed to graduate, and after graduation no one knows what happens to them. No one is casting any blame, we are simply saying that we would like to see that situation not be the case. And may I ask the Minister to give an undertaking to ensure that the explanation that was just given is looked into with a view to getting those results being asked for?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I am happy to give that undertaking and I am happy to look at these reports from the Department. Normally they would not come to me because they are on specific children. I am also happy to take up with the Department who could then take up with the other Department responsible to follow-up on these students after they leave school. I agree it is very important after they leave school that we do follow-up and see that they live as productive a life as they can, to their full potential.

**The Speaker:** I think we will move on to question 128, standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 128

**No. 128: Mr. Roy Bodden** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state whether or not Caymanian



contractors were invited to bid on the provision of the cabinets for the new George Town Hospital.

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

**Hon. Anthony S. Eden:** It is standard practice in the construction industry to have the construction contractor responsible for the supply and installation of cabinets. As a result, no separate tender documents were issued for the supply of cabinetry for the new Hospital. Instead, cabinet requirements and specifications were included in the tender documents issued by the main consultants for the overall construction of the new Hospital. These documents included a statement that bidders were encouraged to buy their materials locally. Tenders were received and opened by the Central Tenders' Committee and the construction contract was awarded in 1996 to McAlpine Ltd, who was the lowest bidder.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Is the Minister in a position to tell the House whether any materials were procured locally, or whether any local sub-contractor benefited from the tendering of these bids?

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

**Hon. Anthony S. Eden:** Not necessarily on the cabinets, but I know that on air-conditioning and other things local Caymanians did benefit from this contract.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say what the total sum expended on the cabinets was?

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

**Hon. Anthony S. Eden:** As I indicated, this was part of the overall contract issued by McAlpine. I do not know what the official amount put out for the tender was.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** As the Minister is aware, the situation that arose in regard to the cabinets is one that caused a certain amount of furore in certain areas of the industry. Can the Honourable Minister, if he is in a position to do so, give us a synopsis of what seemed to be the problem and why it was not one that was able to be

resolved in which a local contractor was able to supply the cabinets?

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

**Hon. Anthony S. Eden:** My understanding, and I would not want to be quoted on this, was the significant increase of cost on the project submitted by Caymanian cabinet people was in the area of a quarter of a million dollars difference from what they were able to secure somewhere else. I think this was probably the driving force why the main contractor did not use local.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister state if rates of import duty had any bearing on this great difference, and, if so, what was it?

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

**Hon. Anthony S. Eden:** No, Mr. Speaker, as all of the stuff brought in for the hospital is listed as duty free. Therefore, if Caymanians included this in their figure, it would not have affected their price.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just for purposes of clarity and I am going to try to say it, to make sure that I understand. Is the Minister saying that if a local contractor in bidding on these cabinets had a list of materials it would have been a fact that this list of materials would have been imported duty free?

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

**Hon. Anthony S. Eden:** The Member is correct.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** One final one, Mr. Speaker. Can the Honourable Minister verify that those sub-contractors who may have been interested in providing a bid were made aware of this situation?

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

**Hon. Anthony S. Eden:** I could not positively verify that, but I would assume that the main contractor, McAlpine, would have notified them to this effect.

**The Speaker:** If there are no further supplementaries, the next question is 129, standing in the name of the Third Elected Member for George Town.

### QUESTION 129

**No. 129 Mr. Linford A. Pierson** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state the estimated cost of the new George Town Hospital on completion and how this compares with the original estimate.

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

**Hon. Anthony S. Eden:** The estimated cost of the new George Town Hospital on completion is between approximately \$28.8 to \$28.9 million. This compares with the original estimate of \$26.2 [million].

In early 1997 we considered it prudent to increase the contingency fund from 2% to the more typical construction rate of 10%. This was actually done on a statement that I made in the Legislative Assembly last year. The resulting revised estimate of \$28.8 million compares favourably with the latest figures for the final cost of completion. The exact cost, however, will not be available until the work is totally complete and the quantity surveyors have wrapped up their final accounting early in the New Year.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Can the Honourable Minister state the expected date of the official opening of the new hospital, and whether or not the general public will be invited to that opening?

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

**Hon. Anthony S. Eden:** That is a good question. The overall completion, the construction part of it, will be finished in November, probably middle of December. Some of us were able to go there last week to see what is there. It is actually just a lot of finishing work being done.

In regard to the official opening, in discussions with His Excellency we are actually looking at an official opening in March. But, as we all know, many of the departments, once completely finished and handed over, commissioned and everything in order, we are utilising those new departments. There are two or three that will be put on line by September, mid-October. Once the departments are ready we are not waiting for an official opening to utilise them. They are going straight into them.

The public will certainly be invited, I am sure.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if there has been any extension on any of the construction work to the hospital? And if so, what is the additional cost incurred, and who bears this additional cost?

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

**Hon. Anthony S. Eden:** Mr. Speaker, there is another Parliamentary question coming up. I will be able to give the information at that time, if the Member is willing. I will have more detail to give him. There are a number of things, whether the ground surface that we found which required significant excavation, but I will be able to provide the House with more information at that time.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I think it is fair assumption that outside of the cost mentioned in the answer there will have been some other type of ancillary cost concerned with the new hospital outside of the main contract. Can the Honourable Minister give us a breakdown as to what kind of costs are involved and an approximate total of what these costs are?

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

**Hon. Anthony S. Eden:** I am not aware of anything specific outside of this figure I stated here. Maybe the Member could give me more details. To the best of my knowledge, I am informed that this is the total here.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** So that the Minister will see that I am my usual self, as I am with him, I am talking about equipment and that sort of thing, and if this figure includes the equipment. I notice the Minister for Education smiling because he knows I am not afforded the leverage to deal with him in the same manner, you see.

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

**Hon. Anthony S. Eden:** The equipment and all the ancillary stuff is provided in the overall contract that is listed here.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** The Honourable Minister stated that the original estimate for the Hospital was \$26.2 million and that the estimated cost on completion is between \$28.8 to \$28.9 million which shows a difference of about \$2.7 million on the highest estimate which is in excess of the contingency fund of 10%. I wonder if the Honourable Minister can state if this contingency fund which is now in excess of the 10% should be revised?

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

**Hon. Anthony S. Eden:** I would say that these figures are not actually cast in iron. It may be a little bit more, it may be a little bit less. But I think it is within the ballpark that we see here.

**The Speaker:** If there are no further supplementaries the next question is 130, standing in the name of the First Elected Member for George Town.

### QUESTION 130

**No. 130: Mr. D Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning to provide a list of all new enrolments for the September term for all public schools giving a breakdown of the numbers in each year, at each school.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The new enrolments for the September term for all public schools are as follows:

#### PRIMARY SCHOOLS

| Year            | Red Bay   | GT         | EE        | Savannah  | BT        | NS        | JA<br>Cumber |
|-----------------|-----------|------------|-----------|-----------|-----------|-----------|--------------|
| Reception       |           |            | 17        |           |           | 10        |              |
| 1               | 64        | 77         | 18        | 54        | 21        | 8         | 76           |
| 2               | 4         | 8          | 4         | 1         | 1         |           | 1            |
| 3               | 2         | 4          | 2         | 3         | 3         |           | 4            |
| 4               | 2         | 11         | 3         | 3         | 1         |           |              |
| Year            | Red Bay   | GT         | EE        | Savannah  | BT        | NS        | JA<br>Cumber |
| 5               | 2         | 2          |           | 1         | 1         |           | 3            |
| 6               | 2         | 4          |           |           |           |           | 2            |
| Learning Centre |           | 4          |           |           |           |           |              |
| <b>Total</b>    | <b>76</b> | <b>110</b> | <b>44</b> | <b>62</b> | <b>27</b> | <b>18</b> | <b>86</b>    |

#### HIGH SCHOOLS

| Year         | George Hicks High School |
|--------------|--------------------------|
| 7            | 28*                      |
| 8            | 6                        |
| 9            | 9                        |
| <b>Total</b> | <b>43</b>                |
| Year         | John Gray High School**  |
| 10           | 8                        |
| 11           | 7                        |
| 12           | 1                        |
| <b>Total</b> | <b>16</b>                |

\*George Hicks and John Gray High Schools indicates the number of students that are transferring from Primary to George Hicks or from George Hicks to John Gray in addition to new students entering from outside of Government. In the George Hicks that amount was 244. And the new students in year 7 were 28.

\*\*Two hundred and seventy-two (272) were transferred from George Hicks.

A grand total of 475 were transferred into George Hicks and into John Gray at 516.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** My first supplementary is, for year 1 in the Primary Schools individually, and year 7 for George Hicks and year 10 for John Gray, can the Honourable Minister give us a comparison with last year's figures? I am sure the Minister and his entourage anticipated this supplementary. I am quite sure of that.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I don't have last year's. The most I can do is get it and send it to the Honourable Member.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I am so sorry that I assumed wrongly there. I will be interested in getting that answer in writing, if possible. The reason I asked for the comparison was to do with space, so I will try to get the answer by asking a different supplementary. But I still want the undertaking that was given.

In the primary schools, then, in year 1 the numbers that have come in to each of the schools for the September term, can the Honourable Minister say if any problems exist with space for these students?

And for the ones that we have already talked about that we knew there might be some problems, can he tell us exactly what has been done to accommodate these students in a way that is satisfactory so that they can exist until proper space is provided for the schools which we know is badly needed?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I understand that some of the excess went to the George Town Primary School, which had the capacity. The other students have been accommodated in year 1 within what accommodation there is. As we know, two primary schools are on line that have to be built as early as possible.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Specifically for the John A Cumber Primary School in West Bay, seeing as that is one of the locations where it is difficult to place some of the students elsewhere, can the Honourable Minister say what has been done to accommodate 76 students? I think it would be fair to assume we have three year 1 classes. If my memory serves me right, prior to this there were two year 1 classes at West Bay, or if there were three, then perhaps as each year has gone up. . . . What I am trying to ask the Minister is, I believe it is correct to say that with

this number of students coming into the John A Cumber Primary School, and the years that have moved up one year now, there would have been a need for an extra classroom. If there was not a need for an extra classroom then we must have a situation existing where one class is in excess of 30 students. Can the Honourable Minister say what has happened?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There is another question coming up that has quite a bit of this in it. There are four Primary 1 classes in West Bay. Less children came in than were anticipated. So with only 76 there, as the Honourable Member can see there are four classes averaging maybe twenty.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if there were four Year 1 classes last year?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There were four last year.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** If there were four last year, it means this year there will be four Year 2 classes. My question is: Were there four Year 2 classes last year? The Minister understands what I am trying to get at. If he has to make me go right through to year 6, I will. Otherwise he might want to find the answer and give it to me without my having to ask any more.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Mr. D Kurt Tibbetts:** I think it will help if I outline the position at the John A Cumber. In Year 1 there are four classes; in Year 2 there are four classes, in Year 3 there are four classes, Year 4 there are four classes, in Year 5 there are three, and in Year 6 there are three.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if, as he has now given the number of classes in each year, this was the same situation that existed last year— meaning from Years 1 to 4, did they have four classes, and did Years 5 and 6 have three classes?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I don't have those statistics. But from what I understand an extra teacher was put in West Bay so, presumably that was for an extra class that would have resulted in one of these four classes.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Assuming that extra teacher the Minister is talking about was for this September, my question is, What

was done to provide this extra classroom which did not seem to exist before.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Space has not been a problem at the John A Cumber School. The problem there is that the school is simply getting too large. So the problem does not come around the question of having space, but from the fact that the number of students there are above what should be in one primary school. That is why we are splitting it.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just to try to cap this off, because I am sure that other Members have supplementaries. While I can understand what the Minister is saying when he makes the rather general and sweeping statement that space is not the problem, what I specifically want to find out is while space may not be the problem, are there dedicated classrooms in each of the . . . are there twenty-two separate classrooms at the John A Cumber? That is what I am trying to find out. And, if so, has this been the case all the time?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There are twenty-two dedicated classrooms there for the students.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say, based on his projections, if the enrolments for the next school year are likely to be similar to what it was for this school year? If so, what provisions are going to be put in place to ensure that we have just as smooth a transition?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I can only give an opinion on this, which I am happy to do. I believe that there will be an increase in students for the next year. That is one of the reasons why it is important that this Honourable House support funds for the two primary schools that are needed. They will have to be built fast enough to really get them on stream if at all possible. So an early release of funds and a plea to Treasury to release funds as they are approved so that we can move on with those at an early stage to try to get those in place by August of this coming year.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** My question is moving a little bit closer to the district I represent. For some time now I have been concerned about the lack of growth of the North Side School. I wonder if the Minister or the Education Department is as concerned as I am, and if any study is being carried out to see why the school is not growing as the other primary schools are. I know the children are being born in the district. Is there any reason why they are not attending the North Side Primary School? If not, will the Minister give an undertaking to carry out such a study of that primary school?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** We share the Member's concern. But some progress has been made. About two or three years ago I think there were about 37 students, whereas now we have moved up to 57 students. The reception class has helped considerably because the young students have been able to go to the reception class and that has been the feed into the primary. We would naturally like to see those schools grow. In fact, East End has grown a fair amount. We do everything that we can to see them grow. However, North Side is a very nice size from the point of view that the classes are small and the children get far better. . . you know, . . . it's easier to teach a small class than a full size class.

**The Speaker:** The Elected Member for North Side.

**Mrs Edna Moyle:** Mr. Speaker, I really did not intend to come back with another supplementary because he has said that they have the same concern. But he just said that with the size classes at that school, we should be in a position to get very good teaching.

I agree. But I wonder why it is that that school is always the last in most competitions or academics in these islands. I have never seen the newspaper saying that one of those students has come first in the National Achievement Test, or first in any other placement test. I agree with that size school. It is more or less a one-on-one for teaching, and that is also a concern of mine. But I will add to the study for the Minister to carry out as to why these children are not achieving better results than they are with a school that size.

It is not that our students are dumb. I agree. It is not that the teachers are not teaching, but I know particularly in year 2 (or is it year 4?) that there is one teacher teaching a combined class which is not good. It is impossible for one teacher to teach two classes a different curriculum (if I am correct is using that word). So that is one concern of mine also. I think it should be a priority of the Department of Education to straighten out these problems with that small primary school and let us get it on line to be competitive with the other primary schools.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I am happy to take on board and go into this in some depth. It is a concern to the Member and, therefore, it has to be a concern to me as well. I take the point she has made of the combined class.

What I would ask is for the Chief Education Officer to look into this and I will be able to discuss at a later stage with the Member other possible ways of improving the school.

**The Speaker:** If there are no further supplementaries, that concludes Question Time for this morning. Maybe this would be a convenient time to take the break. We shall suspend until 3.15 PM.

#### PROCEEDINGS SUSPENDED AT 1.47 PM

#### PROCEEDINGS RESUMED AT 3.35 PM

**The Speaker:** Please be seated. Proceedings are resumed.

Item number 4 on today's Order Paper, Government Business, Motions. (a) Appointment of a Member to Standing Committee (b) Nomination of a Member to the Standing Business Committee.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

#### NOMINATION/APPOINTMENT OF MEMBER TO THE STANDING BUSINESS COMMITTEE

**Hon. Anthony S. Eden:** I beg to nominate the First Elected Member for West Bay for the vacancy on the Business Committee.

**The Speaker:** Are there any further nominations?

If there are no further nominations, the nominations are closed. I declare the First Elected Member for West Bay appointed to the Standing Business Committee.

**The Speaker:** Nomination of a Member to the Standing Public Accounts Committee. The Honourable Minister responsible for Tourism, Commerce and Transport.

#### NOMINATION/APPOINTMENT OF A MEMBER TO THE STANDING PUBLIC ACCOUNTS COMMITTEE

**Hon. Thomas C. Jefferson:** I beg to nominate the Third Elected Member for George Town to the Standing Public Accounts Committee.

**The Speaker:** The Third Elected Member for George Town has been duly nominated. Are there any other nominations? If there are no further nominations, the nominations are closed. I declare the Third Elected Member for George Town appointed to the Standing Public Accounts Committee.

Bills, First Readings.

### BILLS

#### FIRST READINGS

##### THE STAMP DUTY (AMENDMENT) (AGREEMENTS AND ASSIGNMENTS) BILL, 1998

**The Clerk:** The Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998.

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

Bills, First Reading.

##### THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS AND NEED FOR LICENSED PREMISES) BILL, 1998

**The Clerk:** The Liquor Licensing (Amendment) (Protection of Minors and Need for Licensed Premises) Bill, 1998.

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

Bills, First Reading.

### **THE PRISON (AMENDMENT) BILL, 1998**

**The Clerk:** The Prison (Amendment) Bill, 1998.

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

Out of an abundance of caution, let us suspend Standing Order 46 to enable these Bills to be taken since sufficient time on some has not elapsed. I call for the suspension of Standing Order 46.

Will some Honourable Member move the suspension of Standing Order 46?

The Honourable Minister responsible for Education, Aviation and Planning.

### **SUSPENSION OF STANDING ORDER 46**

**Hon. Truman M. Boddén:** I so move.

**The Speaker:** The question is that Standing Order 46 be suspended. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 46 SUSPENDED.**

**The Speaker:** Bills, Second Readings.

## **BILLS**

### **SECOND READINGS**

#### **THE STAMP DUTY (AMENDMENT) (AGREEMENTS AND ASSIGNMENTS) BILL, 1998**

**The Clerk:** The Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I beg to move the second reading of a bill entitled The Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998.

The purpose of this Bill is to correct anomalies resulting from the introduction in 1997 under the Miscellaneous Fees Provision (Bill at that time, now Law) of a 9% rate of stamp duty on transfers of property falling within the designated areas in the West Bay and George Town registrations. When the amendment was made to the conveyance of transfer section of the schedule of the Stamp Duty Law (1998 Revision) to provide for the 9% rate, consequential amendments carrying through the new rate to the sections on agreement or memorandum

of agreement and assignments failed to be made. This created the undesirable potential for the otherwise applicable 9% rate to be avoided.

This Bill, therefore seeks to reconcile the payment of duty on (a) agreements or memoranda of agreement for the sale of land; and (b) assignments of land with payment of duty on the conveyance or transfer of land.

Clause 3 of the Bill amends the Schedule to the Stamp Duty Law (1998 Revision) by repealing the rates of duty under the heads "Agreement or Memorandum of Agreement" and "Assignment" and substituting rates of duty which are in keeping with the rates under the head "Conveyance and Transfer" taking into account the location of the property under the latter head.

This amendment is necessary to ensure the consistency of the 9% stamp duty rate and to protect the revenue intended to be derived therefrom. I commend this Bill to Honourable Members.

**The Speaker:** The question is that a Bill entitled the Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998, be given a second reading. The motion is now open to debate.

If there is no debate, does the Honourable mover wish to [say anything further]?

**Hon. George A. McCarthy:** Just to thank Honourable Members for their tacit support.  
Thank you.

**The Speaker:** The question is that a Bill entitled the Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998, be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: A BILL ENTITLED THE STAMP DUTY (AMENDMENT)(AGREEMENTS AND ASSIGNMENTS) BILL, 1998, GIVEN A SECOND READING.**

**The Speaker:** Bills, Second Reading.

#### **THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS AND NEED FOR LICENSED PREMISES) BILL, 1998 (Deferred)**

**The Clerk:** The Liquor Licensing (Amendment) (Protection of Minors and Need for Licensed Premises) Bill, 1998.

**The Speaker:** The Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** While this Bill has appeared on today's Order Paper, it was only gazetted less than one week ago. In light of the substantial scope of the Bill, I

would ask that the second reading be deferred for at least a further week, and I have indicated accordingly to the Standing Business Committee.

**The Speaker:** The question is that this Bill be deferred to a later sitting. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS AND NEED FOR LICENSED PREMISES) BILL, 1998 DEFERRED TO A LATER SITTING.**

**The Speaker:** Bills, second reading.

**THE PRISONS (AMENDMENT) BILL, 1998**

**The Clerk:** The Prisons (Amendment) Bill, 1998.

**The Speaker:** The Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** I beg to move the second reading of a Bill for a Law to amend the Prisons Law and for incidental and connected purposes.

This amendment seeks to remove two provisions which have been in the Law since its original enactment in 1975 in respect to the administering of corporal punishment when prescribed by the courts as part of a sentence. Of course, the sentences available to the judiciary are those prescribed from time to time by the legislature as it enacts laws including, where appropriate, penal provisions in respect of their contravention.

The fact is that there is no longer any penal provisions within our legislation which include corporal punishment. And it seems logical therefore that if the society through successive legislatures has decided that the judiciary should not have corporal punishment at its disposal, that there is no longer the need to maintain these provisions in respect of administering that punishment.

I expect that some Members may feel that the abolition of these provisions would infer a more tolerant attitude by this House towards those who commit crimes. But I would respectfully suggest that that view could only meaningfully be taken if the legislature was considering the removal of corporal punishment from the penal provision in respect of some particular offence or offences. That is not the case. As I stated earlier, there are no offences that currently carry corporal punishment as a penalty.

I would therefore urge Members to acknowledge that the provisions are now redundant and to support their repeal.

Thank you.

**The Speaker:** The question is that a Bill entitled The Prisons (Amendment) Bill, 1998, be given a second reading. The motion is open to debate. The First Elected Member for West Bay.

**Mr. W McKeever Bush:** Mr. Speaker, in June when this Bill was brought to the House, I objected at that time. I have not heard anything to convince me now that I should vote for this matter.

The truth is that whether it is scientifically true, or a belief in the community, many people, including this Member, believe that we need instruments that deter crime. While it might be said that corporal punishment does not now happen in the Cayman Islands, the fact is that I believe that we should not take it off the books. I see this as one more effort on the part of the United Kingdom Government to liberalise this country.

Not everything that is good in the United Kingdom is good in the Cayman Islands. There are many things that we would not want to have happen here, that happen there. It can rightly be said by this legislature that if we do not do as the United Kingdom asks, they can institute this by Order in Council. That is a fact. That does not look good in some ways, but we must stand our ground on our convictions if we believe that there are certain things we should retain here.

We are not an independent legislature. We do not have the benefit of certain instruments like some other Dependent Territories or British Overseas Territories, as they are now called, that do not allow for these Orders in Council. But, we can make representation to the Foreign and Commonwealth Office in regard to any matter that we feel is not good for us.

I remember the issue of capital punishment. I know a lot of people do not support it. I do. But, we said, *'Look, let us talk to them.'*

As I said, there are cases that will come up in time where we need to say to them, *'Look, the Cayman Islands is a unique country and there are certain things that are special to us, culturally, even.'* While they could probably not attach this particular effort to any cultural background, I am just speaking in broad terms. But I think there comes a time when we must say that there are things that the United Kingdom does that we do not want to do here.

If we constantly give way to a little bit here, and a little bit there, every now and then, soon, everything that we hold sacred in this country will vanish. I am not for that. This might not be a big thing to some Members, but this Member is not going to support it. I say again that certain aspects of the Law send a psychological trigger through the community. I am one who believes that we must find other ways. There are things we can do to deter crime.

We must educate. That is one of the biggest factors. True! But beyond that there are other measures. I don't feel that we should be taking off our books any matter that can deter it. Perhaps the Government should use it as a big stick and say, *'You know, we can use this. We can put it in place.'*

This Member cannot support removing the corporal aspect from the books.

Thank you.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I rise in opposition to this amendment to the Prisons Law. I recall during my first term in office that I got a call from the late Capt. Keith Tibbetts.

He said, "John, one of the things I want you to push for is a reinstatement of corporal punishment." He said, "As a legislator I have noticed that since the issue was abandoned," he noticed the deterioration in society as far as discipline was concerned.

I agree with the First Elected Member for West Bay. There are certain issues, certain convictions, certain customs that we hold dear in this country. I understand that the United Kingdom is promoting the idea of fostering a partnership according to them. A partnership is exactly that—it is having mutual respect for one another and for each other's feelings and convictions. I think it doesn't speak well for the Mother Country to say that to us that if we as legislators do not feel this is an issue that we want to take off of our books. Maybe not this Government, but what about the next Government? They might want to reinstate public flogging. I would support that. I am not a member of Amnesty International. I believe that if we had a little more of that in our society we would get the attention of these bad boys who run around thinking that they own the world.

I remember that I was an advocate, and I got the nickname from the First Elected Member for George Town of the Hangman. But there are certain things that we feel strongly about in this country and I daresay that when we were moving forward implementing that policy of hanging by installing the gallows, I guarantee that those boys who were on death row were looking at that every day, and every time they saw a new piece in place they became more scared. I don't see how we can constantly allow those blocks and exercises that we have in place to discipline society, if we continually erode those safeguards and measures in our society — then we will have total chaos.

The present feeling among the general public, I am speaking of those who engage in criminal activity, is that there is no fear whatsoever. I have heard more than one say, *'I don't really hesitate to blow you away because I can sit down at Northward knowing I am entitled to three meals a day and that's all that can happen.'* I think that, yes, the United Kingdom can say to us that this is something they took off their books, but we as a local Legislative Assembly should have the discretion to be able to say, *'Yes, we agree with it, we will take it off our books,'* or, *'No, this is something we feel strongly about and we would appreciate if you would allow us to keep this legislation in place.'*

I am personally concerned that if we don't have measures in place by which to administer some type of punishment other than sending someone to Northward

Prison, that crime in this country is going to escalate. You know the situation that could exist, Mr. Speaker. We boast of the two pillars of our economy—tourism and banking. But a lot hinges on the fact that we are a very safe environment. A lot of people feel confident to come here.

They don't have to worry about somebody walking up behind them and hitting them over the head and running off with their bag or something. That is very important. We would not necessarily use the measure if we don't have to, but the mere fact that it is there has a psychological advantage in that nobody wants to be the first to test whether or not that particular measure will be exercised.

So, I do not support this. I know that according to the Government it is a very incidental amendment in that there is no use having it on our books if we are not using it. I do not subscribe to that feeling. I believe that we should leave it on the books and even take measures to maybe strengthen our Prisons Law to make it much tougher for the criminal elements in this country. Thank you.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** My contribution will be fairly short, but I would like to know from the Government Bench if the reason for bringing this Bill at this time is because it is thought by the Government that this is in the best interests of the country when looking at it just for what it is, or whether there are soundings which are telling us that Mother Country would like to see it off of our books since it is not on hers.

If there is reasoning which we should be listening to, I don't mind hearing it. But, as it stands right now, the Bill coming to us as simply a tidying up exercise, it proves to me, first of all, that many of us are not well versed in the amendments that are being made to our laws, because by the way the motion was explained it was that other areas have already been amended which don't allow for this type of punishment in our laws.

Therefore it is for that reason why this amendment needs to be made. I don't believe that many of us consciously have realised this, and I am not sure at what time these amendments were made. But, from where I sit, I agree with what has been said from the Backbench thus far, and unless there is a reasonable explanation which is provided before the vote is taken, I daresay that I will have great difficulty supporting the Bill that is before us now. But I will wait to hear if there is something else that I know nothing about.

**The Speaker:** Does any other Member wish to speak? (pause)

The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you.

As in the case of my colleague, my contribution on this amendment will be reasonably short. However, as



you will perhaps note from my contribution, we have as an Opposition group taken the view that this is a matter for one's conscience and that we will not necessarily take the same position on it.

I can recall when the question of capital punishment was raised in this House several years ago that I took the position that while it might have been a good idea for it to remain on the books of these islands, I was yet to be convinced that it formed a deterrent to crime in the countries that used capital punishment.

At that time I used as an example our neighbouring island of Jamaica where at the time it was very much in vogue, yet crime seemed to be increasing by degrees. Similarly, the Bill before us presents me with the same dilemma. Even though it can be said that it has been on our books for a number of years, I believe that in the wisdom of the legislators and the courts of this country over the years that it was not used because there was no proven deterrent in that method of punishment.

The fact that this is no longer a part of our penal provision would suggest to me that maybe it is time that we have a more serious look at retaining this provision.

If I believe tomorrow, or even now, that the retention of corporal punishment as we are now discussing would prove an effective deterrent to crime in these islands, I would be the first to say, yes, leave it there.

I believe that a more positive approach to the question of crime in these islands is a more serious approach at rehabilitation in working with the minds of individuals who have committed crimes, and that are filling our jails; trying to turn them to God, and helping them to live a more moral life, rather than trying to show them through the physical abuse of their bodies that they are being shamed into doing the right thing.

Several weeks ago I saw on *Issues 27* this matter discussed. I believe that it was one of the Ministers, for whom I have a lot of respect, who suggested that it could do more harm than good, especially when the person meting out the punishment was also the person that was expected to carry out the rehabilitation of that individual.

As I said, this is a matter for one's conscience and though I have to take a different position from my colleagues on the Backbench, it does not necessarily mean that we do not agree on most things. I believe that to remove this provision from the Prisons Law will enhance the whole process, not only of our image internationally, but the process of rehabilitating our prisoners. Because of that philosophy and belief that I have on this particular issue, I have no choice but to support this amendment.

Thank you.

**The Speaker:** Does any other Member wish to speak? (Pause)

If not, does the Honourable Mover wish to exercise his right of reply?

The Honourable Temporary Actin First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I wish to thank Members who spoke and shared their views. It is obviously a subject on

which people can have rather strong and definite views. I certainly do not propose to say anything to prolong that exchange. I would feel it my responsibility to respond to one query that was made by the First Elected Member for George Town, and to simply acknowledge that there have been soundings, as he alluded to.

Those were soundings that, obviously, the Government felt there was no substantial basis to object to in light of our record of not using corporal punishment.

We certainly think there are much bigger battles to fight. I will simply ask all Members to try to be objective in light of the history of this issue and, if possible, lend the Bill their support.

Thank you.

**Mr. W McKeeva Bush:** Mr. Speaker—

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Thank you.

I wonder if the Honourable Temporary Acting First Official Member would say if this has ever been used in the islands.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs, do you care to answer that?

**Hon. Donovan Ebanks:** I have no definitive answer, other than that many of us have heard stories of it having been done, but I certainly have no recollection if that was in the 1960s, 50s, 40s or when.

**The Speaker:** The question is that a Bill entitled the Prisons (Amendment) Bill, 1998 be given a second reading.

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

**AYES and NOES.**

**The Speaker:** The Ayes have it.

**Mr. W McKeeva Bush:** Can I have a division, sir?

**The Speaker:** Certainly.

Madam Clerk, please call a division.

**The Clerk:**

#### DIVISION 12/98

##### AYES: 8

Hon. Donovan Ebanks  
Hon. Richard H. Coles  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Mr. Linford A. Pierson

##### NOES: 6

Mr. W McKeeva Bush  
Mr. J. D. Jefferson, Jr.  
Mr. D Kurt Tibbetts  
Miss Heather Bodden  
Mr. Roy Bodden  
Mrs. Edna Moyle

**Absent: 3**

Hon. Julianna O'Connor-Connolly  
Mr. D. Dalmain Ebanks  
Dr. Frank McField

**The Speaker:** The result of the division, eight Ayes, six Noes, three absent. The Bill has accordingly been given a second reading.

**AGREED: THE PRISONS (AMENDMENT) BILL, 1998 GIVEN A SECOND READING.**

**The Speaker:** Is it the wish of the House that we now go into Committee, since we have approximately nine minutes before 4.30, or that the House do now adjourn.

**Hon. Truman M. Bodden:** Mr. Speaker, we are so near to finishing it would be good if we could just take them. They are very short bills, and we could finish them today.

**The Speaker:** That is fair. The House will now go into Committee to consider two Bills.

**HOUSE IN COMMITTEE AT 4.21 PM****COMMITTEE ON BILLS**

**The Chairman:** Please be seated. The House is in Committee. With the leave of the House may I assume that as usual we authorise the Second Official Member to correct minor printing errors and such the like in these Bills. Would the Clerk read each Bill and the clauses?

**THE STAMP DUTY (AMENDMENT) (AGREEMENTS AND ASSIGNMENTS) BILL, 1998**

**The Clerk:** Clause 1. Short title.  
Clause 2. Amendment to the Schedule of the Stamp Duty Law (1998 Revision) (Agreements and Assignments).

**The Chairman:** The question is that Clauses 1 and 2 do stand part of the Bill. If there is no debate, the question is that clauses 1 and 2 do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

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

**The Clerk:** A Bill for a Law to amend the Stamp Duty Law (1998 Revision) to amend the rates of duty payable in respect of agreements and assignments and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.  
**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** The next Bill is the Prisons (Amendment) Bill, 1998.

**THE PRISONS (AMENDMENT) BILL, 1998**

**The Clerk:** Clause 1. Short title.  
Clause 2. Interpretation.  
Clause 3. Amendment of section 2—Interpretation.  
Clause 4. Amendment of section 36—Convicts found guilty in certain offences while undergoing sentence.  
Clause 5. Amendment of section 40—Powers of Summary Court.

**The Chairman:** The question is that Clauses 1 through 5 do stand part of the Bill. If there is no debate, the question is that clauses 1 through 5 do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

**AYES and Noes.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 5 PASSED.**

**The Clerk:** A Bill for a Law to amend the Prisons Law and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. I shall put the question. Those in favour, please say Aye. Those against, No.

**AYES and Noes.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** I think I neglected to put the question. The question is that a Bill for a Law to amend the Stamp Duty Law (1998 Revision) to amend the rates of duty payable in respect of agreements and assignments and for incidental and connected purposes.

[inaudible interjections]

**The Chairman:** That was all right.

That concludes proceedings in Committee on a Bill entitled the Stamp Duty Law and the Prisons Law. The House will resume. The question is that the Committee

do report to the House. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

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

**HOUSE RESUMED**

## **REPORTS ON BILLS**

**The Speaker:** Please be seated. Reports. The Honourable Third Official Member responsible for Finance and Economic Development.

### **THE STAMP DUTY (AMENDMENT) (AGREEMENTS AND ASSIGNMENTS) BILL, 1998**

**Hon. George A. McCarthy:** Mr. Speaker, I beg to report that a Bill entitled The Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

**The Speaker:** The Bill is accordingly set down for third reading.

The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

### **THE PRISONS (AMENDMENT) BILL, 1998**

**Hon. Donovan Ebanks:** I beg to report that a Bill entitled The Prisons (Amendment) Bill, 1998 was considered by a Committee of the whole House and passed without amendment.

**The Speaker:** The Bill is accordingly set down for third reading.

We have now reached the hour of 4.30, and I would entertain a motion for the adjournment of this Honourable House.

## **ADJOURNMENT**

**Hon. Truman M. Boddin:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**At 4.25 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 17 SEPTEMBER 1998.**

**THURSDAY  
17 SEPTEMBER 1998  
10.20 AM**

*[Prayers by the Third Elected Member for West Bay]*

**The Speaker:** Please be seated. Proceedings are resumed. Item number 2 on today's Order Paper, Questions to Honourable Members/Ministers. Question 131 is standing in the name of the Elected Member for North Side.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 131**

**No. 131: Mrs. Edna Moyle** asked the Honourable Minister responsible for Education, Aviation and Planning if there are qualified physical education teachers appointed in Government Primary schools.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There are four qualified peripatetic physical education teachers appointed in Government Schools. One physical education teacher is assigned to the schools in Cayman Brac while three serve the seven Primary Schools in Grand Cayman.

**SUPPLEMENTARIES**

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say how many times per week these three teachers who serve the seven Primary Schools in Grand Cayman offer physical education at each Primary School?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** One spends three days at the John A. Cumber Primary School and two days at the Bodden Town School; one spends three days at the George Town Primary School, one at East End, one at North Side; and another spends two days at Red Bay, two days at Savannah.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say if this is one hour per week, particularly at the North Side Primary School?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I understand that what I have given is a full day at each of those schools.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say when there are competitions having to do with sports, who trains the North Side Primary School students and who accompanies them to these events?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I understand that the national coach for football gives assistance to teachers and students at the North Side Primary and other schools?

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say who replaces the full-time classroom teacher in the North Side Primary School when she accompanies these primary school children to an event? Who covers her class in her absence?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** That is basically done internally. The Principal makes the arrangements when she is out.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the Honourable Minister say whether or not there are organised programmes of physical education in the primary schools and if there are, what do they consist of? In other words, as primary school physical education teachers what are they promoting?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There are specific sports, and it ranges, really, through physical fitness for actual sports, like football, cricket, that sort of thing. They obviously differ somewhat because there may be preferences on some of the fringe type of sports, if I can call it that.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** The reason I asked that is because I understand that at the John Gray and maybe

also the George Hicks High Schools the physical education teacher throws the kids a ball and says, *'Go ahead and kick it.'* That is why I was wondering whether or not there were any organised programmes in regard to physical education in the primary schools.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The schools follow a curriculum on Physical Education. I should mention that the National Curriculum on Physical Education is now in the process of being developed. But there is a programme in there on PE.

**The Speaker:** If there are no further supplementaries the next question is No. 132, standing in the name of the Third Elected Member for West Bay.

#### QUESTION 132

**No. 132: Mr. John D. Jefferson, Jr.** asked the Honourable Third Official Member responsible for Finance and Economic Development when will the Government Minute in response to the Public Accounts Committee's 1996 Report be tabled.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, the Government Minute will be tabled during this Meeting of the Legislative Assembly.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** If I am correct, I think it is a requirement that that report be tabled within 90 days of the Report of the Public Accounts Committee. I wonder if the Honourable Third Official Member can give us a general idea why it has been delayed for so long.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** The 90-day deadline would have been met. It was approved by Executive Council during the time of the previous meeting. But there were about three or four sections in the report that the response as set out in the Minutes, the Government was of the view that they needed to reflect a more accurate position and one of the sections in particular was that of public debt. This morning the Deputy Financial Secretary and I will be meeting to do into that section.

I should point out that during the time of the last meeting up until now I was always aware of the fact that the Government Minute had to be tabled. But in light of issues which have arisen since that time up until now

and absorbing my attention and the attention of other Members of the Government, Mr. Speaker, I did not put this, although it is very very important I had to take it to another level in terms of priority. But it will be tabled during this meeting.

**The Speaker:** If there are no further supplementaries we will move on to question 133, standing in the name of the Third Elected Member for West Bay.

#### QUESTION 133

**No. 133: Mr. John D. Jefferson, Jr.** asked the Honourable Minister responsible for Tourism, Commerce and Transport to provide details on any in-house training programmes which are available for the members of staff of the Department of Tourism, and if such a programme exists, who is responsible for heading up the programme.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** All Department of Tourism Managers world-wide, on an on-going basis, seek to provide in-house or external opportunities for their staff to attend relevant training programmes. Additionally, the Department has introduced a Human Resources Development Programme, developed and managed by the Tourism Development Services Manager, which provides monthly staff development sessions for all support staff in Grand Cayman and quarterly staff development sessions for all senior managers. This programme is adjusted and amended as needs change and additional training opportunities present themselves.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I am glad to hear that there is a programme in place. My question to the Honourable Minister is, Does the Tourism Development Manager provide career paths for people within the department in regard to where they can get to, and how, and what they need to do in order to get there?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** [microphone not turned on—voice almost inaudible.]

I believe the answer to that particular question is difficult for any manager to provide...given that the Government staff does not create a career path for civil servants. The manager...does provide training which causes the skill of each person to increase thus putting the person in the position to be promoted...level.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Recognising that tourism is one of the pillars of our economy, I wonder if the Honourable Minister can say what is being done to encourage or attract qualified Caymanians to choose tourism as a career?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** There are a variety of matters that are in place, namely the Tourism Development Services Manager together with other senior members of the Department of Tourism, has put together brochures and booklets which are provided to primary schools, which are also provided to some of the middle school level, as well as they go into the schools and speak to young people about opportunities within the tourism industry.

A few years ago we established for the first time a fully funded tourism scholarship which allows individuals to go to the tertiary level of education. I am pleased with the results of it. Not just the scholarship itself, but all of these various approaches have stimulated interest in careers in the tourism industry in that when we examine the young people coming to the Educational Council for scholarships we find that a substantial number of them are seeking to be in the marketing area, in restaurant management, or in managerial training which would apply to managing of hotels and otherwise.

I believe that—and I am not about to blow my horn—within the last five years we have seen substantial movement in terms of educating not only the population at large, but also the young people within the system of education and seeking to provide more and more opportunities to young people. I would not sit down without saying there is a lot more to be done and we look forward, and commit ourselves to that.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I am aware that there is a tourism scholarship that is quite substantial, but I am also aware that there is a programme at the Community College for training in the hospitality industry. I wonder if the Minister can say whether or not the Ministry or the Department has any scholarships in place for local persons who would maybe like to upgrade their skills in this area but who are not prepared to leave the islands?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The answer to that supplementary is that the Ministries of Tourism and Education are working together with the industry because I firmly believe that in cases mentioned by the questioner there is a need to have a programme not just educational in nature but where the individuals can gain first-

hand practical opportunities so that whatever we learn in an academic setting we can also apply our hands to the job in the various areas within the tourism industry, and we are putting that programme together. i

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** In regard to the last supplementary, can the Honourable Minister say what happened to the plan that was under the Ministry for Community Development for training at the Community College for hotel and the tourism sector?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I believe that is a difficult question to answer, given that the Member knows the details of what he was proposing in that particular training exercise. I was not particularly au fait all the details. I do know the training goes hand in hand with the educating of our populace, and the training is now with the Ministry of Education. As I mentioned in an earlier supplementary, the Ministry of Education and the Ministry of Tourism are working together with the industry as well to cause the programme, perhaps as part of what the former Minister is mentioning, to have that programme come into operation and hopefully be successful in educating our young people.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I recall back shortly after the 1992 election (I think it was) there was a lot of talk about training. I remember one of the plans, especially in the hospitality industry, was to establish within the industry some type of co-operative effort to ensure that students who were attending the Community College in this area had some practical experience. Can the Honourable Minister say whether or not that programme has been initiated? If it has been, what establishments are co-operating in regard to making their facilities and expertise available for such a training programme?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I think it is fair to say that there has been a lot of talk about training in the hospitality industry for the last decade, to put it specifically. I believe that some work has been accomplished. I believe there are attachments and working arrangements made with young people from the George Hicks and John Gray High Schools who get certain attachments to the hotels and gain some experience.

I cannot say that I am satisfied that all of what I think should happen has happened. I think it is one of the reasons why I mentioned in answer to an earlier supplementary that I believe the industry, the Ministry of Education, and the Ministry of Tourism, have to work

more closely together in order to ensure that we gain much more success in the training exercises. No one person, or one Ministry will ever accomplish this without. . . not without... I think the answer to it I think is a comprehensive approach, people who are involved in the Tourism industry in the private sector; people who are involved in the Government, be it in the Tourism industry or in the Ministry of Education have to work very closely together to ensure that the programme they are putting forward at the Community College is tied to some experience where those same individuals get exposure to hands-on training whether it is at the front desk of the hotel or in the kitchen trying to learn the culinary arts, or whether it is in the managerial side of it, or whether it is the personnel side of it. The exposure, giving a person some experience to hold on to in their minds while they are moving on in the academic, I think is essential for that person to be successful.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say when we may expect to see the results of the plans between the Ministry for Education and his Ministry regarding the development of this training initiative?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The results can be on two fronts. One is the results of the children in the programme, and how well they are getting on. I don't believe the Third Elected Member for Bodden Town is asking for that. The results as to how this programme will be implemented should happen within the next couple of months.

**The Speaker:** I will have to limit this to two additional supplementaries. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I listened to the Minister's reply in regard to the supplementary I posed. It seems like nobody knows what happened to the initiative, that was a Government initiative, that passed through the Community Development Ministry, that passed through Executive Council, as an initiative between the Ministry of Community Development and the Ministry of Education being responsible for education and the Ministry of Community Development being responsible for training. What happened to that initiative?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I took it that the former Minister was talking about the training programme which he attempted to put together for which, as he says, has been through Executive Council, and discussed with the

Ministry of Education. That training responsibility passed to the Education Ministry. My reply tried to indicate that I am not now in a position to know all the details of how they propose to carry that out, but I am sure that it is in the process of being done.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Part and parcel of the training initiative developed by the Ministry of Community Development, and by the committee, that was put together by Government and tabled in the House and accepted by the Government, that which was tabled in the House, part and parcel of that was an aspect of training for the tourism and hotel industry. That moved on, that programme went public. I am trying to solicit an answer as to what is happening with it.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport, can you comment further?

**Hon. Thomas C. Jefferson:** I don't want to sound like I am evading any question in this Honourable House; I am basically saying that the training initiative the Member is referring to, the responsibility under the Constitution for training is with the Minister for Education. I am not seeking to put the Minister for Education on the spot. I do not know at this time all the details as to when that will be implemented. That is all I am saying, and I am trying to be as honest and as fair as I possibly can.

**The Speaker:** At this time we will move on to question 134 standing in the name of the Second Elected Member for Bodden Town.

#### QUESTION 134

**No. 134: Miss Heather Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning if all schools (public and private) participate in morning prayers and the singing of Cayman's National Song.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** All Government and private schools participate in morning prayers or daily devotion, either collectively or in individual classes or tutor groups. The singing of Cayman's national song is usually done at schools' general assemblies once or twice per week in Government schools. In the private schools, the frequency with which the song is sung varies from school to school. In some schools it is sung daily, while at others it is done weekly or on special occasions.

#### SUPPLEMENTARIES

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** I would like to thank the Honourable Minister for that answer, but I was just asking this question because I have heard that there are teachers who have said that it is not necessary to have prayers and the singing of Cayman's national song in the schools. Can the Honourable Minister say if he is aware of this?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** As the law now stands, and long may it stand because one of the erosions could be in a Bill of Rights which excluded prayer from public schools which stands at present in the European Convention. The Chief Education Officer has told me that he does not know of this. But if any teachers, in public schools, are not complying with the law, then he will ensure that it is enforced. They should be having prayers in schools because, legally, that law still stands.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I am talking specifically about the High School or the Middle School and John Gray, can the Honourable Minister say whether or not anybody in particular is responsible for leading the devotional period in the schools?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** It is normally done on a rotating basis through the Heads, and at times they bring in ministers or people from the outside to participate in it.

Let me just add this. I think this is very important. In the United States when they withdrew prayers from schools it was the biggest disaster that country ever saw in the education system. The children need that devotion. They need the religious aspect, and I would oppose anything to the bitter end that tries to remove it.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** It is my understanding that the devotions are done in tutorial groups, and I understand that they basically get together and brief the students as to what is coming up in regard to the school, events and that kind of thing. Maybe at the end of the session they will say the Lord's Prayer.

I feel strongly that the religious base in our schools has to be maintained. I wonder if the Honourable Minister, and I have mentioned this to him before, would consider, and I am quite sure the Legislative Assembly would fund it, establishing Chaplains for those two schools. Because they are public schools, we have chil-

dren from all religious walks of life. I have also been told that there are some teachers there who are not really interested because they do not believe themselves in promoting respect for worship and prayer in the schools.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I am happy to look at anything, and I give that undertaking to the Honourable Member, that will improve the promotion of prayer within schools. It is nondenominational. But other than that there should be full participation by the teachers. I would think that the Chief Education Officer, as he has just said to me, would take it fairly seriously if teachers are not doing what they should do in relation to devotion and prayer in churches. . . I mean schools.

**The Speaker:** If there are no further supplementaries we will move on to question 135, standing in the name of the Second Elected Member for Bodden Town.

### QUESTION 135

**No. 135: Miss Heather Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning to provide a list of major projects and maintenance repairs that were accomplished at the Bodden Town and Savannah Primary Schools during the summer holidays.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The installation of air-conditioning in the infant blocks at Savannah and Bodden Town Primary Schools and the painting of the exterior and interior of all buildings were the major projects accomplished at these schools during the summer holidays. Preliminary work was started during the summer holidays to extend installation of air-conditioning to the remainder of the classrooms at these schools. When this comes on stream, it will in fact complete the air-conditioning projects in these two schools.

In addition to the various maintenance tasks which were undertaken on an ongoing basis throughout the year, the following works were scheduled and completed during the summer holidays:

#### Bodden Town Primary

- Installed new door in the Year 1 classroom
- Painted chalkboard in Year 1 classroom
- Replaced the bookshelves in Year 2 and treated the entire area for termites
- Painted chalkboard in Year 3
- Removed carpet in Year 4 and treated classroom for termites
- Replaced shelving along east and west side of Year 4
- Installed additional electrical outlets in Year 4
- Repaired chalkboard in Year 4
- Repaired chalkboard in Year 5

#### Savannah Primary



- Installed screen doors on canteen
- Repaired seams in ceiling and hall
- Replaced plywood casing to air-conditioner in staff room
- Relocated fan switch from sink area in kitchen Installed cabinet doors in rooms 3P and 3PT
- Replaced carpet and installed tiles in former Year 6 classroom, now Year 1 classroom

### SUSPENSION OF STANDING ORDER 23 (7) & (8)

**The Speaker:** Before calling for supplementaries, I will entertain a motion for the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock.

The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** I rise to move the suspension of the relevant Standing Order.

*\*[seconded by the Member for North Side]*

**The Speaker:** The question is the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock. Those in favour please say aye. Those against no.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say if the air-conditioning at the Savannah and Bodden Town Primary Schools are going to be individual window units, or are we doing a study to see if it would be more [economical] to do central air-conditioning rather than individual units in windows?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I understand that the Education Department has just received a study back from Public Works and it has been done on an energy-efficient basis and it includes some split systems as well as some duct-central systems.

**\*The Speaker:** Elected Member for North Side, may I take for granted that you seconded that previous motion?

Thank you.

The Elected Member for North Side.

**Mrs. Edna Moyle:** Although this question does not relate to the Primary School in the district of North Side, I wonder if the Honourable Minister could say if the infant

blocks at all primary schools, but particularly the District of North Side, are now air-conditioned like Savannah and Bodden Town?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I cannot honestly answer that: I can find out, but all should be done. So, if the North Side have not yet been done, it is in line to be done. I mean, it is not a detail. . .

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I am glad to hear that so much has been accomplished over the summer at the Savannah and Bodden Town Primary Schools. I wonder if the Honourable Minister is in a position to provide us with a status update on the assembly hall for the West Bay Primary School?

**The Speaker:** That is outside of the substantive question, but if you wish to answer it you may, Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** On the air-conditioning we had \$70,000 released. We used it all as I understand during the summer. As Members know, the \$500,000 was only approved at the end of the last sitting, not very long ago. The studies have been done to deal with that. The plans for that.... Mr. Speaker, on the hall, as the Member knows there was a request by Honourable Members from West Bay to extend the size of it. So we went back. The plans have now been redrawn. I haven't seen them yet, but I understand they are back with the Education Department. So, hopefully, I mean we will push with this as fast as we can.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister could say why the Bodden Town and Savannah schools were the first two primary schools to have air-conditioned infant blocks, not that I object to those schools receiving air-conditioning, but I would like to know on what grounds those two schools were chosen to have air-conditioning first.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** We did the blocks that the Education Department and Public Works felt needed it most. At Savannah, if the Member were to go there, I mean anybody going there. . . that block that is near the road, sir, was subject to very heavy traffic. The children could not hear what the teacher was saying. Dust came in from those heavy trucks moving by. I can tell you that in my view that was the reason. I did ask that they try to

do it early. It wasn't just the Members pushing, I went several times.

George Town, really, also got some priority, but those classrooms are blocked by the hall and the other building and no breeze goes into that area. It is all the way down to the end on the west. But we will give North Side as much priority as we can. The only trouble is that I can't be everywhere all the time. I give the Member the undertaking. I know she presses very hard for the school. We will catch up.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** I would like to thank the Honourable Minister for that commitment to get to the North Side Primary School as soon as possible. But I want no political favours, as such. I want to see each school handled and each school given these air-conditioners for the infant blocks if we cannot afford to air-condition the entire primary school. He did give me that commitment, I think it was at the last meeting, that these schools would not be done on a political priority list, but rather on need. So I would like to thank him for giving the undertaking and commitment to the North Side Primary School.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** If you would allow me one more supplementary on the Assembly Hall for West Bay—

**The Speaker:** Please go ahead.

**Mr. John D. Jefferson, Jr.:** I recall, I think it was the June sitting, or Finance Committee (I can't remember which it was), but there was a lot of discussion and concern raised in regard to the need for a hall for the John A Cumber Primary School. We did get an undertaking that it would be fast-tracked as much as possible. It is now September and

I am quite sure that the students and the teachers at the John A Cumber Primary School are not looking forward to having to hold their Christmas Programme on the outside.

I know the Minister is a good man, I wonder if he can assure us—the representatives from West Bay that he will do whatever is within his power to ensure that this thing is put on the fast track and not kicked around the hall in Public Works, or wherever it is being held up, and we get on with that job? It is definitely, seriously needed.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I requested about . . . firstly, we know the time constraints. It was the middle of August when the money was released, and with all due respect, Public Works did not move until the money was released which is fair enough in light of the checks and balances we put in place.

Since that time we have had the plans completed and I have asked them to move as quickly as possible to give it priority and to get on with it. But to be very honest, we all know the bureaucracy of letting out these tenders does take time. There is a motion here again on tenders. It is very important that it is done right. But within the Law and within doing it right, I give all the Members from West Bay an undertaking that if there is one thing I would like to do it is get that finished and cut down on the questions that I get from separate Members each time the Legislative Assembly sits.

It is very much needed, so I will do everything I can. I am happy to keep Members up-to-date, either individually or as a group, as to where we have reached, and also to look at the plans, if you wish, and I will get those. I haven't seen them yet.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I want to thank the Minister for that commitment.

He mentioned that the plans had to be redesigned based on requests or input from the Members for West Bay in regard to the capacity. Can the Honourable Minister give us an idea as to what the new plans call for as far as seating capacity?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** It has been increased to a capacity of 650.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am very happy that the Minister has answered that question because I put a question on the floor of the House at the last meeting, and I haven't gotten an answer yet. However, I made it my business to find out what had happened and I understand that the project is now out to tenders.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** If I may just say, it was not intentionally not answered. It must have been that we just ran out of time in here— even though we were in for five months!

**The Speaker:** If there are no further supplementaries the next question is No. 136, standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 136

**No. 136: Mr. Roy Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning to state whether the students at the Alternative Education

Centre are screened for Attention Deficit Disorder (ADD) or Attention Deficit Hyperactive Disorder (ADHD).

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The School Counsellor at the Alternative Education Centre screens all students when they are placed in that facility for attention deficit hyperactivity disorder [ADHD]. The initial identification phase involves observation of the student and includes parental interviews. Once the School Counsellor has identified the student as potentially having ADHD or ADD, a referral is made through the Assistant Education Officer, Special Needs, to the Educational Psychologist assigned to the Alternative Education Centre.

The Educational Psychologist conducts standardised assessments and then suggests behavioural strategies for change. If further assessment is needed then the student may be referred to either the Government Hospital's Paediatrician or Psychiatrist. If medication is prescribed for the student, the School Counsellor provides feedback on its effectiveness to the Doctor. This allows the doctor to monitor the student and make adjustments for the proper dosage.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say whether any students at this centre are currently being treated for either of these two problems as indicated in the question?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There are three who have been identified and are on medication. There is one who has been identified. The parents will not allow a doctor to see him.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say, of those who are on medication, what steps are being taken to ensure that the side effects of the medication are manageable?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** They are under the care of a medical doctor who is qualified in this area so, presumably, whatever dosage and side effects there are, that doctor, I am sure, is very capable of dealing with it.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Is the Minister in a position to tell the House whether the medication prescribed is a medication which goes under the name of Ritalin?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** This is not an area that I can go into, sir. I don't know it. If the doctor feels like he wishes to release it, I can ask for it, but I don't know what medication the children are on.

**The Speaker:** The Third Elected Member for Bodden Town

**Mr. Roy Bodden:** Mr. Speaker, can the Minister give the House an undertaking that he will investigate to ascertain whether this medication is Ritalin because I am aware that there are concerns in medical and educational circles that this medication indeed may have more negative effects than beneficial effects. In some jurisdictions in the United States it has been condemned as a medication for certain types of behaviour.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** What can be released between a medical doctor and a patient is for the medical doctor to release. I will say to the Honourable Member, and I can give that undertaking, if the medical doctor is prepared to release what medication the children are on, then, by all means, I will request it and give the information to the Honourable Member. I am not competent, as a lawyer, to comment on the medical position and what the side effects are. But, obviously, we have competent doctors in there who are dealing with these children. I believe they are getting the best medical treatment that they can have. I am sure they are followed up and carefully taken care of.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I was out of the Chamber for a bit, so if he has answered this question, I am sorry to repeat it, but I wonder if he can say if there are any classes that are held at the Alternative Education Centre. If there are, what classes are they?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, at the Alternative Education Centre they teach all of the core subjects— English, Math, Religious Education.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Are these classes compulsory for all students who attend that centre? I have been told by some students that all they do all day long is play Station 64.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The students in the tutorial centre go through that. Those who are in the transition unit are basically there for placement and are not included in the tutorial side. Maybe it is one of those children you are referring to. I don't know.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** The Minister mentioned something about those involved in the tutorial classes. Then there was another group. Are they in transit? For job placement? There are some students there who are 12 or 13 years old. You cannot be intending to find job placement for those students. Those are the students I am talking about who are saying they are sitting there all day long paying Nintendo.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The younger students would be the 12, 13 year olds in the tutorial. The 15 or 16-17, the older ones would be there in an effort for job placement. But I think maybe what would be good, as we did with the Lighthouse School, would be for all Members to come there and have a look at it because I have made a request for some sizeable funds to try to get a proper unit built across from where we utilise the building that is there now.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. I will end what I am going to say with a question. I want the Minister to understand that this is not my morning for me and him. I am as serious as I could ever be. But before I finish the question I need to explain what I am coming to. So with your permission, sir....

This place called the Alternative Education Centre, I have never heard one good thing said about it. I do not believe it is simply because of the nature of the facility why I have not heard. Everything you can think of is wrong with it. I am not talking about you, Mr. Minister. But I want to say this: I do not even believe that the people who are running the facility know what they are doing. I do not believe that where they are placed is what they were trained for. There have been no good results from that facility when it comes to trying to get the children (whether it is for behavioural problems or whatever else is wrong), back into the main stream. It is a continuous problem.

I am not suggesting that it is something easily solved. I am saying to the Minister that while I know he has made positive steps, first of all by trying to get funding to move on to a proper facility—I am not knocking all of that—I am simply saying to the Minister the problems are rife in that place. I am asking the Minister, through whatever channels he has to use, to take

a serious look at that place because the students who leave from there are the students who turn into all the bad things we have to spend money for-- jails et cetera. and all of that for.

The point I am making is that if you don't try to solve it from then, it costs the country more, it costs families more heartaches, and all I am saying and asking the Minister to recognise and make sure that his departments and whatever else recognise is the fact that while this is one of the most difficult areas to deal with, we all recognise that, it cannot be shoved aside.

Do you know what else? Mr. Speaker, I am sorry, sir, but I think this is very, very important. I believe that teachers are put there when they cannot find anything else for them to do. I don't care who tells anybody different. I am asking the Minister, please. . . and I am not accusing anyone of anything. I am just trying, because I have heard, and if half of what I hear is true, it is bad. Of course, what is going to happen, sir, is that whenever they know that somebody is coming to check, they will tidy up their act.

So, my question to the Minister, while I recognise he may have 2,000 other things to do, I think although the difficulty is there it is an area that needs to be looked at seriously from top to bottom. Thank you.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I take on board the seriousness of the Honourable Member's statement. I have now asked the Chief Education Officer for a report on the facility and I give the undertaking that I will go into it in depth. It is a very important unit, but it is a very difficult unit. It has to be looked at in depth, and I have now asked him and I will confirm that in writing to him which will carry through on the seriousness of what the Honourable Member has said.

**The Speaker:** If there are no further supplementaries that concludes Question Time for this morning. It is my understanding that there is a luncheon planned by the Honourable Minister responsible for Tourism, Commerce and Transport—tomorrow? Okay.

At this time we will suspend proceedings for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11.27 AM**

**PROCEEDINGS RESUMED AT 12.29 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Other Business, Private Members' Motions. Private Member's Motion No. 22/98, Amendment to the Development and Planning Regulations to be moved by the First Elected Member for George Town.

## **OTHER BUSINESS**

### **PRIVATE MEMBERS' MOTIONS**

#### **PRIVATE MEMBER'S MOTION NO. 22/98**

#### **AMENDMENT TO THE DEVELOPMENT AND PLANNING REGULATIONS**

**Mr. D Kurt Tibbetts:** I beg to move Private Member's Motion No. 22/98 which reads:

**“WHEREAS in the Development and Planning (Amendment) (No. 3) Regulations 1997, in Regulation 4, sub-regulation (3)(b)(i) reads- “by the addition immediately following paragraph (e) of the following paragraph- “(ea) the minimum lot size for guest houses and apartments is 12,500 square feet and 20,000 square feet respectively;” and sub-regulation 3(c)(i) reads-**

**“by the addition immediately following paragraph (e) of the following new paragraph “(ea) the minimum lot size for guest houses and apartments is 25,000 square feet;”**

**“BE IT RESOLVED THAT the Governor in Council consider the undue hardship this is causing to property owners, and make the necessary amendments so that these two sub-regulations will only apply to lots purchased after December 8<sup>th</sup>, 1997.”**

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I beg to second the motion.

**The Speaker:** Private Member's Motion No. 22/98 having been duly moved and seconded is now open for debate. The First Elected Member for George Town.

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

Although anticipating a long debate on this motion, it seems that the Government is sympathetic to the intention of the motion. Maybe the debate will not have to consume a lot of time.

In introducing the motion, I will just outline the problems as we on the Backbench have seen and heard from our constituents. There is a situation, simply put, where a lot of people who had purchased individual lots prior to this amendment coming into force in December 1997, found themselves in a situation where because of the size of their individual lots what others had been able to do prior to that, and what they had anticipated that they could do, was not possible because of the amendments.

People with plans in the works to build, for instance, three apartments, to live in one and to either sell or rent the other two to help offset their mortgages, found themselves where this was not possible. So they could not utilize the land in its optimum fashion as they had anticipated. I am sure that there a lot of individual situations that will vary, but the very short explanation that I just gave sums up the kind of problems that many individuals are facing, that is, young families who were trying (in our own language) to move ahead who had aspirations to acquire certain-- not wealth-- but certain property for their investment in the future. A lot of people have now found themselves where they have to go back to the drawing board and start all over again.

As I said, many situations can be pointed out to prove the point. But, because we on the Backbench understand that the Government seems to be willing to accept the motion, what I will readily do (since I have the chance to wind up), is to allow the Government to speak

on the motion and, depending on the views aired by the Government, we will see how we progress.

Before I cap off the introduction of the motion, let me say this: As we have discussed it on the Backbench, we fully recognise that there may other areas besides the two that have been mentioned in the motion which might well need to be addressed. I am certain that the Minister responsible will have input from the Department simply because they are the ones who will be experiencing the situations through applications coming to the Central Planning Authority. I am certain by now that the Government is well aware of what we are talking about.

Perhaps if the Government wishes to address other areas, what might well be the end result of this motion, is that I guess we could simply look at it as a key to open the door, and once the door is open we can all enter the room and know what needs to be done and clean the room of. Perhaps if we look at it in this light this is one of those motions which might be called a win-win situation.

I will conclude my opening remarks and simply await hearing the position that the Government is taking, and I am sure that other Members may wish to point out specific examples. I am sure that all of us have had representations from our constituents and I dare say that there have been many local contractors and architects in the field who have either directly or indirectly experienced the pinch and understand what is happening.

Mr. Speaker, I commend this motion to the Members of Legislative Assembly, and I trust that the motion will see safe passage and receive full support. Thank you.

**The Speaker:** The motion is open for debate. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I want to associate myself with remarks of the mover, the First Elected Member of George Town in his presentation of this motion, who was assisted by the Third Elected Member for Bodden Town. I have had representations from people also who had purchased property to build on. Since the introduction of the law, or the regulations, they are prohibited. It would be unfair not to do something to alleviate the problems--the plight in which those people find themselves. So I am glad that the motion is before us and I am hopeful that the Government will assist by accepting it and making the necessary changes.

**The Speaker:** Does any other Member wish to speak?

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

I also wish to say thanks to the First Elected Member for George town, and the Third Elected Member for Bodden Town, for bringing this motion to address is very important issue.

I remember the process that the Development Plan went through. There was a lot of input and consultation, and that type of thing; the whole idea behind that was that we got the feelings of those people who were affected with regard to their difficulties--with regard to certain proposals. I believe that when these new regulations

were proposed it was not envisaged that it would cause these types of difficulties. I am quite sure that it was never Government's intention to create that type of hardship on any individual, especially young Caymanians who have the ambition to maybe build a little home or a couple of apartments to rent or sell in order to supplement their income.

But I must say in all fairness that I have been approached by a number of constituents who have experienced difficulty in this area. The Planning Department and the Central Planning Authority have been most tolerant in regard to these difficulties. In most instances I am aware that the applicants were accommodated. But I believe that it is a good gesture for us to bring a motion along these lines. If we are creating difficulty for young Caymanians who want to build or build to rent, then as elected representatives we must address those concerns and issues.

I look forward to hearing Government's acceptance of this motion. I think it is a very sensible, reasonable request, and I look forward to us being in a position where we can make the planning process for these people a much smoother exercise. Thank you.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker.

The Government is very pleased to accept this motion. There have been concerns raised with the Central Planning Authority, and obviously, with Members here. The intent of this to basically not affect property that existed prior to December 8, 1997, is one that I think is justified. What will happen now is that we will have to prepare an amendment to the regulations and it will come back to the House, I would think it should be at the next session

**The Speaker:** Does any other Member wish to speak? The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Thank you, Mr. Speaker.

I also rise to support the motion which has been put to this Honourable House. As earlier speakers said, there are times when regulations are amended and we cannot envisage every possible ramification of those pieces of legislation. When we receive input from the public which demonstrates that there is some amount hardship, the responsible step to take is to amend the situation to relieve any burden on any member of the society who is suffering perhaps hardship.

I believe this amendment, the motion which is requesting the amendment, does go in that direction. I believe, too, that whether an individual who has purchased property prior to this date with a view to carrying out the construction of apartments or guest houses, Government, a good faith, should ensure that person the opportunity to proceed with his investment. I believe the amendment to that which was put on December 8, 1997,

is the fair and correct thing for this Government and the House to do. So, Mr. Speaker, I support the motion.

**The Speaker:** Does any other Member wish to speak? (pause) The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I am happy that the Government has seen fit to accept the motion. It certainly makes the work much easier. But I have to, in this instance as in many others, be a kind of conscience and say that it would not have been necessary for this motion to come had the powers-that-be expressed a little more concern in dealing with these kinds of situations.

It is my observation that the Government seems more distant from the people in these times than perhaps past Governments have been. I recall that when this matter first came to our attention, I wrote a letter to the newspapers saying that there had been a problem with this piece of legislation and we needed to address the problem. The Minister for Education, who was also the Minister for Planning, replied saying that it had been a matter that was unanimously passed. Of course, Mr. Speaker, that is his usual style, indicating that whatever fault there was, was not his; that, indeed, it was as much my responsibility as his that the legislation was in place.

Of course, there can be no question that it was unanimously approved. However, that did not exonerate us from the fact that it needed addressing. I wrote a letter to say that if the Minister were forthcoming, perhaps he was in a good position to make the necessary amends. Well, a reasonable period of time elapsed and those amendments were not forthcoming from the quarters that I expected they should have been forthcoming from. Hence, we on the Backbench took the initiative.

I want to take this opportunity to say that in the future, as far as I'm concerned, anytime certain Members come here with amendments proclaiming that there is nothing wrong with them, I shall peruse them most meticulously and carefully. I have been stung twice now in the past when those pronouncements were made only to find out that they were matters which were of some detriment to the wider community and constituency.

It is incumbent upon the Government to ensure that these kinds of issues, when they are brought, are thoroughly investigated. But it is also incumbent upon us as Members of the Legislature to also ensure that we are prepared.

I am happy that a situation over which we have received so many complaints will at last be able to be addressed in such a way as to relieve the hardship from Caymanians. There has been much acrimony and debate, and many people have expressed disappointment. It seems that an avenue of investment which many--particularly young persons--have come to expect and come to depend on, had been denied and there were accusations that the Government had lost its sensitivity to those Caymanians who were ambitious and who were intent on being economically independent.

Of course, there is some merit to the argument that Government in many instances seems only sensitive to the issues of the large and significant investors, leaving

out the majority of the middle classes who are struggling and who are determined to be financially independent. I would hope that this experience serves us well for the future and that we may alleviate this kind of exercise so that the next time we are faced with an issue of this sort, we can get it right in the first instance.

I am happy to be associated with this effort, and can only say that I will continue to be vigilant to ensure that Caymanians in all sections of the spectrum get their fair share of the economic pie.

**The Speaker:** Does any other Member wish to speak? The Fourth Elected Member for George Town.

**Dr. Frank McField:** In regard to this particular Private Member's Motion to amend the Development and Planning Regulations that would allow the building of apartments and guesthouses on certain amounts of land in residential areas, I would like to say that many young people, were upset with this regulation having been approved by the Legislative Assembly. In the first week or two of this happening there was representation made to me at home, representation made to me in my office, representation made to me on the streets in regard to the apparent unfairness of this regulation.

The reason I was given for it being unfair has already been greatly outlined by the Third Elected Member for Bodden Town, and the First Elected Member for George Town. In his summing up of this particular motion he will perhaps give more detail as to why this regulation was causing hardship to persons that had exhibited a very positive type of entrepreneurship in these islands, young people in particular.

The fact that this amendment has been brought to amend a regulation; the fact that we had pushed under our noses, so to speak, the regulations in the first place—I would be the first to admit that I did not read the regulations clearly; I did not understand some of the more technical planning architectural concepts in it. And when it was brought to my attention by architects and by planners, and by persons who had some idea of what they wanted to do with the land they had, and now that it would become impossible to build because of this new regulation requiring this particular size, it became clearer to me that this would be an unnecessary burden to persons who had shown a great degree of ambition in the society already.

My position is slightly different from the position of the Minister responsible for Planning who brought these regulations to the Legislative Assembly in that that Minister has all the expertise available to him in terms of considering these regulations. Therefore the fact that the public has been inconvenienced to this degree until now goes to show that the Government continues to govern by reaction rather than by positive, proactive deliberations.

In summing up, I would just like the Government and the general public to bear in mind the fact that Opposition is constructive and that without constructive opposition we would not be able to remedy the shortsightedness of governments as they sit and deliberate and

make decisions over a period of four years. Therefore, the fact that we all have different perspectives of what is necessary and what is a good thing for democracy... And this is the case in point: if there were not different perspectives of what is good for the general public, the general public would not have had a remedy in this particular case.

My getting up to support this, Mr. Speaker, is because I would like to emphasise again the role which the Opposition must play in a democracy, and the necessity of there being differences in perception and differences of opinion and differences in regard to what we think is good.

I would like to again congratulate the First Elected Member for George Town, and the Third Elected Member for Bodden Town for having risen to the point of getting an agreement from Government to support this legislation without debate. Thank you.

**The Speaker:** Does any other Member wish to speak? If not, does the mover wish to exercise his right of reply? The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you.

This is one of those rare occasions, but thank God they still do occur. I would first of all like to thank all Members who spoke. Noticeably, all Members have spoken in support of the motion. And I am certain that even the Official Members and others here who may not have spoken are in total support of the motion. Of course, I am reminded that I should mention my other colleagues on the Backbench who, not because they have not spoken on this occasion, certainly were a big part and parcel of putting the motion together, talking about it, and deciding upon the course of action. I think that, in itself, bodes well for the future this country.

Mr. Speaker, just to look at the motion itself and try to spread it a little bit more, let me say this: In discussions with both the Minister and the Director of Planning, it has come to my attention that there are some other areas which are propelled by the effect in these two areas. It has been observed that there are some other problems which exist with some of the regulations as they now stand with the amendments.

I would simply like to voice the opinion of the Backbench here by saying to the Government that what we would now like to see is: Rather than limit any amendments to the regulations by only dealing with what the motion calls for, as they have so voiced, I would ask for them to use the expertise which the Fourth Elected Member for George Town referred to in his contribution. And to look at all the various areas that may need amendments to bring them in line with the reality of certain circumstances which prevail now. Perhaps in very short order (and I do trust that we will get that commitment), the Government will be bringing back amending legislation to these regulations with a view to correcting not only anomalies but situations which need to be corrected in order for the continuing progress for the ordinary people in this country.

It is important whenever creating legislation to ensure that the legislation we are putting forward is legislation which will benefit as many as possible in the society and in the various communities. Perhaps this time, without getting into any acrimonious debate as others have said before, let us all take this as a lesson for the learning and whenever legislation is being proposed perhaps more communication in the future before legislation is actually passed with everybody getting a chance to give their opinion might bode well for the results. Maybe we will not have to go through as many corrections. Having said that, I still think it is good that we have recognised that and are all moving in the same direction to correct that situation.

Mr. Speaker, once again I commend the motion, and I am justly proud of my colleagues on the Backbench who are in total support of the motion and recognise the need for these amendments. While it is a very rare occasion for me, I actually have to say thank you to the Government that we did not have to fight over it. I notice the Minister's eyes are opening wide, but I do surprise him every now and again.

Rather than prolong the debate any further I would just like to close off by saying once more that we look forward to speedy action and the necessary amendments being brought back to the Legislative Assembly via the Governor in Council, and as soon as that is possible we would like to see the matter cleared up. Thank you.

**The Speaker:** I will now put the question on Private Member's Motion No. 22/98 Amendment to the Development and Planning Regulations. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 22/98 PASSED.**

**The Speaker:** I think this would be a convenient time to take the luncheon break. Proceedings are suspended until 2.30 PM.

**PROCEEDINGS SUSPENDED AT 1.05 PM**

**PROCEEDINGS RESUMED AT 2.55 PM**

**The Speaker:** Proceedings are resumed. Please be seated. Private Member's Motion No. 19/98. Loud Music on Public Beaches. The First Elected Member for West Bay.

**PRIVATE MEMBER'S MOTION NO. 19/98**

**LOUD MUSIC ON PUBLIC BEACHES**

**Mr. W. McKeever Bush:** Mr. Speaker, I beg to move Private Member's Motion No.19/98. Loud Music on Public Beaches, standing in my name which reads:

**"WHEREAS Public Beaches are provided for the enjoyment of the general public, and community oriented functions;**

**"AND WHEREAS it is public knowledge that the use of these facilities is being abused, particularly on weekends, but more so on Sundays, with extremely loud music;**

**"BE IT RESOLVED THAT Government take immediate steps to stop this sort of abuse by putting in place the necessary regulations."**

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I beg to second the motion.

**The Speaker:** Private Member's Motion No.19/98, having been duly moved and seconded is now open for debate. The Elected Member for West Bay.

**Mr. W. McKeever Bush:** Thank you, Mr. Speaker.

The motion before the House asks that Government do something about the outrageous activity of very loud music that is now taking place on public beaches. It could never be said that I don't want people to enjoy themselves. But that should be done with some civility and with due consideration for other people around.

For some time now I have been receiving complaints from all around the Island. But I am more familiar with the two public beaches in the West Bay area, that is, the public beach on Seven Mile Beach Road, and the public beach which exists in West Bay, itself. Time and time again I have observed, especially on Sunday, what I think is outrageously loud music. I have received complaints from neighbors of the beaches in the case of the public beach on West Bay Road; complaints from people way up in Governors Sound, complaints from people using the beach. Mr. Speaker, it has become a complete nuisance to the longtime residents of Harbour House Condominiums, some of which are elderly folks.

Mr. Speaker, I have personally gone and asked these people to turn down the music. This music is coming from speakers so big that it takes a truck to bring them to the beach! Beaches have been provided by Government sometimes in conjunction with the public for the enjoyment of the general public. But it certainly cannot mean that any one group, or person, can play music so loud that it is a nuisance to everybody else.

Certainly, a person with a little radio or tape player, cassette, playing on his beach towel or his little corner somewhere on the beach is not something that we are complaining about. However, when people use a truck to bring speakers . . .this is not a casual enjoyment. This is set up for fête, a big party. I am not saying that is bad, but I am saying that we cannot allow everybody to be disturbed.



This loud music is not only disturbing on beaches, but it is ridiculous when we see vehicles shaking because of the bass in the music. It is a real nuisance, and I believe it is dangerous. Sometimes when you see the car coming you can hear the music but you can't see the person because the person is so laid-back, sometimes with one foot out the window. I have to wonder what that person is thinking about! He does not realise that he is dealing with a motor vehicle. He has no regard for the general public.

I have been in cemeteries, at funerals, and have heard 'booming' coming across with no regard for anybody. I think it is time that the Government—and they have heard enough complaints because we have complained about this in this legislature before—make strong regulations to deal with this matter. A \$5000 fine would make them stop and think and have some respect for other people.

For instance, I understand that in California there is a regulation where offenders have their radio or tape cassette taken away if the music is heard ten feet away. The Motion deals specifically with public beaches, but there has to be something done about the music on the roads and music where it is not licensed. This is not a licensed place when we talk about public beaches.

Mr. Speaker, the Government needs to act on this, and I would hope that we could be on all fours with this matter and that they will quickly do something about this extremely loud and obnoxious music. And, Mr. Speaker, if you could call it music sometimes! It sounds more like grunting, and sometimes it goes still. It is just something—Oo-Oo—I never heard anything like that in my life called music!

I love a good time as much as anybody, and I am not one to tell people not have a good time. But it has to be done with some civility and with due consideration of others around. I would hope that the Government can accept this, Mr. Speaker. Thank you.

**The Speaker:** The floor is open to debate, does any other Member wish to speak? The Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker.

As seconder of this motion, Loud Music on Public Beaches, I rise to give my support. There is very little more that I can say, that the mover of this motion has not covered very ably in his introduction.

I, too, have had similar complaints in the district of North Side from my constituents concerning the nuisance of loud music at public beaches, particularly the Kaibo Beach in the Rum Point area. I know that Beach was developed to be used by the people of the district of North Side. Not saying that we were not allowing members of other districts to come and enjoy the facility. It was developed to promote family functions where families could go enjoy themselves on a Sunday afternoon or Saturday. But now it is totally out of control.

The mover of the motion referred to what I call 'boom boxes' that are being transported to these public beaches, and the excessive loud noise that is being

emitted from them. The people of these islands were raised to respect Sunday afternoon. I was raised that way and I consider that a part of my culture. We were raised that on Sunday afternoon it was rest or visit with family. I think that we as parliamentarians should do as much as we can to keep this culture in these islands for our grandchildren and their children.

We have on the Law books of these Islands a Law called the Towns and Communities Law. Section 12 of that Law reads:

**"Any person who makes any noise in any town or district which is likely to cause annoyance or discomfort to any inhabitant of that town or district, after having been required by a constable to desist from making such noise, is guilty of an offence and liable upon summary conviction to a fine of five hundred dollars for a first conviction, a fine of one thousand dollars for a second conviction and a fine of five thousand dollars and imprisonment for six months for a third or subsequent conviction."**

My question is, If we have the legislation that reads so clearly--and I am certain that the police have had constant reports and complaints-- why are we not enforcing the legislation already on the books in these islands?

I read from Section 13 of these regulations, and I will start with subsection (2):

**"For the purposes of this section the Governor in Council may by regulations prescribe- (a) levels of noise for the purposes of subsection (1), measured in decibels; (b) methods of measurement of noise; and (c) without prejudice to paragraph (b), machines for measuring the level of noise."**

My question is, If we have been having constant complaints about the noise levels coming from our public beaches particularly, why have regulations not been put in place to govern subsection (2) whereby the police can measure the levels of noise, the methods of measurement of noise, and so forth?

Under that same Section 13, subsection (3), it reads: **"Any person who fails to comply with the request of a constable or an environmental health officer made under subsection (1) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars for a first conviction, a fine of one thousand dollars for a second conviction and a fine of five thousand dollars and imprisonment for six months for a third or any subsequent conviction."**

Section 14 says, **"Upon conviction of an offence under section 12 or 13, in addition to any other penalty provided, the Court may order forfeiture of any equipment or device used in the commission of the offence."**

I feel the Law covers this subject very well. But, as the mover said, we now need to have in place regulations that will put a stop to the abuse in public places. These regulations, in my humble opinion, have now become a priority and should be brought into effect as soon as possible.

The mover of the motion also spoke about loud music in motor cars. This, too, has come to my attention in my district, particularly by the elderly people. They are awakened from their sleep at night with this loud music in motor cars. Some of the speakers in these motor cars are sometimes even bigger than the car itself! I say there is no need for such equipment to be installed in motor vehicles in these islands.

I remember when I was going to the North Side Town Hall School we had a headmaster, a Mr. Fray from Jamaica. One evening we were passing a church where a service was being held, and, being schoolchildren we were singing the song which I am sure is well-known to all Members of the Parliament, "Good Night Irene". The next morning Mr. Fray became aware of this, and each one of us who was involved was asked to come to his desk. In those days the strap was in the school and you put your hand out and took a strapping. Until this day if I am passing a church and I am in a motor car with the radio on, whether I am driving or one of my children is driving, my first instinct is to turn the volume down on the music.

Maybe it is time to give these young people some counselling. I had to speak very strongly to one of my children about the same thing. And at the end he understood because his doctor told him that he was losing the hearing in his left ear, which was the ear nearest the speaker in his motor car.

I think that someone needs to start counselling these young people on the use of loud music, particularly in their vehicles. If we continue as we are now the next generation will probably be deaf and will cost this Government a lot of money to assist them in making a livelihood.

So I have great pleasure in supporting this Motion and even though I am the seconder I would ask the Government to support this motion and let us start doing something about this problem before it gets any bigger.

**The Speaker:** Does any other Member wish to speak?

The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The Government is quite happy to accept the motion as it shares the concerns which have been expressed. Certainly the facilities that are provided for the public are not provided with the intention that they should be monopolised by any individual. Attention will be given to the areas of existing legislation, or additional legislation which may need to be introduced. It certainly seems like an area in which deterrent penalties may need to be prescribed because it is a matter that we really need to have police officers or any other enforcement officers chasing people around and warning them.

So, I give the House my assurance that the Government will look at the matter and that Members can expect to have some substantial response and action taken in the not-too-distant future. Thank you.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

I rise to give my support to Private Member's Motion No. 19/98, on the subject of Loud Music on Public Beaches. In so doing I wish to congratulate the mover and the seconder for this very good motion. For many years I too have been concerned with this developing problem within our community, mainly because we are a peace-loving and law-abiding society; a disciplined society where this type of behavior is neither accepted nor appreciated.

I have to say that I am also concerned that even though the Law makes provision for dealing with this type of nuisance that this has thus far not been given the level of attention it should have been given. I am pleased to hear the Temporary Acting First Official Member say that he will look into ways and means of providing any form of amendment necessary to deal with this problem.

Freedom of action is guaranteed within our community and within our Islands. This is one of the democratic processes that we enjoy. But with that freedom of action comes responsibility and accountability for that action. These 'boom boxes' (or whatever they're called) are an unwanted introduction into our society. I do not have a problem with the young people or any group of individuals playing music, provided it is kept under control and is not played so loudly that it becomes a nuisance not only to other people enjoying our beaches and public places, but indeed, to people within their own residential quarters. I, too, have been on the West Bay Beach Road and heard loud noises coming from some of these 'boom boxes'.

Also of concern to me is the loud music coming from some of the cars being driven on our roads. In this connection, though perhaps not directly relevant, I would nonetheless like to raise this so that the Honourable Temporary Acting First Official Member may take note, and no doubt bring it to the attention of the Commissioner of Police.

There is another very bad habit developing on our roads in addition to the loud music, and that is the stopping of cars in the center of the road to pass the time of day with their friends when they see them. This must also stop. It is something that we cannot condone. It shows a lack of discipline from the drivers, and is certainly a new situation for these islands. I trust that the police will be more vigilant and will stop this habit in addition to the subject matter of this motion.

I trust that regulations to stop this abuse will be made within the not-too-distant future, and that Government will certainly move on this motion in what it hopes to obtain as quickly as possible. Thank you.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Thank you, Mr. Speaker.

Like many other speakers who have gone before, I too have listened to a number of complaints from mem-

bers of the public about loud noises, not only on public beaches, but within cars, as well as at parties in other parts the island. I remember as a teenager I certainly enjoyed having parties, and I enjoyed having music. But I had respect for neighbors. And I believe that as representatives of the people we must ensure that that respect remains prominent in our minds—'our' meaning the Cayman Islands.

Quite frankly, I believe 'boom boxes' are foreign to the Caymanian way of life. I certainly believe that if the regulations are inadequate today (and I say "if inadequate" because I did not have sufficient time to check it properly) then they should be enhanced to allow the police to deal with this situation in a very effective way.

The member for North Side mentioned fines. Perhaps there is always the need to give verbal warnings before you begin to effect some charge, meaning the police charging someone with the first offence. It is my personal opinion that the fines are inadequate; they are not a deterrent to some who use music to these levels. I certainly believe, as I have said more than once in this House, that there is no problem in the Cayman Islands so large, so complex, so much of a nuisance, that if we all work together we cannot solve. I believe that it is time to solve this one.

People have been complaining for years and we have been reporting those complaints to the relevant authority in this land. Granted, the regulations and the law are not sufficient to deal with it effectively. I am in full support of amending the law, if necessary, and amending the regulations to deal with this particular maker.

We know what happens. These 'boom boxes' are turned on at the public beach, and I have received many complaints from residents of Harbour Heights Condominiums. We call the police, and the police appear. They talk to the individual, they then turn down the volume, and the minute the police are outside of hearing distance the volume goes back to where it was before. I believe that we should arm the police with sufficient authority to deal with that maker on the spot to confiscate the equipment necessary.

Mr. Speaker, the harmony in this community is something all of us must be sure is not taken for granted, must be sure that we will stand up and fight for verbally or otherwise. I believe when it comes to the Sabbath no 'boom boxes' should be allowed in this country—private party or what ever it may be. No 'boom boxes' in this country!

We have enough history about the residents of the Cayman Islands and the effect of religion and discipline to say "I am my brother's keeper," to say that I have a responsibility to be a good neighbor, to be a good citizen. I say today let us commit ourselves to that process and whatever regulation needs to be done let us do it. Whatever amendment to the Law needs to be done let us commit ourselves to supporting it, and let us ensure that we support the police when they carry out the effects of the Law. Thank you very much.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** In rising to speak to this motion to limit the noise which results from playing loud music on public beaches, I would like to say that I have the greatest sympathy for the people at Harbour Heights and those adjoining areas of the public beach.

I also have a great sympathy for my Aunt Verta who lives on Mary Street and who calls me very often complaining about the music that comes from the bar across the street because they do not close their door and people hang out there during the evening on Mary Street next to A. Steve McField's office and make noise. I have been to the police myself to complain. I have been to the Liquor Licensing Board to complain, and she has made complaints and had Mr. Green come over and listen. There doesn't seem to be very much that can be done. I was very frustrated by the fact that I could do absolutely nothing to alleviate the suffering that this old lady has to bear.

There is a lot of talk about our culture, tolerance and different things like that. I would just like to remind some persons that I am in sympathy with this motion. But we also have to see that when we have Pirate's Week and Botabano, and people marching behind floats and dancing and jumping up to loud music; when we have district functions in North Side, East End and West Bay, where loud music becomes a very central part of the happening— to see young people come out and participate and jump up with loud music that we have been having in this country for all these years, then there is no strange reason why young people also want to have loud music.

So it is important for us to also understand that things we allow to happen in this country, things that we promote in this country also assist young people in believing that loud music is okay.

One knows that if you have a Department of Tourism function in North Side and you have it at the public beach, where I went to one when I was first elected, and there was a band playing loud music (loud, as far as I was concerned), functions like that. . . when you go to the Lions Centre and you have loud music there, . . . somehow it seems like it is not loud music we are talking about. We are not talking about the 'boom boxes' not being a part of Caymanian culture because neither is the telephone or the automobile. What we are talking about is how people use these things without a certain amount of responsibility and how we can get people to be more responsible in the use of these things.

I was just thinking that when the First Elected Member for West Bay gets up to [wind up] that he might be able to say something in regard to what happen in the case when some people want to have a party at a beach. Would that be allowed? Just like the Department for Tourism having a party in North Side, or just like Pirate's Week happening in central George Town or in the Heritage Village in West Bay where loud music is being played in a public place.

What we need to bear in mind when making laws and regulations is that we should show an objectivity. I am not saying that no one here has done that, I am just trying to make that abundantly clear, that, as necessary, because I am making the point that we have on the Law with regard to the Towns and Communities Law, as the Elected Member for North Side stated, regulations and prescriptions already in the Law to deal with noises emanating from different premises. I have not really seen that carried through to an effective level, as I gave the case of my Aunt Verta being disturbed on Mary Street.

Somehow, whether or not it be Harbour Heights, London House, Mary Street, Shedden Road, Vernice Avenue in Windsor Park, or Sunday or Monday; wherever it is we have to be willing to give the police the type of encouragement and the type of support in enforcing these Laws. That is where the breakdown comes. Not in the Law itself, but in the enforcement.

When the police go into a lot of these areas, the people gang up on them and they are not able to carry out their responsibilities. So we are making the policing of noise a policing problem by legislation rather than seeing the other sociological factors, or the other community dynamics at play here. The police will find themselves in situations like when they were going around and stopping these sessions and confiscating material. In some cases the police were actually stoned because when people are listening to music they are usually consuming alcohol. Many persons are intoxicated and there is a group type of dynamics at work there. If it is not handled well by the police, it could cause certain types of grave disorder.

I am basically saying that I perceive part of the problem being in the lack of expertise as to how best to police the problem and therefore to limit the nuisance which noise causes. It is a nice feeling, especially on Sunday when one doesn't have to listen to this noise. In my neighbourhood when people turn on music, especially on Sunday, I go to them and say, *'Look, this is the Cayman Islands. Today is Sunday. I recognise that it is Sunday because of the quiet peacefulness.'* And in preserving it not just for ourselves, but for visitors, we have to maintain this particular environment. But we cannot lose sight of the fact that there are many young people in our society that would become almost riotous if they were approached in a particular manner while they were enjoying their particular right to come together collectively in some public location.

If they are not all going to be able to fit into one place at their home, they might not all even come together at the homes, we don't have a community centre in George Town. We don't have any place where young people can have any type of dances or functions in George Town. We don't have a community centre in George Town. There is no place where they can play music in George Town that is enclosed. What happens if you would go to Central Park off Shedden Road where we recently had a function, and music was being played? What if someone called and complained?

So, a certain amount of understanding for the fact that people will play loud music at times is necessary.

And the question is then, Where should they be able to play this loud music, and under what type of conditions should that exist? We certainly do not want to appear as if we are trying to be unfair to one segment of the community that has a slightly different social/cultural pattern.

I support the attempt by the First Elected Member for West Bay to see that something is done to limit the amount of noise on public beaches, but I also bring to the attention of the House that if young people, in particular, in this country are prevented from coming together and listening to music in such a way as they enjoy it, while at the same time we allow Pirate's Week to continue, where loud music is played, and Batabano, to parade up and down where loud music is played, we are operating double standards. Maybe when we ban loud music we should be banning Pirate's Week and Batabano at the same time.

**The Speaker:** The Third Elected Member for West Bay.

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

I rise to support the Private Member's Motion calling for some control in regard to the loud playing of music on public beaches. One of the first pieces of legislation that I recall dealing with after being elected in 1988, was the amendment to the Towns and Communities Law that attempted to control the issue of loud music in this country. We discussed this on and off with the police and we still continue to get the same excuse—that they need a machine that is capable of measuring the decibels and determining what level of decibel is considered loud music, or a nuisance.

They have had ten years to try to determine what the decibel level should be, and ten years to find a piece of equipment that is necessary for the police to determine the level of the music. I have gotten calls one o'clock and two o'clock in the morning, I have gotten calls on Sunday afternoons from constituents in regard to this problem, that is, loud music. What I have observed on a personal basis is that the majority of the people who are the cause of this nuisance are not Caymanians, on the weekend, and particularly a Sunday evening.

I have had to call the police (on behalf of constituents) and ask them to go to certain areas of the District, or to the public beach, to ask persons playing the loud music to turn it down. By the time the police leave all they do is turn it back up. So I call again. I believe it is time for us in this country to say that we have laws on our books, and those people who totally disregard the Law should be penalised.

The Law calls for certain fines for noncompliance, and I believe it is time for us to start implementing it by issuing some tickets. I guarantee that if one of these abusers is given a ticket for \$5000, as is the maximum called for under this Law (that is the Towns and Communities Law) chances of having a problem with that person next time are very slim.

I propose to mention to the Minister of Tourism in regard to our district public beach in West Bay that we post certain rules on the premises regarding what is ac-

ceptable and what is not. The authorities should be able to deal with persons failing to comply with the rules by removing them or confiscating whatever equipment they have.

The mover, the First Elected Member for West Bay, also mentioned the nuisance of 'boom boxes' in cars. That is a problem. In my district I have experienced one of my constituents calling me at two o'clock in the morning saying, "John, I want you to just open your window and listen." The abuser was some 300 or 400 yards away and I could hear it as plain as if it were next door to me.

Mr. Speaker, there is nothing wrong with playing music, but not everybody has to hear the music you are playing. I believe that is the message that we need to get across to the general public; that is the message that we need to get across to people who have decided to live among us, and it is a message that we also need to get out to our young people. They can play music without it being a nuisance to everybody else.

I trust that since Government has agreed to address this issue that we can look forward to it being addressed in a very prompt manner. Thank you.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I support this motion and I endorse a lot of what has been said here today. The loud music, not just on public beaches, but generally, is a real nuisance. It is something that law-abiding citizens really do not want to have. It has been mainly on public beaches a real disruption. But, as the mover mentioned, for example, sometimes one is at a funeral, or at a church on Sunday and there is very loud music from cars going by.

I have had a bit of time to look at this since the Member for North Side read the Towns and Communities Law, and the penalty in section 12 (and I agree with the Minister for Tourism on this) needs to be increased. Section 12 which the Member for North Side read, provides one substantive offence where if there is noise which causes annoyance or discomfort to an inhabitant, once the police constable requires them to desist from making the noise and they continue they are guilty of an offence.

Also, under section 14 there is power to forfeit equipment or device used in the commission of the offence. That in itself I think once people know this, people will be very careful. Many times that equipment is very expensive. I have seen it being taken down to the public beach in trucks, very large speakers.

The part relating to the regulations... we will be happy, as the Minister for Tourism and the Temporary Acting First Official Member have said, to do whatever may be necessary for that further section. But I think at present, while we can tighten a Law, the substantive offence under Section 12, while brought into Section 14, a lot more could be done in relation to it.

To be frank, the loudness of some of those speakers, I don't think there is any instrument that can go high enough to measure it. You actually feel it shaking—

**Mrs. Edna Moyle:** Your body?

**Hon. Truman M. Bodden:** Yeah, right!

So, while I think we can do more, and are happy to do more, and I, for one, anything I can do to have this noise reduced all over, in fact, I will be very happy to do. I commend the mover and the seconder on this.

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

**Hon. John B. McLean:** Thank you, Mr. Speaker.

I will be quite brief, but I would like to say that I too believe the time has come when we must do something to deal with the problem which all of us are very well aware of. As the last speaker said, it is a fact. Sometimes I wonder about the emergency vehicles. Sometimes they are in the same area as the, what we term, 'boom boxes' are and it is ridiculous to know that persons have no respect for even emergency vehicles. It worries me that if I am in my vehicle and I can hear what's going on, . . . it means that the person in the other vehicle is definitely out of whack.

In regard to the public beaches, I think the mover of this motion is very well in order because we need to deal with this. It is completely out of hand. I know that Government has tried to correct one part of it, but we must continue to do whatever is necessary to curtail this. I give it my full support.

**The Speaker:** I think that every Member has spoken. Would the mover like to exercise his right of reply?

**Mr. W. McKeeva Bush:** Thank you.

I would like to thank my seconder for her support, in fact for her having researched the Law and making the contribution she did, and all other Members for their support. I am glad that Government is on all fours with us on this matter.

It is really ridiculous to see sometimes young persons purchase cars and take their backseat out and install big speakers. I have seen that here in this island. It is not a matter of stopping the young people from doing something they want to do; it's because a lot of times they are doing things that hurt themselves. The best thing that any legislator could do is to tell them that, rather than agree with them.

The one dissenting voice, I guess, was the Fourth Elected Member for George Town who said there is no strange reason why young people want to do it if we promote Batabano, and Lions Centre functions. I think we have taken it way out of context, and I think he knows that but he is doing that to be unreasonable.

We do have Batabano, we do have Pirate's Week and the Lions Centre does have functions at times. This is done in a different manner. Sometimes the West Bay

Cultural Centre has music, and some people will complain. But it is not as offensive as what we are complaining about. One thing it is not—it is never done on a Sunday. You don't see Batabano on a Sunday. You don't see the Lions Centre having a function on a Sunday unless it is a gospel concert or wedding. You don't see the Pirate's Week held on a Sunday. Those days are all different days. If the Fourth Elected Member for George Town wants to talk about objectivity, then he should take that into consideration. There is no objectivity—

**Dr. Frank McField:** Mr. Speaker, on a point of clarification.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Is the Member implying that I said that these functions take place on Sundays?

**The Speaker:** I did not understand that. But maybe he can clarify that.

**Mr. W. McKeeva Bush:** Of course, I did not say he said that, because he didn't say that. What he complained about was that we were allowing those things to happen while we were complaining about the young people having loud music on a Sunday. I am only telling him that those functions—Pirate's Week, Batabano, Lions Centre, in fact, even the West Bay Cultural Centre, there is no function like that on a Sunday. That is all I am saying to him.

The Member mentioned being objective. There is no objectivity for young people or old people with big boxes, as big as a room on a Sunday afternoon just to hang around. There is no objectivity in that. If they want to hang around on the public beach with some music, I am not saying that they cannot do that. But they can play volleyball. The truth is that these big boxes breed a lot of other things. This music has a certain culture. I talked about this before too. I don't agree with it because it is not something that is breeding anything constructive in this country.

They can go to the beach and play volleyball and hang around and listen to their music, but without the music being so loud. It affects others. And the Fourth Elected Member for George Town knows that. The truth is, that Member cannot talk as if. . . . Look, Mr. Speaker, if the Member continues insulting me I will deal with him accordingly. If he has a problem, then he had better keep that problem to himself.

I am not going to let him break my train of thought. There is really no good cause for any Member to get up in this House and carry on as if there are no constructive things for young people to do in this country. I maintain that there are a lot of constructive things to do without just hanging around, whether it is on the beach or street corner to listen to loud music. I certainly do not appreciate it, and I am not going to encourage it on a Sunday afternoon, or any time, but especially on a Sunday afternoon.

How best to police it... and he is much afraid that these things could cause riotous problems. Ha! I would hope not. That is all I can say, and I hope that nobody would encourage it. There is no cause for young people on a Sunday afternoon to play this kind of offensively loud music.

Nobody else, and I challenge anybody in this House, supports the young people more than I do. But we must not just support them and agree with all that they do. We must teach them that things can be wrong and we must make them understand that it is not just because a group wants to play their music or do something that that must be acceptable to the entire population. If anyone wants to be objective, let them say to the young people when there is a law for the benefit of the entire community, and if you can't live within the law, whether you like it or not, then you will have to stand the consequences. That is what responsible legislators do for young people.

I have been in Executive Council, and not just in Executive Council, but from the time I could work, I have done things in the community with the young people and for the young people. But I have never made them believe that all they want to do is right. It is just like my own child—I have to say 'No' at times. *'That is not what I support. That is not what I want you to do. That is not something that is good for you.'* You don't allow them to do it just because they want to do it.

Mr. Speaker, the Fourth Elected Member for George Town also asked if I could explain if the young people would be allowed to have a party if they want to. Certainly! But within reason. I am not here asking Government to put a draconian piece of legislation in place that stops everybody from having a good time. I explained that in the beginning. I should ask, the Fourth Elected Member for George Town to ask himself if he would want loud music constantly by a party, or otherwise, by his house.

I believe that we are being objective in trying to curtail extremely loud music that pervades. I think it is building into a kind of culture that is foreign to this country. It is not something that breeds anything constructive. As I said, when you listen to the music you have to wonder if it is music! You would have to put it on slow motion to understand it! [*Inaudible comments*] I don't think that we can say that all of it is constructive. Listen to the words. They are very offensive at times. It breeds a kind of culture that we don't want. I said that a long time ago. I know there are people who don't agree, but I believe that it is breeding something. That is why we are having certain problems at school, because we allow it to go on. We should stop it because it is not something that we are used to!

I don't think I need to take this any further. But I will say to make it absolutely clear, in case anybody got misled in the House or listening, that we are not saying or asking for legislation to be put in place that stops any young person, or anybody else, from enjoying themselves. I am saying that public beaches are set up for the enjoyment of everybody. You must be civil about it. If you go there you must realise that other people go there and they want to enjoy themselves. Sometimes it is just for peace and relaxation. I don't always go to the beach to bathe, I go to sit and relax. It is good for you.

So, Mr. Speaker, I am glad that Government has accepted the motion. The Honourable Temporary Acting First Official Member said that there would be something done quickly about it.

**The Speaker:** I will now put the question on Private Member's Motion No. 19/98, Loud Music on Public Beaches. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 19/98 PASSED.**

**The Speaker:** Is it the wish of the House to continue until 4.30, or do you want to take the break? Continue? Okay. Private Member's Motion No. 20/98, Award of Government Contracts to be moved by the Third Elected Member of West Bay.

### **PRIVATE MEMBER'S MOTION NO. 20/98**

#### **AWARD OF GOVERNMENT CONTRACTS**

**Mr. John D. Jefferson, Jr.:** I am pleased to move Private Member's Motion No. 20/98, Award of Government Contracts which reads:

**"WHEREAS the Financial and Stores Regulations requires that all Government Contracts in excess of CIS100,000.00 are handled by the Central Tenders Committee to ensure competitive bidding and the best value for money;**

**"AND WHEREAS the Financial and Stores Regulations do not require that all materials, equipment and services to fulfil Government contracts are sourced locally, which put local establishments at a tremendous financial disadvantage as these services are sourced overseas;**

**"BE IT NOW THEREFORE RESOLVED THAT Government consider amending the Financial and Stores Regulations requiring, as much as possible, that all materials, equipment and services required to fulfil Government contracts are sourced locally ensuring quality and at a competitive price."**

**The Speaker:** Is there a seconder? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I am pleased to second the motion.

**The Speaker:** Private Member's Motion No. 20/98 having been duly moved and seconded is now open for debate. The Third Elected Member for West Bay.

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

In the Bible there is a story that was told by Jesus himself. It basically goes this way, Mr. Speaker: There was a rich man dressed in purple, who fared sumptuously, financially and otherwise, everyday. And there

was a poor beggar who was dressed in rags covered from head to foot with sores, and was content to be fed from the crumbs that fell from the rich man's table on a daily basis.

I mention that little story to make a point. The point is, Mr. Speaker, that in this country today things are going very well financially and otherwise. But there are still some of our people out there who are just getting the crumbs—the economic crumbs that are left by those who control commerce in this country. It is our responsibility as elected representatives to ensure that people at all levels of our society, regardless of their calling in life, or their occupation, that they all benefit from the economic success that we have in this country.

Since 1992, that is, since the National Team Government was elected, certain things have been done that have improved the competitive chances of many of our local small contractors in assisting them to be able to compete in regard to being awarded Government contracts. For example, I am aware that Executive Council, after it was discussed by the elected representatives, did make a decision to waive the performance bond on many of the Government contracts which were awarded. That allowed the average local Caymanian contractor to bid on a Government contract of a sizable financial sum, and be in a position where he at least had the possibility of being awarded that contract.

What happened before this was that major contractors (and we all know who they are, there are about two or three of them today) who are able to bid on the contracts, who are able to say Government, *'If you give me the contract, I not only have the ability to get it done, but I can finance it.'* In other words, they have the resources to finance it themselves. A lot of our local contractors were not in that position. So by waiving the performance bond requirement, it greatly assisted the local contractors. I do thank Government for making that decision.

The other thing that I have noted since 1992, is that since we had a Government of which some other strong Backbenchers and I were a part of, that the award and the distribution of smaller Government contracts, housing repair, housing construction and that type of thing, are a little bit more fairly distributed among our local contractors. This speaks well of any government. I am one of those representatives who feels very strongly that all persons in this country, especially the local persons, have a right to earn an honest living.

As the motion mentions, the Public and Finance Audit Law and its Regulations do require that all Government contracts in excess of CI \$100,000 (Cayman Islands dollars) are subject to the Central Tenders process. There are a number of reasons for this. First of all, it allows members of the public who are capable of fulfilling these contracts to be able to bid on the contracts, and it also ensures that Government gets value for money spent, by being able to look at different bids and making an objective decision as to which one it will accept.

Mr. Speaker, I think the Central Tenders Committee process has worked very well in the country. But what this motion seeks to address--and we are all guilty of

this, on a private basis as well as Government--is that when we want something done, rather than looking to see whether or not it can all be done or obtained locally at a fair price, the first thing we think about is picking up the telephone and making some contact in Miami, or getting on the plane and flying over there to make arrangements, so that all we need by way of building materials and furnishings and that kind of thing, is purchased overseas.

I think Government needs to set an example. By that, I mean they need to lead by example. By that, I mean there is no reason, and to a certain extent there are not a lot of changes needing to be done because once a Government contract is awarded, whoever gets that contract normally farms out the services associated with that contract or that project to smaller contractors, subcontracts for maybe the electrical side of it, the plumbing side of it, and all of the other areas associated with the project.

But when it comes to sourcing in particular building materials, sourcing furnishings and equipment, there is a tendency to not, in my opinion, . . . and the reason why I am bringing this motion is because I have been approached by a number of local persons who are in business supplying those services that I am talking about. In their minds, they don't get a fair chance of bidding on providing the equipment or furnishings because the contractor goes overseas and makes his own arrangements. And I'm not saying that we should give it to the local contractor just because he is local; the local contractor has to be in a position where he can provide the service, the equipment or the furnishings at a competitive price. So, Mr. Speaker, I do not want to hear the argument that if you allow it to be sourced through local establishments that it will cost Government more. That is not my argument, and not the intention of this motion.

In order to be in business we have to be competitive and I believe that the local establishments that are in a position to provide the services must be given preferential priority in regard to bidding on these services, being in a position where they can realistically expect to be awarded these services and go ahead and fulfill that part of the contract.

Now, Mr. Speaker, I am not an economist, but we are all aware that if money is spent and circulates in the local economy we are much better off than if the money goes out of the country. I would just like to give an example of what I am talking about: Government is in the process of completing a major project, that is, the George Town Government Hospital. We boast of spending somewhere in the region of \$28 million on that project. I am aware that the contractor (which I think is Hadsphaltic) has done a very good job in bringing the project online, and basically on time. But with a project that size, for example, in expenditure on cabinets in the rooms and offices, and that kind of thing, you are talking maybe \$1 million to \$1.5 million. If a local establishment--and we have a few here that are capable of providing that service--had been given the opportunity to be awarded that contract, it would be a boost to the local establishment. There is a lot of competition and local

establishments need all the help they can get in order to survive financially.

The other contract that I understand went overseas, was the contract for the furnishings. We are talking about beds, chairs and desks--lots of furnishings, probably in the region of \$2 million to \$3 million in furnishings alone, necessary for that hospital. I understand that once again, even though the local boys tried to negotiate to have an opportunity to get that contract, it went overseas to some source that was available to the contractor.

I, personally, do not think that is fair. Here we have local establishments that pay their company fees every year, their licence fees, rent, or a mortgage for even being in business, and they have a huge overhead in regard to salaries and other administrative costs. Even Government is not in a position to say, '*Gentleman* (or ladies, whoever is in business), *we recognise your value to our economy and to the revenue of this century. We are going to make sure that at least you benefit by getting some of the money that Government spends here on major projects.*' I believe that this would be a step in the right direction because I believe that charity begins at home.

We must do everything within our means to ensure that the local economy and local community benefit from the financial success that we enjoy in this country. I am suggesting that consideration be given to strengthening or amending the respective regulations and the law to ensure that there is a requirement that at least the local establishments interested in bidding on providing the services mentioned, have an opportunity, realistically, to bid and expect to be awarded those contracts.

Mr. Speaker, I trust that Government accepts this motion with the intention with which it is being brought, and I look forward to hearing Government's views on this issue. Thank you, sir.

**The Speaker:** We have approximately three minutes to go. Would you want to adjourn at this time, or does some other Member wish to speak? (pause) I will entertain a motion for the adjournment.

## ADJOURNMENT

**Hon. Truman M. Boddin:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.27 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 18 SEPTEMBER 1998.**



**FRIDAY  
18 SEPTEMBER 1998  
10.40 AM**

*[Prayers by the Third Elected Member for George Town]*

**The Speaker:** Members, please remain standing. Item number 2 on Today's Order Paper, Administration of Oath of Allegiance to Mr. Samuel Bulgin, Solicitor General, to be the Honourable Temporary Acting Second Official Member.

Mr. Bulgin, would you please come forward to the Clerk's table to take the Oath?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*Mr. Samuel Buglin, Solicitor General*

**Hon. Samuel Bulgin:** I, Samuel Bulgin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law. So help me God.

**The Speaker:** Mr. Bulgin, please take your seat as the Honourable Temporary Acting Second Official Member responsible for Legal Administration. On behalf of all Honourable Members, I welcome you for the time of your service here. Please be seated.

Item number 3, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** We have received apologies for absence from the Honourable Second Official Member responsible for Legal Administration and from the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture who are both off the Island on official business; also, from the Fourth Elected Member for West Bay who is in hospital in Miami, Florida, USA, and from the Third Elected Member for Bodden Town who is sick.

Item number 4 on today's Order Paper, Questions to Honourable Members/Ministers. Question 137 is standing in the name of the Elected Member for North Side.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 137**

**No. 137:** **Mrs. Edna Moyle** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention

and Rehabilitation if fees are collected for services rendered at district clinics.

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

**Hon. Anthony S. Eden:** Yes. Fees for services rendered to non-exempt patients at district Health Centres are charged in accordance with the Health Services Fees Law, 1993. However, a significant number of patients who receive services at the Health Centres are exempt from payment of fees as provided in the exemption provisions of the 1993 Fees Law.

**SUPPLEMENTARIES**

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Just so I can understand, can the Honourable Minister tell me how this exemption provision of the 1993 Fees Law reads?

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

**Hon. Anthony S. Eden:** That is a good supplementary. Civil Servants and their dependants, Government pensioners, veterans, members of the Veterans and Seamen's Society in Cayman Brac and Little Cayman, members of the Cayman Islands Seamen's Association, mental health patients, prisoners and indigents.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Would the Honourable Minister say if there have been any concerns as to fees not being collected at these district clinics for persons other than those he has just mentioned?

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

**Hon. Anthony S. Eden:** Some very diligent people in the Community have recently brought this to the Minister's attention and we will be looking at this situation.

**The Speaker:** If there are no further supplementaries we will go on to question 138, standing in the name of the Second Elected Member for Bodden Town.

**QUESTION 138**

**No. 138:** **Miss Heather Bodden** asked the Honourable Minister for Agriculture, Environment, Communications and Works what penalties, if any, have been imposed on

owners of animals that run loose on the streets and cause damage to property and are there any systems in place to contain such animals when found.

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

**Hon. John B. McLean:** The Department of Agriculture catches and impounds large animals (cattle and horses) which are found straying in public areas and on public (sic) [private] property at the requests of property owners. These animals are held at the Department's facilities at Lower Valley for a period of seven days while attempts are made to contact the owner. If claimed, the owner is fined an impound fee of \$25, plus a daily maintenance fee of \$10 for each of his animals impounded. If no claims are made after seven days, the animals are advertised for sale in the Official Gazette and in the media and are sold by public auction.

Small animals (dogs and cats) that are found straying in public areas are caught by trap and taken to the Dog Pound on Crewe Road where they are held for seven days. If the dog has a licence tag, the owner is identified and attempts are made to contact him. If the animal is claimed, the owner must pay an impound fee of \$25, plus a daily maintenance fee of \$10. If unclaimed after seven days, the animal is humanely put to death using the normal process.

The Law (Animals Law) (Law 8 of 1978) (1998 Revision) allows for the owners of property damaged by stray animals to sue livestock owners for any damages or injury caused by their animals. Furthermore, owners of such animals are guilty of an offence and may, on summary conviction, be fined \$500.

#### SUPPLEMENTARY

**The Speaker:** The Second Elected Member for Bodden Town

**Miss Heather Bodden:** I would like to thank the Honourable Minister for that in-depth answer. The reason I am asking this question is because I have received so much representation from residents of Savannah Meadows who are having their yards constantly invaded by cows. Can the Honourable Minister say if he is aware of these complaints?

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

**Hon. John B. McLean:** I have to agree with the Member because that is one of our trouble areas. We have had a lot of complaints from that area and we have been trying our best. When called, we have. . . as a matter of fact I personally spoke to one of the individuals who has animals in that area and we have picked up a few from there and impounded them. Fees have been charged. We will continue to do as much as we can in that area to make sure that it does not occur again.

**The Speaker:** If there are no further supplementaries, we will move on to question 139, standing in the name of the Second Elected Member for Bodden Town.

#### QUESTION 139

**No. 139: Miss Heather Bodden** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to list the programmes and achievements of the National Drug Council since it became an independent statutory corporation.

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

**Hon. Anthony S. Eden:** Under Standing Order 23(5) I beg to answer this question at a future sitting of the House. Monday.

#### STANDING ORDER 23(5) *Deferral of Question 139*

**The Speaker:** The question is that this question be deferred for a latter sitting. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: QUESTION 139 DEFERRED.**

**The Speaker:** Question 140, standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 140

**No. 140: Dr. Frank McField** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs (a) If a replacement for Mr. Thomas Russell as the Cayman Islands Government Representative in the United Kingdom has been found; (b) was the post advertised; and (c) were there any applications received from Caymanians?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr Thomas Russell has agreed to serve as Cayman Islands' Government Representative in the United Kingdom for a further year beyond the expiration of his current contract in November 1998. Consideration of his replacement after November 1999 will take place about six months prior to that date.

In light of my answer to the first part, there is no answer necessary then for the next two parts of the question.

**SUPPLEMENTARIES**

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** As with that particular Portfolio we get these very short, bureaucratic answers. I think the Member understands that the question has some relevance otherwise it would not have been put here. Can the Honourable Member say what the policy is regarding the hiring of a Cayman Islands' Representative in the United Kingdom?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The post of Cayman Islands' Representative in the United Kingdom has been held for a number of years by the current holder. The post is graded at SS (super scale) 8. Certainly, the practice has been to not advertise posts at that level. I know of no specific policies related to this post that I can share with the Member, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** While I understand exactly what the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs has just said, can he say if there is any reasoning, if not a policy, where it is thought that the post should be filled by a foreign individual rather than a Caymanian?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** No, Mr. Speaker. I know of no such reasoning or view or policy.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to thank the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs for actually saying that it is an SS-8 category post and therefore the post does not need to be advertised. So, in saying that he did not need to answer the other part of the question, that explanation is much more helpful to me than the one he originally gave. But I would like to ask whether or not there is a policy to hire ex-Governors for this position.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I said earlier that I did not know of any specific policies in relation to the post, and I certainly do not know of a policy to hire ex-Governors.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I am asking the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs what type of considerations do they make? When I talk about policies, I am basically. . . what type of considerations are made when we are looking to employ someone in that particular post? Even if Mr. Russell has decided to extend his contract for another year, you will be looking for someone perhaps in six months. Since we plan forward, what type of considerations have been made in regard to the qualities that you will be looking for in someone to fill this particular position?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Obviously the incumbent has held the post for a number of years. I cannot honestly try to say to the Member what considerations will be taken into account nine months from now when a replacement for him is considered.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** The Government has been aware for quite some time that the contract of the present holder of this position would be expiring in 1998. Can the Honourable Minister say why we have not sought a replacement for him rather than asking him to extend his contract for another year?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The individual in question has had numerous contracts that have expired, and have been subsequently renewed based on the indication of his willingness to continue and the Governor's satisfaction with his performance. So the current, or the eminent expiration in November of this year is really no different from previous expirations.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Would the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs say the age of this individual?

**The Speaker:** The Honourable Temporary Acting First Official Member, I think that is outside the scope of this question, but if you wish to answer you may.

**Hon. Donovan Ebanks:** Sir, I am unable to say exactly what the gentleman's age is, but I will be happy to provide it for the Member.

**Dr. Frank McField:** Mr. Speaker, would the Member then say what is the retirement age for Civil Servants, or persons in the Government service?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** There is a normal retirement age, but there is no mandatory retirement age in the Civil Service.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** This is a follow-up to my previous question. Would the Honourable Member say then that there is no guarantee that the present holder of this position will retire in the year 1999? If he is prepared to serve after that time, the Government is prepared to offer him that position again. Is that what I am to understand?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I said that his renewals have been based on the indication from him as to whether he was willing to continue, and the Governor's satisfaction with his performance. I cannot say that if he indicates that he is willing to continue after November 1999, that based on that alone, his employment will continue.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** The Member mentioned that because the position is at SS-8, it was not required to be advertised. Is that what he is saying?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs. Do you wish to clarify that?

**Hon. Donovan Ebanks:** I will just clarify for the benefit of the Member. I said it has not been the practice to advertise posts at that level.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** For my own information, what is the procedure for filling a post like that? In other words, where do the applications go to, who reviews them, who makes the decision as to who the replacement will be?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Maybe I should illustrate the situation by saying how I came to my own current post, which is at a similar level. I did not apply for it. The Governor has responsibility for appointments at that level. It is within his discretion, whether he wishes to advertise or whether he is satisfied that there are other means of identifying a suitable candidate.

**The Speaker:** The First Elected Member for George Town. There will be two more supplementaries on this question.

**Mr. D Kurt Tibbetts:** I am going to be as careful as I can with the question: Can the Honourable Member say if it is at all possible ...

**The Speaker:** Wait a minute. Would you move the motion to suspend Standing Order 23(7) and (8)?

#### **SUSPENSION OF STANDING ORDER 23 (7) & (8)**

**Mr. D Kurt Tibbetts:** Yes, Under the relevant Standing Orders, I beg to move they be suspended in order for Question Time to continue.

**The Speaker:** Do we have a seconder?

**Mrs. Edna Moyle:** [seconds Motion]

**The Speaker:** The Motion has been moved and seconded. Those in favour of suspending Standing Order 23 (7) & (8) to Enable Question Time To Continue Beyond 11 O'clock. Those in favour please say aye. Those against no.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

**The Speaker:** The First Elected Member for George Town, I apologise for the interruption. Please continue.

**Mr. D Kurt Tibbetts:** Not a problem, sir. As I was saying, I am going to be as careful as I can. But needless to say, while the Member who is acting for the Honourable First Official Member is here, he will appreciate that there are some things we wish to know. It has nothing to do with him, personally.

One of the concerns — and it is possible that the concern is raised because of hearsay, but because there is enough time that is why this is happening today. I am being as clear as I can so that everyone will understand.

One of the concerns we have, is recognising the importance of that position in today's world compared to when the person who is now filling that post just started in the job; we consider it a very important post. We are concerned that certain individuals either try to engineer a

situation or be part and parcel of a situation where you find any individual sort of being tailor-made for the post.

If that is considered at this point in time to be the norm, some of us wish for it to be different. So I will ask the Member: Is it possible—and this is bearing in mind the fact that he said the Governor is the person who makes the decision—Is it possible for any Governor to be dealing with the situation when it might be he, himself that he is considering for the post?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Mr. D Kurt Tibbetts:** Mr. Speaker, before the Member answers, this will go in the *Hansards*, I withdraw the question.

**The Speaker:** The question has been withdrawn  
The Fourth Elected Member for George Town, this is the final supplementary.

**Dr. Frank McField:** Since it appears that we have a little bit of discrepancy between the personnel part of Government and the Legislative Assembly that votes the money for these persons, I think that we might be able to pick this up at a later date. But it is important that certain things are recorded in the Hansard so that we can refer to it later. So I will just ask the final supplementary question by saying—if I understand correctly—that no person has been considered for this post at this particular time, and that no consideration has been given as to the type of qualities and experiences a person to fill such a post should have, that at this particular time that the Governor, who is responsible for the appointment, that no consideration has been given at all to these factors that I have mentioned.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** In trying to follow the question I think I may have missed the first part as to whether no consideration has been given. . . could the Member just repeat that for me?

**The Speaker:** Fourth Elected Member for George Town, please repeat the question.

**Dr. Frank McField:** Since discussions between top level civil servants sometimes tend to be minuted, and since we are dealing with a situation here which is very formal and I am trying to get certain answers minuted, my question is: Is the Member saying that there has been no consideration given to a possible successor to Mr. Thomas Russell? Is my understanding correct that no consideration has been given up until this date? And therefore individuals in London, for instance, who work for the Cayman Islands Government should not be able

to say who that person is that has been appointed because from this point no consideration has been made? No consideration has been made as to what type of person you would like to see in that post in six months?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** It is my understanding that no consideration has been given to replacement of Mr. Russell in light of his indication of his willingness to extend for a further year. I cannot say whether any consideration has been given to any alternative or additional characteristics or qualities or capabilities that we would wish to see in a replacement. I expect that as circumstances change and as we eventually look to replace him that menu of qualifications, experiences and all the rest of it will likely be revisited.

**The Speaker:** The First Elected Member for George Town.

You withdrew your other question, so go ahead.

**Mr. D Kurt Tibbetts:** Thank you.  
I want to make sure that I understand you.

**The Speaker:** I said two, and you withdrew one. So I am being—

**Mr. D Kurt Tibbetts:** Thank you. Your memory is good, sir.

So as not to let the intent be misunderstood, I think what we as Members would greatly appreciate is if the Member could give an undertaking to provide for us in writing through whatever channels are necessary, a detailed job description for the post so that we may have it on record and for future reference we will be able to compare when such appointments are being made. Would the Member give that undertaking?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I have no problem in giving that undertaking.

**The Speaker:** We will move on to question 141, standing in the name of the Third Elected Member for George Town.

#### QUESTION 141

**No. 141: Mr. Linford A. Pierson** asked the Honourable Minister for Agriculture, Environment, Communications and Works to state the current cost of a plot at the Prospect Cemetery and other cemeteries within the Islands and whether there has been any increase in this cost within the past twelve months.

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

**Hon. John B. McLean:** The current price of a vault and plot at the Prospect Cemetery, as with all Government-owned and operated cemeteries in the Cayman Islands is \$1,200. This new price took place in June 1998. The former price was \$600.

I would also like to add that we have a committee that has been working, not only for this cemetery but throughout the island to see what they can do for the betterment, if anything. But we have to realise that as [prices] go up, it costs Government more to build the vaults.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** The reason for this question is that several representations have been made to me regarding the relatively high increase of 100% in the cost of these plots. Can the Honourable Minister say if any provision will be made to assist poor people within the community with this cost.

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

**Hon. John B. McLean:** Normally anybody who has a problem will be referred to Social Services and there is such a thing in place that we can actually assist those persons. So, yes, definitely we will.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Can the Honourable Minister say what gave rise to the doubling of the cost and whether or not they are making certain that the quality is of a good standard? In the past I have gone to funerals where vault covers did not fit and were of poor quality. So would he explain what caused the increase in cost, and with the increase in cost, could the standard be improved?

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

**Hon. John B. McLean:** It is my understanding from the Public Works Department that we try our best to employ persons who would give the best job, especially with vaults. I take note of what the Member from West Bay just said. However, we have to realise that certain times we have persons who will go ahead and purchase a vault for many years that could be exposed. As we all know, sometimes we do have cracking in the lid that is placed on it. But I take note of what he has said and I will do my best through Public Works to have it corrected.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the Honourable Minister say if there are any plans in place to extend the Bodden Town cemetery?

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

**Hon. John B. McLean:** We have a committee and they have been looking at cemeteries, not only in Bodden Town, but throughout the Cayman Islands because we realise that there is a shortage of space and we must do one thing or the other. We have to be honest with ourselves. We must find extra land or we have to consider another way of burial.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if this committee he has mentioned in some of his answers was recently formed? What was the reasoning behind the formation of this committee? Perhaps that might shed some light on the problems we were encountering in the past.

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

**Hon. John B. McLean:** The last speaker is correct. The reason we put the committee together was to try to overcome some of the problems that we have seen cropping up over the last few years. As I said, one is availability of space, the other is methods of burial, or whatever you want to call it. But, yes, that is exactly why the committee was put together.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say exactly who is in charge of cemeteries at present?

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

**Hon. John B. McLean:** I take responsibility for that.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the Honourable Minister say once someone purchases a vault, is it the decision of the person to paint the vault whatever colour he wishes? The reason I ask is because someone told me that he saw some vaults painted green, yellow, and red in Prospect.

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

**Hon. John B. McLean:** It is my understanding that if someone purchases a vault, it is entirely up to that person to do whatever else he has to do with it. I understand what the Member is saying, but I don't think there is any policy in place whereby we specify that it should be red, yellow or pink or whatever. I guess if you looked at that, you would have to look at some of the floral arrangements on them and the flags and this thing and the next thing. I don't think there has ever been a policy on that.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say if there has been any claim against the Government for injury sustained by the collapse of vaults at the Bodden Town cemetery some months ago?

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

**Hon. John B. McLean:** Not to my knowledge.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I am sure that the Honourable Minister was aware of that collapse. I wonder if any inspection was done by any department of Government to see the reason why those vaults collapsed. I was told it was lack of steel and the holes in the blocks being filled with cement or sand.

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

**Hon. John B. McLean:** That case was definitely checked out and the necessary precautions were put in place. So we hope that will never happen again.

**The Speaker:** If there are no further supplementaries we move on to question 142, standing in the name of the First Elected Member for George Town.

#### QUESTION 142

**No. 142: Mr. D Kurt Tibbetts** asked the Honourable Third Official Member responsible for Finance and Economic Development what is the present balance of the General Reserves.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** The present balance of the General Reserves as at 26<sup>th</sup> August, 1998 was \$9,342,000.

#### SUPPLEMENTARIES

**Mr. D. Kurt Tibbetts:** Can the Honourable Member state, outside of accrued interest, when was the last conscious deposit made by the Government to that account? And how much was it?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, \$1 million was put into the account last year.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say what time last year? The reason is ... Perhaps he can get both answers at the same time: Was there an amount in the 1998 Estimates that was also supposed to be transferred into that account? And if that is so, what was the amount, and when will that be done?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** The sum was put into the account on 24 December.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** I am wondering if the Honourable Member can say how much is likely to be put in this year in the General Reserves. I am asking because we haven't had any work done. So there should be a tremendous amount to put in.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, \$1 million has been budgeted to put into the account in 1998.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** The Member stated that the last amount was put into the account in December. I am assuming from his last supplementary answer that that was for the 1997 year. I am also assuming that the next amount for the 1998 year which was also \$1 million, it is my understanding that this will be done this December too. I just want to clear that up first, if the Member could answer that.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Yes, the amount will be transferred into the account in December.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Following up the question by the First Elected Member, notwithstanding the assumed position by the end of the year, can that amount vary? Or is it going to be that amount — nothing more, nothing less?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** The review of Government's finances is an ongoing activity. If it can be seen where the revenue performance at that time of the year is quite favourable; it is likely that a recommendation will be made to Finance Committee for that amount to be increased.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Member say, bearing in mind discussions back and forth prior to this regarding general reserves, if his department—the Department of Finance—not the Government, has developed any type of policy that it would like to see Government follow regarding the general reserves and the position it believes the country should be in (with the general reserves)?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Reference will have to be made to previous discussions and what has been said supported by the Portfolio of Finance and Economic Development, and also this is in tandem with the Government's position in that the general reserves level should be set at 25% of the annual recurrent revenue.

It was also pointed out in previous discussions—and the last one could have been during the debate in Finance Committee on the Budget—that the revenue stream will have to be examined and a conscious decision taken; this will have to be enshrined in legislation. It is hoped that when this is introduced that it will be achieved for a certain percentage of the annual recurrent revenue to be earmarked, to be put into the general reserves, and for this to be increased in incremental amounts keeping in tandem with the increases that will be reflected in the budget over the year.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Member say—for those of us who don't have calculators with us and so that we can get a pretty good idea— If that policy is to be realised, given what our present budgets are like, can the Honourable Member give us a rough estimate of what the figure should be, say for 1998, if that policy had been realised?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** The figure we have been using as a reference over the years has been that of recurrent expenditure. The recurrent expenditure figure for the year 1998 has been targeted at approximately \$207 million which means that the figure we should be looking at in this point in time, or for the year ending 1998, should be a balance of approximately \$51.5 million in that account.

I also mentioned that on previous occasions it has been said that a certain percentage of recurrent revenue should be earmarked to pre-put into the general reserve balance. The general reserve balance, Mr. Speaker, I think it would be much tidier to have it pegged as a percentage of recurrent expenditure.

The reason why a certain percentage of general revenue is to be used, is to ensure that a uniform sum — just as we sit down and break out the recurrent expenditure we look at statutory expenditure; we look at capital acquisitions and how much will be transferred into the capital development fund — whether 3% or 4%, whatever that figure is, it will mean that a uniform sum goes in.

Once the target of approximately 25% of recurrent expenditure has been achieved, the policy can be revisited in terms of how much will be put in. But the reason why it has been suggested that a percentage should be put in at this point in time is that it is necessary that this amount be fast tracked in order to achieve that balance.

Hopefully, one would imagine over a period of seven to eight years should be used as a target. It will mean that during that period of time that the figures that will be going in will be much bigger than what will be required once the target level has been achieved.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say how long ago this policy was arrived at by his department? And bearing in mind the time that that answer may be, could he perhaps at the same time say why Government has not made conscious effort up to this point to begin the process he is talking about so that we can arrive at 25% of the recurrent expenditure for general reserves?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I don't think that at this point in time any blame or views can be advanced that would suggest that the Government has not been conscious of this and mindful to take appropriate action. It has always been recognised, and this is a policy of this and previous Governments, that the intake by way of general revenue, or what would be taken from the community as a whole, should be kept to a minimum. I think we have now gotten



to a stage where we will have to look in terms of tying in a number of variables, costs of services and so on, and what should be the revenue yield sought in a given year over a period of time.

We have now reached a point in time where just as it is prudent to have funds set aside in a personal savings account or fixed deposit in order to make prudent arrangements for one's existence or for unforeseen occurrences, we are now at a stage where we recognise the cyclical effects that are taking place within the economic cycle, not only of Cayman, but in the world trend and so on. It is necessary for us to achieve that figure, or that target so that in a year, if the out turn is not as favourable as it should be, we would have a buffer to draw on. Hopefully that figure would remain there untouched as what is called a future generation fund.

We are now at a point where we realise that the budget process in terms of what provisions should be made, needs to be examined and everything is being looked at. That will be brought into the arena to be examined. It will mean that going back there are better recommendations from the Portfolio of Finance and Economic Development that could have been made; there are better procedures that could have been put in place; but we have seen along the way where we have made certain improvements, for example when the Public Finance and Audit Law was introduced.

We now are at a stage where we recognise that we will have to try to minimise these risks as much as possible. This is where conscious effort is required in terms of planning. This is what I would say is a part of the key variable that will have to be considered: building up of the general reserve, allocating a certain percentage to put into the capital development fund, look at the other funds necessary and try to provide for these while at the same time minimising the burden on society at large.

**The Speaker:** Before taking any more supplementary questions, we had agreed that at 11.30 we would suspend proceedings until 2.15 in order for Members to attend this luncheon. So at this time I shall suspend proceedings until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 11.34 AM

#### PROCEEDINGS RESUMED AT 2.15 PM

**The Speaker:** Please be seated. Proceedings are resumed. Question time continues. The First Elected Member for George Town. Supplementary.

**Mr. D Kurt Tibbetts:** As he has mentioned in parts of his answers to supplementaries about legislation, could the Member say what might be the proposed legislation with regards to the general reserves? If he could just expand on that area so that we can get a clear understanding as to what he may be referring to regarding legislation.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, the financial reform initiatives that are now being pursued will inevitably result in having to introduce legislation to guide Government's financial activities. At this point in time we have got the Public Finance and Audit Law, but we are trusting at the end of the day that there will be legislation coming out of these initiatives that will wrap up all of the financial activities and embraced within that Mr. Speaker, will be the provision. It will be recommended that that provision be made because rather than having several pieces of legislation, I think it would be much better to have a single piece – if it is possible – dealing with all financial activities of Government.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Can the Member then say if the policy at present with general reserves is that however it is kept, whether it is in more than one account, or whatever type of account it is kept in, if it is the policy of Government not to use it as – if I may use my own terms – collateral, or not to use it as security for any type of borrowing or anything like that. Can the Member explain the position on that please?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** The policy that has always been pursued with general reserves is for the reserves to be unencumbered.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Perhaps this may seem as if it is dragging on, but I think some Members would like to get the position very clear when it comes to general reserves, and some of us are not quite sure. Can the Member tell us what is the present policy as to when, and if, general reserves might have to be tapped into.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, if the Honourable Member will recall, several years ago there was a motion that was brought to Finance Committee and approved which required the sanction of Parliament in order to shift money out of the General Reserves. That policy is still observed and it is only in extreme circumstances when it becomes necessary to take monies out of the General Reserves.

But, given the fact that there is a policy that is now being articulated and everyone recognises that this is an integral part of the financial reform initiative, I think it is unlikely at this ... Although we can contemplate the possibility of having to move funds out of the General Reserves, at this point in time we would not want to contemplate the circumstances that would bring that about.

We do trust, Mr. Speaker, that (as I mentioned earlier) within a period of seven to eight years . . . from now through that time we will find ourselves with a healthy general reserves balance. It is one that we know we will have to plan for and we are just praying that the Good God will continue to keep the economy of the Cayman Islands strong, and for the budgeting process to continue to improve from year to year so that we do not run in to extenuating circumstances that would cause the General Reserves balance to be depleted.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. One final supplementary Mr. Speaker.

Can the Member say whether it is the intention—whenever the legislation that he referred to is proposed, and in whatever area of that legislation the General Reserves is addressed—that all of these factors that are being talked about will be added to ensure that it's not just policy but that it is firm and that regardless of who comes along afterwards, there will be something direct and strict and not just something that is loosely thought or talked about?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, that is the understanding because the legislation will translate in to an action plan. It is so significant what is being done now. We have seen it is not a question of the Government only. All Members of the Legislative Assembly from the discussions that we have been having are fully committed, Mr. Speaker to this process. I think it would be very much short-sighted for us to get to a point where legislation is introduced and all of these variables are not taken into account.

I really appreciate the question being raised by the Honourable Member. It is one that we will have to keep in our focus so at the end of the day we will have legislation that will guide policy and will mandate the adherence to that policy as to the allocation of revenue and certain expenditure boundaries.

**The Speaker:** If there are no further supplementaries, Question 143 standing in the name of the First Elected Member for George Town.

#### QUESTION 143

**No. 143:** Mr. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Economic Development to give a breakdown on Contingency Warrants issued since January 1998.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, 13 contingency warrants have been issued for the period January to August 1998, totalling \$1,079,876. Of the 13, 8 have been cleared by supplementary warrants. The value of the uncleared warrants is \$710,579. Of this, the sum of \$323,747 is offset

by the blocking of funds under other votes. The attached schedule provides a breakdown of the 13 warrants.

I should also mention at this point that the agenda for Finance Committee is being prepared so as soon as that is agreed by Executive Council there will be a meeting of Finance Committee to follow shortly thereafter.

#### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Can the Member say, since his answer is dealing with until August—and I respect the date that has been used—if there are any substantial contingency warrants which are in the works, or whether Finance Committee will ensure that there may not be any need to issue any more contingency warrants between now and the end of the fiscal year.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, it is always envisioned that when a meeting of Finance Committee is held up to that point in time the best judgement would have been brought to bear to determine the expenditure requirements up through the end of the year. But as the Honourable Member can appreciate, with the best insight in the world, it is difficult to anticipate future events. Wherever it can be seen that the amount in question will be significantly material and could have a significant impact upon the finances of Government, every effort will be made to secure the approval of the Legislative Assembly to ensure that there is endorsement for such expenditures right across the board.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I am not trying to solicit an opinion from the Member, but if he is in a position perhaps he would give some type of answer to what I am going to ask although I am not sure that he will be able to answer it.

Just going back a year: Can the Honourable Member say if there has been noticeably more discipline exercised by all involved when it comes to requests for contingency warrants this year compared to perhaps last year. And if he wishes to go further back then he could.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Yes, Mr. Speaker, there is definitely greater discipline and great awareness.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. My follow up then, since the Member seems to be absolutely sure.

Can he give us what he thinks are the reasons why this is the case this year?

**The Speaker:** I think you are asking for an opinion on that. Honourable Third Official Member you may answer if you wish.

**Hon. George A. McCarthy:** Mr. Speaker, the Honourable Member will recall that especially with the 1998 Budget it could be viewed that there was a greater participation by all of the Members concerned—Members of the Legislative Assembly. Areas were gone into where it was necessary to make adjustments against expenditure heads. These actions were carried out and on a whole Mr. Speaker, wherever you have got debate on any issue it brings about a high level of awareness. We are trusting that it will continue to improve from year to year.

It is very good to say that the Government; the Members of the Legislative Assembly; the Portfolio of Finance and Development; Controlling Officers; they are all fully committed and, Mr. Speaker, at the end of the day what is being sought is to optimise the resources that are available.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Thank you, Mr. Speaker. In a previous answer to a question, the Honourable Member the Financial Secretary, said that they were only preparing to add to the General Reserves \$1 million for this year. If that is so, and we have only spent \$710,000 on supplementary estimates — and as I said, much work has not been done — Why then is there only \$1 million to go in to General Reserves? It would seem to me that there could be a larger provision.

Well, Mr. Speaker, according to the amount that we set aside for capital developments — we know some of it was supposed to be loans, but I know that much work has not been done and to explain, Mr. Speaker, I further thought that there was a large expenditure by contingency warrants. But the total amount spent by the warrants is \$710,000 and allocated by warrant \$1 million. As I said, it would seem to me that it could be a lot more put aside. If not, why not?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, the Honourable Member is aware that there are certain principles that work here. Firstly, unless the funds are spent—especially loan funds—monies cannot be drawn down. It is understood that one will have to offset the expenditure or the amount that is drawn down will have to match the expenditure up to that point in time.

The Capital Development Fund has now been established and this has been ratified by way of resolution in this Honourable House. This means that the sum that has been agreed to, be transferred from general revenue in to that fund. Whether that money is spent or not in a given year, it will have to be put in to the fund. So this has to be taken out of the General Fund balance as such.

I also indicated, Mr. Speaker, that if at the end of the year it can be seen that the revenue performance has exceeded expectations it is likely that the Government will take a decision to increase the amount that has been allocated. But what Honourable Members can appreciate is that this sum, rather than it being discretionary, it has now been budgeted. Granted, it is only \$1 million; but what is happen-

ing here is that there is a principle that is being developed in that a specific allocation is being made.

And, Mr. Speaker, when we say that because of the fact that not more contingency warrants have been issued—Contingency warrants are contingent, or subject to the approval of the Legislative Assembly; but the non-use of the warrants does not necessarily mean that more money will be available. It is a question of the general revenue level, whether the revenue is tracking in accordance with expectations. If that proves to be the case, Mr. Speaker, I would like to see that myself in order to recommend to the Government that this sum of \$1 million be increased.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Mr. Speaker, I may be straying a bit from the original question, but if I am allowed, I would ask the Honourable Member a question regarding his answer to the supplementary on *revenue and tracking*.

Could the Member say without going into details—because I do not expect him to have information on hand — whether at present it is the general view that revenue is on track.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, it can be taken that revenue is on track — following the trend that has emerged up to this point—that it is slightly behind in some of the heads as such. But we know that those are normally compensated for toward the end of the year. Specifically at this point in time it seems as if we are \$3 million to \$4 million behind expectations which means that as we get closer to the end of the year, Mr. Speaker, we know that some of the areas, for example: Customs import duty — we normally observe significant increases from November through the end of the year.

We have also seen on some of the revenue items where again increases are being reflected. But if it gets to a point where it is likely to result in — because we have to assume that expenditure will remain fixed; what has been approved subject to what has been approved in the Finance Committee meetings ... And if it is a question where an imbalance will occur, this will be discussed with the Government and also Members of Finance Committee will be apprised.

**The Speaker:** If there are no further supplementaries that concludes Question Time. We will now move on to Item 5, Government Business, Bills, Third Readings.

## GOVERNMENT BUSINESS

### BILLS

### THIRD READINGS

#### THE STAMP DUTY (AMENDMENT) (AGREEMENTS AND ASSIGNMENTS) BILL, 1998

**The Clerk:** The Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, I know that we have moved on to a different subject, but I would just crave your indulgence to say this: When I mention in terms of the comparison between revenue and expenditure, at this time we have got a healthy cash balance. So these balances are now being invested on fixed deposits on whatever will bring about the highest yield.

Mr. Speaker, I beg to move that a Bill entitled, The Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998 be given a third reading and passed.

**The Speaker:** The question is that a Bill entitled, The Stamp Duty (Amendment) (Agreements and Assignments) Bill, 1998, be given a third reading and be passed. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. THE STAMP DUTY (AMENDMENT) (AGREEMENTS AND ASSIGNMENTS) BILL, 1998, GIVEN A THIRD READING AND PASSED.**

#### **THE PRISONS (AMENDMENT) BILL, 1998**

**The Clerk:** The Prisons (Amendment) Bill, 1998.

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I beg to move that a Bill entitled The Prisons (Amendment) Bill, 1998, be given a third reading and passed.

**The Speaker:** The question is that a Bill entitled, The Prisons (Amendment) Bill, 1998, be given a third reading and be passed. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. THE PRISONS (AMENDMENT) BILL, 1998, GIVEN A THIRD READING AND PASSED.**

**The Speaker:** The next item is Other Business. Private Member's Motion No. 20/98. Now open for continuation of debate on The Award of Government Contracts.

The Honourable Third Official Member responsible for Finance and Economic Development.

## **OTHER BUSINESS**

### **PRIVATE MEMBERS' MOTIONS**

#### **PRIVATE MEMBER'S MOTION NO. 20/98**

#### **AWARD OF GOVERNMENT CONTRACTS**

*(Continuation of debate thereon)*

**Hon. George A. McCarthy:** Mr. Speaker, I am quite happy to advise that the Government supports Motion No. 20/98 which asks the Government to consider amending the Financial and Stores Regulations recording as much as possible to ensure that all materials, equipment and services required to fulfil Government contracts are sources locally and in doing so ensuring quality and that this will be done at a competitive price.

Mr. Speaker, when the Public Financing Audit Law was introduced and the accompanying Financial and Stores Regulations, it was envisioned that this would introduce a high level of discipline to the tendering, or awarding of government contracts.

It was envisioned that under this process that this in effect would initiate the concept, or, be the forerunner to the concept of *buy Caymanian*, because it is recognised that the Government's expenditure represents a significant part of the expenditure that takes place on an ongoing basis within the Cayman Islands. And it was envisioned that this process would ensure competitive bidding, good discipline and objectivity in the awarding of contracts.

Mr. Speaker, the Government is quite happy to support this initiative. It is recognised though, that not only will this require that an amendment be made to the Financial and Stores Regulations in order to try to encourage that purchases be made at the local level, but Mr. Speaker, it would also require that specific provisions be made in contracts to encourage the adherence to the principle of *buy Caymanian*.

Mr. Speaker, it is recognised, and it can be appreciated, the way the Motion has been framed. The Member has said as much as possible and this will be done. Whatever can be done in order to reinforce and support this initiative and this concept will be done by the Government. The Government is therefore quite happy to give this undertaking to effect the necessary amendment in order to achieve this goal.

Thank you.

**The Speaker:** The Motion is open to debate. Does any other Member wish to speak?

The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Mr. Speaker, I am pleased that Government has accepted the Resolution. I recall that in Executive Council one point we changed the bond – the bond that is required, that is, for performance – to allow the smaller contractor to qualify.

This action today by the Government, coupled with that, will assist the smaller contractors or builders to get jobs in a bracket that they could not qualify for before. As I said, the two actions will work together to enable the smaller local guys to qualify. I thank the Government for the action today.

**The Speaker:** Does any other Member wish to speak to the Motion? If no other Member wishes to speak would the mover of the Motion wish to reply?

The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you Mr. Speaker. I just want to say thanks to Government for accepting the Motion. I would also like to say thanks to my colleague from West Bay, the First Elected Member, for his support and contribution, and also those Members who did not speak, for their tacit support.

Thank you, sir.

**The Speaker:** I shall now put the question on Private Member's Motion No. 20/98, Award of Government Contracts. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. PRIVATE MEMBER'S MOTION NO. 20/98 PASSED.**

**The Speaker:** Private Member's Motion No.17/98. Proposed Ritz-Carlton Hotel – West Bay Road, moved by the Fourth Elected Member for George Town.

The Fourth Elected Member for George Town.

**PRIVATE MEMBER'S MOTION NO. 17/98**

**PROPOSED RITZ- CARLTON HOTEL  
WEST BAY ROAD (*Deferred*)**

**Dr. Frank McField:** Mr. Speaker, the situation regarding this particular Private Member's Motion is that the seconder of the motion has informed you that he is ill. Because of this reason I would appreciate if the House would allow this motion to be discussed at a later sitting.

**The Speaker:** The question is, in view of the seconder being sick, that this motion could be set down for a later sitting. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 17/98 DEFERRED UNTIL A LATER SITTING.**

**The Speaker:** Private Member's Motion No. 23/98. The Referendum Law.

**Mr. D Kurt Tibbetts:** Mr. Speaker, with your permission may I just say something please?

**The Speaker:** Certainly.

**Mr. D Kurt Tibbetts:** Mr. Speaker, this Motion that you are going to refer to now [No. 23/98] is in a similar situation with the same Member; [Also, No.21/98]. I think Motion No.4 on the Order Paper – No.18/98 Moratorium on Liquor Licence for West Bay District, is probably the only one this afternoon that is ready to move on. If the House is willing to accept, perhaps as I have already discussed it with the mover and the seconder, perhaps we can move on with that one this afternoon and resume the rest of the Order next week.

**The Speaker:** With the permission of the House, we will move on to Private Member's Motion No. 18/98, Moratorium on Liquor Licence for West Bay District.

Maybe as a precautionary [measure] I should put the question that we defer these other Motions [Nos. 23/98 & 21/98] that we have just listed. I will put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBERS' MOTIONS NO. 23/98, REFERENDUM LAW AND NO. 21/98, APPOINTMENT OF A COMPLAINTS COMMISSIONER, DEFERRED UNTIL A LATER SITTING.**

**The Speaker:** We will move on then, as I said before, to Motion No.18/98 entitled Moratorium on Liquor Licence for West Bay District. Moved by the First Elected Member for West Bay.

The First Elected Member for West Bay.

**PRIVATE MEMBER'S MOTION NO. 18/98**

**MORATORIUM ON LIQUOR LICENCE  
FOR WEST BAY DISTRICT**

**Mr. W McKeever Bush:** Thank you, Mr. Speaker.

Whereas Mr. Speaker moved Private Member's Motion No. 18/98 standing in my name and reads as follows:

"Whereas there has been much concern and objections to more liquor licences being granted in West Bay;

Be it therefore resolved that there be a moratorium on licences granted for the District of West Bay;

Be it further resolved that Government review the Liquor Licensing Law (revised) 1966, to rectify, update and

strengthen the Law where anomalies and weaknesses exist.”

**The Speaker:** The seconder, the Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I am pleased to second the Motion.

**The Speaker:** Private Member's Motion No. 18/98 has been duly moved and seconded. Does the Mover wish to speak to it?

**Mr. W. McKeever Bush:** Mr. Speaker I will try to be brief on this matter.

Mr. Speaker, for sometime representatives of West Bay have been bombarded with objections in regards to more liquor licences being granted for that district. You know, Mr. Speaker, that there have been several properties, new applications before the Planning Board that citizens have objected to out of their concern for the grant of a liquor licence.

Mr. Speaker, we feel that there being some 11 (I believe it is) licences in that district—our constituency—that for the time being, we should put a moratorium on it. As I said, there have been citizens raising their concerns to Members here, and further raising their concerns to the Planning Board.

The Motion is also asking that there be a review of the Law. And given the debate – or certain articles in the written media some weeks ago, I think it is obvious to all of us, that things are not all well in regards to the Liquor Licensing Board.

It seems that matters that rightly belong in the parameters of the Immigration Law were being used in the arguments of the Liquor Law. It is quite obvious too, that pressure was being applied because of competition.

I know the Law is due to come before the House soon, therefore, Mr. Speaker, I will not go in to any further details at this time but to say that it is time to rectify, to update and strengthen the Law where anomalies and weaknesses exist.

I am not asking the Government to do anything that would put it in a problem legally. The greatest concern in this Resolution is that a moratorium be applied for the District of West Bay and that we get agreement to rectify, update and strengthen the Law as it stands now.

Thank you very much, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I am also pleased to add my support as the seconder of this Motion.

As the First Elected Member from West Bay said, we have had a lot of representation from concerned citizens in our district in regard to certain establishments which were in the process of applying for liquor licences to enable them to serve liquor on their premises.

Mr. Speaker, as representatives of the people, we have to take into consideration their desires. I recall accompanying a group from West Bay who were objecting to such a licence and also appearing before the Planning Authority, objecting to the approval of the project if it meant that a liquor licence would be issued.

In this particular instance it involved a property – a tourist's property – in the middle of a residential area, very quiet, very private, closely held residential area—a lot of family members. And what they were concerned about, Mr. Speaker, was the fact that there was a motel coming into their area and a liquor licence being issued. Visitors to the establishments and also residents who would decide to visit for a drink would possibly make a nuisance of themselves by making loud noises, fighting and all the things that people do when they consume alcohol.

Mr. Speaker, I did go with representatives—members of our community from that area—and I objected to this particular application on the basis that we did not need a tourist property in that area that was issued a liquor licence.

West Bay, is a (should I say) highly residential community, in that people still enjoy the level of quietness and privacy that they do enjoy, because most people as we know them, are employed in town and they look forward to evenings when they can forget the rat race and the hustle and bustle in town to retire to their private residence where they can enjoy some peace and quiet.

I am aware of the impact that certain liquor licensed premises in our district have had on the surrounding community. I know for a fact, because my in-laws live just down the road from one of these establishments that keeps you up until one o'clock and two o'clock in the morning with loud music and all kinds of commotion.

Mr. Speaker, I recall just after getting married that that particular premise was offered to my wife and me to live in and I totally refused because of the area and the atmosphere that was created by the presence of this establishment.

Mr. Speaker, I believe that we do have sufficient liquor establishments in West Bay; I do not condone it, I do not support it, but for those persons who indulge, there are sufficient places where they can go and buy a drink.

The other thing that we need to keep in mind, Mr. Speaker, which seems to be the trend here in the Cayman Islands, is that the people wait to see what type of business an individual jumps into and then rather than looking at the overall potential of the business, they follow. What happens then is that we end up having establishments that are not operating profitably and because of that you get proprietors who are then tempted to – in order to enhance their sales – take a risk of serving minors at these establishments.

Mr. Speaker, as I said, I do support this Motion. It is the right thing to do, and it is in keeping with the wishes of the majority of the residents in our district. I look forward to hearing Government's position.

**The Speaker:** I think this might be a convenient time to take the afternoon break. We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.21 PM

#### PROCEEDINGS RESUMED AT 4.02 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 18/98. Does any other Member wish to speak? The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I rise to indicate the Government's willingness to accept the Motion.

The amendment to the Liquor Licensing Law which received first reading earlier this week, indicates that the Government is receptive to the spirit of this motion, namely, the call for a moratorium in this case in the district of West Bay and also the call for consideration of further amendments or provisions to that law.

Hopefully once the debate eventually concludes on those proposed amendments, we will have a clearer picture of what else may need to be considered to fulfil the resolve sections of this motion. But the Government is willing to accept the Motion and will give it due consideration and attention as soon as possible. Thank you.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** In regard to this Private Member's Motion to have a moratorium on the granting of liquor licences in the district of West Bay, I understand and fully accept that there is a need in the Cayman Islands as a whole for a little more consideration for the general public with regard to the granting of liquor licences. Of course, we will be discussing the Government's proposed amendments to the Liquor Licensing Law very soon and it appears as if the whole concept of discretion will be involved here. Discretion does not mean that the Liquor Licensing Board just says 'no,' discretion could mean that they are given the power to say, 'yes' to applications in certain areas.

I would just like to echo my concerns with the way in which the Liquor Licensing Law in this country seems to be influenced by political considerations. Of course, as we go into the debate in regard to the Government's proposed amendments next week, I will be able to illustrate a little bit better what I am talking about when I say that the Liquor Licensing Law is being influenced by political consideration.

Of course, when we look at the way in which liquor licences have been granted—I could talk about it in the district of George Town, in particular —. If that situation has been duplicated in West Bay, then I, as a George Town representative, can certainly see why there is a need to begin to give serious consideration to a moratorium on the continual grant of licences.

The area I operate from is considered to be George Town Central — in the Schoolhouse area. We have many, many, many licensed premises in this area. It is interesting to see how people continue to get permission to open their establishments at the end of the day. Because, although the law might be there — and even if the Liquor Licensing Board itself uses its discretion and says that these premises should not be open because there is a school there, or it feels that the community is adequately served — in certain cases it seems that the people still succeed in getting a licence. And the political representatives who have been over the years up and down, as to who should have the power; whether or not the Liquor Licensing Board in fact should have the power to make these decisions; or whether or not there should be a little bit more flexibility giving political leaders the possibility to react to pressure from people who are seeking licences to retail alcohol in the area.

So I am saying that we don't only have a problem with the law; we have a problem with people not wanting to abide by the fact that we should be governed by the law. and that in cases where people feel that it is to the advantage of some members of their [constituency] because it is politically expedient, licences have been granted at the end of the day in areas that should never have been given licence to retail alcohol.

As for me, I have had my days with alcohol and those days were not all pleasant. If there was not one drop of alcohol sold in this country, I would not feel in any way deprived. I am a total teetotaler I don't drink alcohol, and have not drunk any kind of alcohol for the last six years. But I do understand that drinking is something that I got into because I felt it was socially acceptable.

Therefore, when we license premises to retail rather than wholesale alcohol we have to understand that they have a conditioning effect on young people, especially when the areas that are retailing alcohol are near schools. When there are signs that cannot be put up in regard to alcohol in sports areas, or regardless of where, we are saying that we don't want to sell alcohol in our sporting facilities, but at the same time primary school children have to look at signs that are promoting drinking as something that is positive and that enhances one's social skills and social acceptability.

So when we look at the role in which the retail premises play in socialising people towards accepting alcohol and alcoholism we note that there is a need to call for a moratorium. I am happy to say that the First Elected Member and the Third Elected Member for West Bay have brought this to the attention of the Government. I hope that it is not something reserved for the district of West Bay alone, but that the Government considers that it is something that will also affect the other districts, and in particular the district of George Town.

**The Speaker:** Does any other Member wish to speak? The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Mr. Speaker, my contribution will be brief. I do rise to support the Motion. I think it is timely. I believe that given the experiences in recent times as incidents where alcoholic beverages were served to—in some cases—young persons below the normal age which allows a person to participate in sports, I think that we as Members of the Legislative Assembly should make every effort to amend any law to put any moratorium that brings this matter into control that the community would wish us to do.

**The Speaker:** The floor is open to debate. Does any other Member wish to speak? (Pause) If not, would the mover like to exercise his right of reply? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you.

I am pleased once again that the Government was in such a good frame of mind to accept all the resolutions before the House.

**Hon. Thomas C. Jefferson:** Thus far.

**Mr. W. McKeeva Bush:** Thus far. This one is, in a sense, partly to do specifically with the West Bay district and partly to do with the national issue. All Members speaking have given their support, and we thank them for it and look forward to hearing the Government by way of specific action on the specific law. Thank you.

**The Speaker:** The question is on Private Member's Motion No. 18/98, Moratorium on Liquor Licensing for West Bay District. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 18/98 PASSED.**

**The Speaker:** From previous discussions, Private Members' Motions Nos. 21/98 and 23/98 which remain on the Order Paper and which have been moved by the Third Elected Member for Bodden Town who is not present, have been deferred until a later sitting.

**The Speaker:** Do Honourable Members therefore wish to adjourn at this time, or go on to Government Business?

The Honourable Minister responsible for Tourism, Commerce and Transport.

## **ADJOURNMENT**

**Hon. Thomas C. Jefferson:** Mr. Speaker, it is my pleasure to move the adjournment of this Honourable House until Monday at 10.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM on Monday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.18 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 21 SEPTEMBER 1998.**



**MONDAY  
21 SEPTEMBER 1998  
10.31 AM**

*[Prayers by the Hon Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]*

**The Speaker:** Please be seated. Proceedings are resumed.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have apologies for late attendance from the Honourable Minister responsible for Community Affairs, Women, Sport, Youth and Culture.

Item 2 on today's Order Paper, Presentation of Papers and Reports. The Honourable Third Official Member responsible for Finance and Economic Development.

**PRESENTATION OF  
PAPERS AND REPORTS**

**FINANCIAL STATEMENTS OF THE CAYMAN  
ISLANDS STOCK EXCHANGE LTD. FOR THE PERIOD  
26 SEPTEMBER, 1996 TO 31 DECEMBER, 1997**

~and~

**CAYMAN ISLANDS STOCK EXCHANGE OPERATIONS  
REPORT FOR THE YEAR ENDED 31 DECEMBER, 1997**

**Hon. George A. McCarthy:** I beg to lay on the Table of this Honourable House, Financial Statements of the Cayman Islands Stock Exchange Ltd. for the period 26<sup>th</sup> September, 1996 to 31<sup>st</sup> December, 1997 and the accompanying report for the same period.

**The Speaker:** So ordered. Do you wish to speak to these?

**Hon. George A. McCarthy:** Thank you.

Mr. Speaker, the audited financial statements for the Cayman Islands Stock Exchange for the period 26 September 1996 to 31st December 1997, together with a report on the operations of the exchange for the same period, are tabled in accordance with section 14 (8) of the Cayman Islands Stock Exchange Company Law, 1996.

Mr. Speaker, as the financials and the report will indicate, the stock exchange has performed exceedingly well since it began accepting listings in July of 1997. It met its target of 100 listings within a year of that date and currently has 73 mutual funds, 42 debt issues and one international company listed. The total of 116 listed issuers represents a market capitalisation of U.S. \$8.6 billion.

In the fund sector, the stock exchange has proven particularly attractive to 'hedge' funds and one of the world's premiere hedge funds—the Maverick fund—has listed on the Cayman Islands Stock Exchange. The exchange has also received strong support from the local offices of international finance houses such as Schroder, Bank of Butterfield, and CIBC, all of whom have listed funds on the stock exchange.

The responsiveness of the Cayman Islands Stock Exchange to the needs of the international capital markets has also produced growth in the listings of specialised debt securities by such international finance houses as: Deutsche Bank, Lehman Brothers and Merrill Lynch.

Cayman is the leading centre for structured finance transactions and the exchange has added value to that business by providing a knowledgeable and efficient listing service. The international capital markets are constantly creating new opportunities and the Cayman Islands Stock Exchange is well-placed to take advantage of these.

Mr. Speaker, the stock exchange is also concentrating its efforts on providing facilities for local companies such as a developing Equities' Market to complement the strong international institutions base developed over the past year. As Honourable members may be aware, the Cayman Islands Stock Exchange has an excellent website in keeping with the quality of its services to an international profile.

This site developed by the stock exchange head of technology, Nigel Havers, and technology executive, Todd Twinn, is due to be re-launched in October 1998 with new, innovative features. It is important that the stock exchange maintains its competitive edge in this increasingly vital area of business activity.

Mr. Speaker, the success of the stock exchange is owed to the strong partnership between Government and the private sector, and the high calibre of the exchange staff. The sterling efforts of the Exchange under the Chairman, Anthony Travers; Vice Chairman, Deborah Drummond; Chief Executive Officer, Ann Nealon, her deputy Diane Palmer and their staff, must be acknowledged and highly commended.

I would also like to acknowledge the valuable support of the members of the stock exchange steering committee who contributed to its development when it was still on the drawing board, namely: Mrs. Michael Austin, Dre Barten, Andre Iton, Harry Chisholm, Nick Freeland, Don Martuik, Michael Alberga, Carlyle McLaughlin, and Henry Smith.

I should also point out that the support of the Government and Members of the Legislative Assembly agreeing in tandem to the introduction of the stock exchange is a commendable effort and it is quite satisfying

this morning to be able to table the report on the financials, especially the reports with these achievements.

The progress of the stock exchange is evidence of the fact that when the Government and the private sector work together we are capable of world-class success. Mr. Speaker, we need to harness all of our skills to ensure that our success over the past three decades continues so that we maintain our well-earned position within the international financial arena.

Thank you very much, Mr. Speaker.

**The Speaker:** Questions? Without a motion, no debate can arise.

**Mr. Linford A. Pierson:** Mr. Speaker, I know that it is under Presentation of Papers and Reports, but since the Honourable Member has spoken to this would you entertain, under Standing Order 30(2) some short questions on that?

**The Speaker:** Under the normal procedure he has not made a motion, therefore there should be no debate. If he is prepared to entertain short questions, I am willing.

The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, to the extent that I am able to provide the information, I will be quite willing to respond to the Honourable Member.

**The Speaker:** The Third Elected Member for George Town.

### SHORT QUESTIONS – STANDING ORDER 30(2)

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. It's just for a little clarification. I notice from the financial statements that have been prepared to the end of December 1997, that the statements reflect a net operating loss for the period of over half a million dollars. I wonder if the Honourable Third Official Member is in a position to give an indication as to when he feels this will be cleared off, and an indication as to when we can expect to see some form of profit from the stock exchange operations.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, that is an excellent question, and one that I welcome.

It was pointed out that the development of the stock exchange would be a timely process. We know that in the initial stages it would require significant investments by the Government in terms of capital cost and also funding the operational aspects of the stock exchange operation. It was agreed, and pointed out to Honourable Members of the Legislative Assembly that the learning curve would be achieved on a timely basis.

We know as a stock exchange that there are quite a number of entities willing to come on to the stock exchange and to list. But we have to ensure that we have the competence in place (and this we do), and the ability to scrutinise very carefully the entities that are coming on.

The idea had been taken that we would not try to drive revenue in the initial stages because we could not afford to take on anything that would create an embarrassment to the Government. When I say the Government, that includes the Members of Parliament—because the stock exchange was intended to continue the synergy between the various operations within the financial industry.

For example, what we see here is the flow of revenue into the stock exchange, but there are other fees that are going to other departments of Government—to the Registrar of Companies, the Monetary Authority, and so on. If these were to be isolated and brought in under the earnings of the stock exchange, it is quite likely that we would have achieved the break-even position already. But taking the direct flows into the stock exchange, this is what the position is.

It is likely that within another two to three years we can be in a break-even position and it is intended that the stock exchange should be a revenue earner. But most importantly, Mr. Speaker, is that it develops properly, it develops credibility, it is recognised within the international sphere of financial community as a stock exchange of good standing and the only way to ensure this, is to have in place the technology, the technical expertise and from what we have seen here with the amount of listing going over the 100 mark within the first year of operation, we can assume that this level of success will continue in future years.

**The Speaker:** No further questions?

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 144 is standing in the name of the Second Elected Member for Bodden Town.

## QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

### QUESTION 144

**No. 144: Miss Heather Bodden** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation now that planning approval has been granted on the Rehabilitation Centre in Breakers, when will construction begin?

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

**Hon. Anthony S. Eden:** There will be no new construction for the residential drug rehabilitation centre in Breakers. Instead, existing buildings will be renovated in two

phases. Work will commence with Phase 1 which is to convert the main house to a residential 30-day treatment facility for up to 15 adult males and females. I expect this work to begin no later than January next year.

### SUPPLEMENTARIES

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the Honourable Minister say what the cost will be?

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

**Hon. Anthony S. Eden:** The overall cost is approximately \$1,231,200. Of this, \$405,200 has been spent so far. A further \$826,000 is required to complete this phase of the project, which is phase 1.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Can the Honourable Minister say when the renovation is scheduled to be completed?

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

**Hon. Anthony S. Eden:** At this time we are looking to July next year for the first clients to move in.

**The Speaker:** If there are no further supplementaries the next question is 145, standing in the name of the Third Elected Member for Bodden Town.

### WITHDRAWAL OF QUESTION 145

**Mr. Roy Bodden:** I crave the indulgence of the House to withdraw the question, seeing by a strange coincidence it was almost identical to the previous question.

**The Speaker:** The question is that question 145 be withdrawn. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

### AGREED: QUESTION NO. 145 WITHDRAWN

**The Speaker:** Question 146 is standing in the name of the Second Elected Member for Bodden Town.

### QUESTION 146

**No. 146: Miss Heather Bodden** asked the Honourable Minister responsible for Tourism, Commerce and Transport if after the review of the public transport system taxi drivers will be required to wear uniforms and will there be a person/persons assigned to ensure enforcement.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The Public Transport Board is in the process of considering what should be the policy on the standard of dress for taxi and other public transport operators. It considers that a decision on the standard of dress is more pressing than actual uniform at this time. The standard dress policy is currently under consideration and I undertake to advise Honourable Members of the recommendations of the Public Transport Board when available.

### SUPPLEMENTARY

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the Honourable Minister say if the Public Transportation Board will also be ensuring that all taxi vehicles are clean and in decent condition?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I think the quick answer to that is, yes.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries the next question is 147, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 147

**No. 147: Mr. Roy Bodden** asked the Honourable Minister responsible for Tourism, Commerce and Transport to state Government's policy on inspections of hotels, condominiums and other such accommodation for tourists.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** All tourist accommodations are required to pass an inspection before the grant of a tourist accommodation licence and at least once annually for the renewal of the licence. This inspection is carried out by the Department of Tourism, the Fire Service Department and the Department of Environment. It is the policy that additional inspections are carried out as and when required by the Hotels Licensing Board.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say what is the procedure when properties fail to meet the standards set by the inspectorate?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Normally when these inspections take place there are a number of deficiencies that may arise particularly on inspection by the Department of Tourism, and the manager or owner of the property is requested to remedy the deficiencies. It depends upon the severity of the deficiencies as to how the Hotel Licensing Board will follow up after that.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if these inspections vary depending upon the nature of the property and/or the size of the property?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The inspection by the Department of Tourism personnel is laid down in an inspection manual and it does not really differ unless, of course, you are dealing with a hotel where you have a restaurant facility and dining room facilities and a pool where in some cases in the guesthouse you may not have all of those particular facilities.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if there are any circumstances which would lead to an inspection other than the annual inspection? And could he tell the House—if his answer is in the positive—what these circumstances may be?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** It may be that someone makes a complaint about a particular facility to the Department of Tourism, and as a result of that complaint the chairman would authorise an inspection of that particular facility.

**The Speaker:** If there are no further supplementaries, the next question is 148, standing in the name of the Third Elected Member for George Town.

**No. 148: Mr. Linford A. Pierson** asked the Honourable Third Official Member responsible for Finance and Economic Development to state the annual increase in recurrent and capital expenditures since January 1993 to 31<sup>st</sup> December, 1997 and show how this compares with the annual increase in the Consumer Price Index for the same period.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** The annual increases in Recurrent and Capital Expenditures and the Consumer Price Index over the period January 1993 to December 1997 are given in the attached schedule. The schedule (*see attached*) shows that over the referenced period, the average annual increase in recurrent expenditure was 11.03 percent; in capital expenditure 50.68 percent; and the consumer price index 2.55 percent.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** In view of this somewhat alarming disparity, that is your consumer price index is up by 2.55% as compared with 11.03% for recurrent expenditure, and some 51% increase for capital expenditure, I wonder if the Honourable Third Official Member could give an indication of the percentage of recurrent revenue utilised for personal emoluments, that is basically civil service salaries, etc?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I do not have the exact figures on hand, but it could be in the region of about 50% to 53%.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Member say, while he doesn't have the exact figure, if the figure he just gave is one which has maintained that average for the past few years, or has it been steadily climbing or declining?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** As I mentioned earlier, without having exact figures at hand, from memory it has been maintaining that average for the past several years.

**The Speaker:** The Third Elected Member for George Town.

#### QUESTION 148

**Mr. Linford A. Pierson:** Can the Honourable Member further state whether the percentage increase may be outpacing, that is the increase in particular in recurrent expenditure, may be outpacing the recurrent revenue of Government?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** The answer to that question is definitely, yes, and this has been mentioned on several occasions in the past.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** In view of what appears to be an exponential increase in expenditure, I wonder if the Honourable Member could further state what considerations are now being given by Government to address what could become an alarming problem.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** From discussions that have taken place in Finance Committee and also the fiscal reform initiatives that are presently under way, all of these issues will have to be addressed. It has been known for quite some time that recurrent expenditure has been climbing at a faster rate than the growth taking place on the revenue side. But we must bear in mind that we are a service based economy. And as we continue to expand the services that are provided by the Government as a whole and as new capital projects come on stream, they also carry with them recurrent costs as well. So all of these issues will have to be examined to make sure that a policy position is arrived at by this Government and successive governments in order to contain recurrent expenditure even capital or overall expenditure within a given limit.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wish to thank the Honourable Member for that comprehensive answer. Can the Honourable Member -- having given an indication that he, too, sees this as a matter for concern—that recurrent expenditure is outpacing recurrent revenue -- give an indication as to what plans are being made especially in the upcoming budget to address this problem? -- (i.e. whether he is considering increasing recurrent revenue). If so, what sort of plans are being made to do this?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I am quite aware that the Government has been very much concerned about this. This is why the budget process has been a very tedious

one. For example, when the last budget was prepared—I do not have the figures on hand, but the differential between the resources available and requests that came in from departments, the bulk of it being recurrent expenditure, was quite significant.

The undertaking that has been given by the Government is that for the 1999 Budget the information from departments will be collated. The resources that are available on the recurrent revenue side will also be examined and the overall requests by the departments of Government, together with resources available will be brought to Members of Legislative Assembly to examine the differential and make a determination as to what will have to be done.

At this point in time, definitely, if the requests from departments are going to be entertained without any form of significant cutting back it will mean having to look for additional revenue sources. But if it is a question of drawing a line to see that expenditure should not exceed a given figure, then a decision will have to be made in terms of how that will be funded; this will involve several policy issues that will have to be examined by Members of the Legislative Assembly as a whole.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I think the *Hansards* will record that I have many times expressed the concern that the budget that has been presented has never really been a realistic budget because of the need—I am going to turn this into a question -- to come back in two to three months to get supplementaries. I understand that the first draft budget which was something like \$30 million over the recurrent revenue, had to be cut down so that there could be a surplus.

Can the Honourable Member state how he intends to bring the budget back to something more realistic and if he is going to do this will this entail having to impose a new area of taxation or increasing the taxation now in place? By taxation, I mean revenue enhancement measures.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** It is likely that could be one of the variables to consider. But in terms of bringing the budget into balance, Mr. Speaker, recommendations will definitely be made by the Portfolio of Finance and Economic Development. But at this point in time, until the budget is looked at for 1999, I think it would be a bit quick to mention exactly what measures will be implemented. Mr. Speaker, we can definitely see from the past track records, not only with past governments and this Government, that it has been a sterling job on the part of any government at any given point in time to achieve the balance and also the successes we have been having with the limited revenue base.

This is not information that is hidden. There [will be] occasions when requests from apartments will have to be cut back. We saw in the last meeting of Finance Committee where certain amounts which were initially removed were reinstated. But we have to be watching this very carefully to see what impact it will have.

In response to an earlier parliamentary question, I have always pointed out that governments—and this has been my experience—have always been reluctant to consider the raising of additional revenue. But when necessary to do so, it is something that is normally done.

The approach that will be taken, Mr. Speaker, will be to look at the position that we are now in; to look at what would be the most prudent approach; to take into consideration that we are in a transition phase at this point in time, and that we are going to an output based budget where this will require greater participation on the part of departments controlling officers. Because it is not a question of coming forward and saying that they would like to increase expenditure by a given amount: they will also have to look at the revenue side. As we continue to refine the process, it will mean that a greater abundance of ideas will emerge and most importantly will be the involvement of the Members of the Legislative Assembly in the process.

#### **SUSPENSION OF STANDING ORDER 23 (7) & (8)**

**The Speaker:** Before continuing with supplementaries, I will entertain a motion for the suspension of Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock.

**Mr. Linford A. Pierson:** Mr. Speaker, I so move the suspension of those Standing Orders.

**The Speaker:** Is there a seconder? The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** I second it.

**The Speaker:** The question is that Standing Order 23 (7) & (8) be suspended so that Question time can go beyond 11 o'clock. Those in favour please say aye. Those against no.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Just to clarify my trend of questioning, and the information I am trying to obtain, I am concerned by the increase in the growth of recurrent expenditure of 11% that seems to be the average annual

increase. And in capital expenditure on an average annual increase of 51%.

Also with the civil service salaries forming some 50% to 53% of recurrent revenue, I am asking if we are to maintain and indeed improve the infrastructural facilities in the Cayman Islands, thus increasing expenditure, can the Honourable Member say, based on past trends, not what he would suspect would happen for the upcoming budget, if he sees any necessity to increase the revenues, the enhancement measures now in place, or whether he is considering any new measures to deal with this annual increase.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, I appreciate the question being raised by the Honourable Member. I know that he's seeking an answer as to what will be a definite position. But we are looking down line into the future where quite a number of variables will have to be considered. It could be a decision to cut back on recurrent expenditure, to hold capital expenditure at a given level; it could also involve having to increase the existing revenue measures; it could be having to look at new revenue measures, but because of the fact that this will involve all of the Members of the Legislative Assembly sitting down with the Ministers of Executive Council, it would be a bit premature at this point in time to give a definite answer. If I attempt to do so, I could be misleading the Honourable Member.

**The Speaker:** These are very important questions, but I will have to limit the supplementaries to two additional. The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just to revisit the chart that was in the answer to the substantive question, and bearing in mind other answers given by the Honourable Third Official Member, my question then is: Is it safe comment that when we compare 1993 to 1997, and the fact that he has said that the percentage of personal emoluments to recurrent expenditure has maintained about the same level throughout those years; if recurrent expenditure has increased (and if we use 1993 as the base year and go to 1997) almost by 25%, can we then say that personal emoluments while retaining the same percentage have then increased from 1993 to 1997 by almost 25%?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, from information provided, since 1994 we have had a declining increase occurring in the area of recurrent expenditure. And when I say declining increase, I will say why. Let's say for example in 1993 it was 25 percent, in 1994 it was 20 percent over 1993... and in 1995... I am just using that as an example to explain what is taking place. It is not something where the increases remain even. But

there are certain factors that I should just mention for the benefit of the Honourable Member. We have to look in terms of what has happened since 1993 up until this point in time.

Since 1993 we have rolled up the Financial Services Department into the Monetary Authority. This has incurred a reasonable amount of capital expenditure, and a significant amount of recurrent expenditure. This is a contribution that is being made by the Government to that organisation. But we know that the revenue flows on the other hand have been increasing.

We have also increased the number of staff within the Registrar General's department. We have put in place the Stock Exchange. The Third Elected Member for George Town brought out the question this morning as to why there was a loss of half a million dollars and that had to be funded by recurrent revenue. But while this growth is taking place in expenditure, it is also bringing in the corresponding increase in revenue. We have now positioned our financial industry, and also the tourism industry, where it can be seen, especially on the side of the financial industry we have institutions in place that are providing the necessary regulatory services. This comes at a cost.

When we are looked at from the outside, we are seen as a leading jurisdiction. It is because international investors can come to the Cayman Islands with a certain level of confidence knowing that there is a certain level of scrutiny being provided to the international services that are provided.

As we continue to expand these services, and refine the infrastructure of the Cayman Islands, this comes at a cost. But we do recognise that we will have to look in terms of the revenue areas, and determine whether what is being obtained—in terms of the corresponding flow back into general revenue -- is reasonable. And that is what we are now sitting down to do and will flow from the exercise the fiscal reform initiative that is now under way.

**The Speaker:** The First Elected Member for George Town, the final supplementary.

**Mr. D Kurt Tibbetts:** Thank you. Through you, Mr. Speaker, I wish to thank the Honourable Third Official Member for taking the time to give all the explanations. I do appreciate that. However, I would still like an answer to the question I asked.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, I thought I gave the answer ... The Honourable Member wanted to find out if the increase in personal emoluments has remained consistent over the period, at 25 percent. Mr. Speaker, may I ask the Member to please restate his question?

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I will attempt to explain. If you look on the chart that was given with the answer, the chart shows that from 1993 (using that as a base year), to 1997 (inclusive) that recurrent expenditure increased by almost 25 percent. In a previous answer to a supplementary question the Honourable Third Official Member stated that personal emoluments have by way of percentage remained pretty consistent over those years.

So I am saying: If we use 1993 as the base year through to 1997, that recurrent expenditure increased by 25 percent and personal emoluments retained the same pace throughout, is it fair comment to say that the personal emoluments increased from 1993 to 1997 by 25 percent?

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** The answer is no. The percentage of recurrent expenditure that is being taken up by way of salaries has been declining since 1994.

**Mr. D Kurt Tibbetts:** I know—

**The Speaker:** The First Elected Member for George Town, since you asked the same question twice—

**Mr. D Kurt Tibbetts:** Not only that, sir, I know that we need to move on. However, I need to get this clear if you don't mind. I understand what the Honourable Member just said, but if that is the case, then perhaps we need to change the answer whereby we are saying that personal emoluments have retained over the last five years basically the same percentage of recurrent expenditure.

If recurrent expenditure has gone up by 25% in five years, and personal emoluments have retained the same percentage of that, then it should follow. I am not saying that what the Member is saying is not so, I am just asking for that area to be clarified.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** If the Honourable Member will recall what I said, firstly, I prefaced my answer by saying that I did not have the exact figures on hand. I said they could be between 50 percent to 53 percent; this would take into account a declining factor.

The Honourable Member should also bear in mind that what would impact upon recurrent expenditure prior to.... It should also be borne in mind that the Hospital which at one point in time was a statutory authority, was brought back in as a department of Government. This would also affect recurrent expenditure. Previously the amount of money that was going out was shown as a grant. Since it has been brought back in... and as we know, the Hospital carries a considerable amount of re-

current expenditure and also a significant component of that would have to do with salaries to staff members.

**The Speaker:** We will now move on to question 149, standing in the name of the First Elected Member for West Bay.

**DEFERRAL OF QUESTIONS NOS. 149 AND 150  
Standing Order 23(5)**

**Mr. W McKeeva Bush:** I have an understanding with the Minister for Health that questions 149 and 150 will be answered on Wednesday.

**The Speaker:** Okay, then, in accordance with Standing Order 23(5)—The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** That's what I was going to do, Mr. Speaker. I beg the suspension of Standing Order 23(5) for these two questions to be deferred until a later date in this meeting, specifically Wednesday.

**The Speaker:** The question is the suspension of Standing Order 23 (5) for these two questions to be deferred until a later sitting. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: QUESTIONS NOS. 149 AND 150  
DEFERRED UNTIL A LATER SITTING.**

**The Speaker:** Moving on to question 151, standing in the name of the First Elected Member for West Bay.

**QUESTION 151**

**No. 151: Mr. W McKeeva Bush** asked the Honourable Minister responsible for Tourism, Commerce and Transport to give an indication of what income-bracket tourists are being targeted by the Government's tourism advertising policy.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The current advertising policy targets the affluent upscale warm weather visitors who earn in excess of US\$75,000 per annum per household.

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wonder if the Honourable Minister is in a position to give an indication of the percentage of contribution to our GDP, or to revenue from those tourists who overnight, as compared to the tourists who arrive on cruise ships?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I do not have the statistics in front of me but from memory I can say that the contribution of visitors who arrive by air is in the range of \$350 million, and the contribution of visitors who arrive by cruise ship is in the range of \$20 million.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wonder if the Honourable Minister could further say if the revenue received from tourism—since our economy is divided into two parts, financial and tourism—whether that is inter-linked, and whether the downturn in one could affect the other.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I think there are substantial linkages between the financial industry operations and those who come to carry out business whether to attend board of directors' meetings or to visit their operation in the Cayman Islands. Some time ago ... and I don't believe that this is an actual figure, but a figure that has been used rather loosely is that 30% to 40% of the visitors who arrive by air are business-connected. Obviously any downturn in any one of those sectors, or the pillars of our economy, tourism and financial industry, will affect the other.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** In the original answer the Minister mentioned that the current advertising targets the affluent, up-scale, warm weather visitors who earn in excess of US\$75,000 per annum per household. I wonder if the Honourable Minister can say whether or not they have been able to monitor the effectiveness of this particular policy in regard to the up-scale visitor?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The Department of Tourism on an annual basis carries out an airport exit survey in which the person who is conducting the survey asks a variety of questions to departing passengers who arrived by air at Owen Roberts International Airport. Recently they have also been working in Cayman Brac.

As a result of the number of questions answered by visitors, we can certainly say that the statistics bear out



that the Cayman Islands has a reception by visitors that is difficult to be equalled by any other country in the Caribbean and perhaps even the world. We have statistics that show that the Cayman Islands is doing well in terms of the visitors it is attracting. But obviously we have both the bitter and the sweet because on a number of occasions the visitors do have unpleasant incidents which happen at a meal or anything of that sort. That too comes out in the survey, so it is not always loaded with the sweet.

In addition, the results of the survey also bear out that a great percentage of persons visiting the Cayman Islands are university graduates, professional people and people in that upper echelon that the Member referred to in his supplementary question.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries, the next question is 152, standing in the name of the Member for North Side.

#### QUESTION 152

**No. 152: Mrs. Edna Moyle** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs to state how many hours per day and days per week is the North Side Police Station manned.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

#### DEFERRAL OF QUESTION NO. 152 Standing Order 23(5)

**Hon. Donovan Ebanks:** In accordance with

**The Speaker:** The question is the suspension of Standing Order 23(5) to defer question 152 until Wednesday. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: QUESTION NO. 152 DEFERRED UNTIL WEDNESDAY'S SITTING.**

**The Speaker:** Moving on to question 153, standing in the name of the Third Elected Member for West Bay.

#### QUESTION 153

**No. 153: Mr. John D. Jefferson, Jr.** asked the Honourable Minister responsible for Tourism, Commerce and Transport to provide details on the number of staff of the Department of Tourism, (locally and overseas) who have resigned, were terminated or have left through transfer to other Government Departments since January 1993.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

#### DEFERRAL OF QUESTION NO. 153 Standing Order 23(5)

**Hon. Thomas C. Jefferson:** Regrettably the computer operating in the Department of Tourism is down this morning and unable to produce the data required to answer this question, but I undertake to answer it on Wednesday.

**The Speaker:** Do you want to defer it?

**Hon. Thomas C. Jefferson:** I ask that it be deferred until Wednesday.

**The Speaker:** The question is that under Standing Order 23(5) this question be deferred. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

#### AGREED. QUESTION NO. 153 DEFERRED

**The Speaker:** Moving on to question 154, standing in the name of the First Elected Member for George Town.

#### QUESTION 154

**No. 154: Mr. D Kurt Tibbetts** asked the Honourable Minister responsible for Tourism, Commerce and Transport to give an update on the proposed installation of permanent moorings in the George Town harbour.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The Port Authority, in its deliberations on the damage to the Finger Pier at the George Town dock and its discussions with the cruise-lines, decided to give priority to enhance the ability of the Port Authority to deal effectively with the growth of cargo and passengers over the next 15 to 20 years. It therefore decided to proceed with the extension of the George Town facility as a priority over the installation of permanent moorings.

The installation of permanent moorings continue to be discussed with cruise line officials at the technical level and further discussions will be required prior to finalising plans for their installation.

#### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if the decision still remains that these permanent moorings will be installed, or whether there may be some re-thinking on that based on other factors which have come into play?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The answer to that supplementary is that the installation of permanent moorings may happen or it may not happen given the present discussions with the cruise line. When we've gotten to the technical stage of the discussion, it appears that there are some concerns being raised by cruise lines that will require further discussion before we can finalise it one way or the other.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Can the Honourable Minister say whether it was intended that the extension of the Finger Pier could accommodate cruise lines?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The Finger Pier has obviously been damaged. We decided not to use a band-aid approach and to repair it. We do know that it is inadequate to deal with the size of the ships that call at George Town on a weekly basis.

The decision was taken to extend the Finger Pier with a view to providing facilities for the people of this country for the next 15 to 20 years which will also allow the Port Authority to efficiently deal with cargo distribution within this country.

The Finger Pier will have a length of 360 feet and will be 120 feet wide. It will allow us to take alongside on the north side of the Finger Pier the ship, which I think is *Morrant Bay*, very easily. It will also allow two ships on the south side: The one nearest the land will need to have a low draught (maybe the barge that plies between Grand Cayman and Little Cayman), and the second ship which would be behind that. So, given that kind of configuration the Port Authority would be in the position to discharge three ships simultaneously.

I need to go on to say that the draught at the end of the day alongside the dock will be inadequate to deal with the cruise ships coming alongside unless it is a special little boat that draws little draught.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say why, if the establishment of permanent moorings was a priority in the National Team's manifesto, it has now

come to the background of priorities for the National Team Government?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I think we all, as politicians, should understand that a manifesto is what you expect to do. When you move on to implementation there are many variables that can change your mind about the priority—one of those priorities being if your Finger Pier is damaged it is the heart and soul and entrance to the Cayman Islands of goods and services. It seems to me that that is more important at this particular stage than moving on with permanent moorings. So, if we are going to spend \$8 million to deal with the Finger Pier I believe that that is more important than dealing with permanent moorings at the present time and we will try to sort out what in essence happened with the installation of permanent moorings.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** The opinion of the Minister is con-  
soling. I would like to ask if there has been on the other hand any information which deals with the permanent moorings -- if they have taken a second position in regard to priorities, and if in fact the extension of the pier has taken [the] priority, what type of scientific information has been made available to the Minister to suggest that this should happen from the point of view of what is happening to the marine environment?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** We employed, and I think we have gone over this first bit with Members of the Legislative Assembly, consultants to help us to decide on the installation of permanent moorings and where exactly they would be placed. The answer came back that they should be placed almost exactly where they are anchoring today, one, two and three, starting from the north coming south, which the second one would be almost directly across from the Port building, and the third a little bit to the left if you were looking out to sea. The fourth buoy would be somewhere in the area of Eden Rock, a little bit further south.

The recommendation that came back from the consultants recommended single point mooring where you bore down through the ocean floor 30' to 40' and you then put a concrete slab on top of that connected by angle iron and you would attach your mooring buoy to it.

When we talk about cruise lines the officials in the office obviously have a view: the captain is the primary person to decide whether he is going to use the buoy or not. We want to be sure that if we are going to spend \$6 million to put down permanent moorings that they are going to be used.

Secondly, on various occasions the cruise ships come into the harbour and deploy both anchors at the bow. That is what the captains would like to have. If four permanent moorings are going to cost in the range of \$6 million, what is the price it will cost if we have to do eight?

That is the concern we have, and we have to work this out with the cruise lines. If it is decided that they wish to have eight buoys rather than four, I believe we are going to reach the point where Government will have to take the decision that that is prohibitive in terms of what to do.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** In the substantive answer the Minister said that the priority is to enhance the ability of the Port Authority to deal effectively with the growth of cargo and passengers over the next 15 to 20 years. Is it then the view of Government or the Port Authority to deal effectively with cruise ships coming alongside? Is this what he is talking about? At least in their vision for the next 15 to 20 years?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I think I can follow up my reply to the Fourth Elected Member for George Town by saying to the First Elected Member for West Bay -- and given that we are asking the question, What will be the total cost of deploying eight buoys instead of four, if four cost \$6 million? We have a decision to take whether it is going to cost almost the same amount to do a dock which would be used by a cruise ship. I think that is the decision we have to take before we deal with the installation of permanent moorings.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Just this final supplementary. We know that we have an environmental impact fee in regard to the cruise ships. That was definitely one of the revenue enhancement measures done back in 1996. What is being done with this money? Could not some of this money be put into a fund to see that something is done in the area being used by the cruise ships since a substantial amount of this money is coming from cruise ship passengers? Has the Minister considered this an alternative to saying that it is too expensive, or that we need to do something more important since consideration for the environment is what the tourists are paying for and what people thought the tax was for?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The environmental fund that was created where these payments by cruise line are put into a separate account, it was from that fund that we would help to repay the cost of installation of perma-

nent moorings. If we take the decision—and this is not a Government decision, I am just talking off my own back—to install one or two permanent moorings in Spotts rather than in George Town, then I believe the funds from the environmental fund could be used for that purpose. I am just giving that as a possible answer to the Fourth Elected Member for George Town.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I believe that the Honourable Minister responsible for Tourism, Commerce and Transport in answering supplementaries stated that the cost to install four of the permanent moorings was something like \$6 million. I am not sure whether he stated that this cost could not be easily recouped or whether he said that there were revenue enhancement methods in consideration to try to recoup that cost. I wonder if he could clarify this particular situation.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The recouping of that cost is the reason why the funds are being taken from the environmental fund. We increased the fee paid by the cruise lines for their passengers which would assist us environmentally with the installation of permanent moorings. Although the Port is authorised to borrow the loan, the Government has given an undertaking that it would service the loan from the environmental fund which is contributed to by the cruise lines by additional tax.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Slightly off that subject, can the Honourable Minister say, considering the area now used by the cruise ship for mooring is considered a sacrificed area, whether the consultants who were employed were given a term of reference to consider any form of alternative docking facilities and whether any revenue enhancement measures were considered for that alternative so as to make it cost effective?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The honest answer is that we were concentrating on George Town. Therefore there was no reference to other areas. There is always the possibility to add other areas to it.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Just to clear up the supplementary: The information I was trying to solicit from the Minister was whether any consideration had been given

to an alternative form of docking facilities, i.e., as to opposed to moorings whether any dockside facilities were being considered in view of the configuration now being given to the docking facilities, and if so, whether this might be considered cost effective.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I guess I could ask the Third Elected Member for George Town if he conducted such a proposal. But that would not be my style. [inaudible interjections]

This subject is not new. The installation of permanent moorings in George Town has been talked about for the last ten to fifteen years. The present Government decided to move forward to understand how it could actually install these permanent moorings in an effort to assist the marine environment, realising of course that the marine environment in George Town, although it is a marine park, is also a port, and all sorts of activities go on within it.

What we hoped to achieve was to cause the marine environment to return to something beautiful in a number of years. In that particular movement, we also received a Master Port Development plan which we were attempting to follow. It also speaks to the installation of permanent moorings. It also speaks to the construction of a cruise ship dock.

But one of the things my father always told me, and he likened it this way, "Never put your hat where you can't reach it." Financially, I think it is wise to do that. It is important that we deal with one matter at a time, taking into consideration that the Port and its borrowing and the enhancement of the dock facility in George Town is the priority at this particular time. As we move down the road, obviously cruise ship docking will become an item which this Government, or some future Government, will have to consider before too long.

**The Speaker:** One final supplementary. The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** The Honourable Minister, having given that lengthy answer, I wonder if he could basically answer my supplementary by stating whether consideration was given to an alternative method during this study. That was my supplementary.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** As I understand it, the consultants who were looking at the master port development project over the ten-year period did consider a variety of alternatives.

**The Speaker:** This concludes Question Time for this morning. Proceedings are suspended for 15 minutes.

## PROCEEDINGS SUSPENDED AT 11.46 PM

## PROCEEDINGS RESUMED AT 12.27 PM

**The Speaker:** Please be seated. Proceedings are resumed. Item number 4 on today's Order Paper, Other Business, Private Members' Motions. Private Member's Motion No. 17/98, Proposed Ritz-Carlton Hotel West Bay Road to be moved by the Fourth Elected Member for George Town.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 17/98

#### PROPOSED RITZ-CARLTON HOTEL WEST BAY ROAD

**Dr. Frank McField:** I beg to move Private Member's Motion No. 17/98:

**"WHEREAS on 17th July, 1998, the Honourable Minister responsible for Agriculture, Environment, Communications and Works laid on the Table of this Honourable House papers proposing to extend the present lease of Block 12C, Parcel 215; Block 12C, Parcel 11; and Block 12C, Parcel 216, in the West Bay Section of Grand Cayman and to allow entities to develop these Crown lands;**

**"BE IT NOW THEREFORE RESOLVED THAT the report laid on the Table by the Honourable Minister responsible for Agriculture, Environment, Communications and Works on 17th July, 1998, concerning Government's proposal to grant permission to these entities to utilise Crown Lands, namely Block 12C, Parcel 215; Block 12C, Parcel 11; and Block 12C, Parcel 216, in the West Bay Section of Grand Cayman, for the development of a Ritz Carlton, be rejected;**

**"AND BE IT FURTHER RESOLVED THAT the entities be granted permission to demolish the present Holiday Inn hotel and construct another HOTEL only on Block 12C, Parcel 11, on which it presently stands;**

**"AND BE IT FURTHER RESOLVED THAT the Government exercises its power under section 33 of the Development and Planning Law (1995 Revision) to acquire that portion of the properties designated as Public Open Space under the Development Plan 1997 and assign this said property to the National Trust of the Cayman Islands.**

**"AND BE IT FURTHER RESOLVED THAT the Government assign to the National Trust all that undeveloped land as identified above, to take effect on the expiry of the present lease, to be held undisturbed on behalf of the people of the Cayman Islands in perpetuity;"**

**The Speaker:** Is there a seconder? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I respectfully beg to second the motion.

**The Speaker:** Private Member's Motion No. 17/98 having been duly moved and seconded is now open for debate. The Fourth Elected Member for George Town.

**Dr. Frank McField:** In speaking to this proposal by Government to divest lands belonging to the people of the Cayman Islands, I would first of all like to bring to the attention of this Honourable House the fact that the report as required by the Governor (Vesting of Lands) Law (1998 Revision) was tabled on 17 November 1998 (sic) by the Minister responsible for Agriculture, Environment Communications and Works.

I think it is important also to note that a day before that, this Legislative Assembly had voted a resolution of no confidence in the management and political conduct of the said Minister who laid the following day these papers on the Table of the Legislative Assembly.

**The Speaker:** May I interrupt you for just one moment please? I think the *Hansard* of this House clearly indicates the result of that motion and I would ask that you not deal with that motion. That motion was clearly dealt with, the vote was not taken on confidence. You and I have discussed that and I ask that you not bring that into this debate.

The Fourth Elected Member for George Town, please continue.

**Dr. Frank McField:** Mr. Speaker, in addition to what the Minister laid on the Table of the Legislative Assembly and the memorandum he first laid on the Table on 17 July, it seems that on 29 July 1998 he also laid on the Table of the House some additional information or papers which concern the terms for the lease extension.

The memorandum dated 29 July 1998 reads: "**Subject: Ritz-Carlton Report. This letter is to confirm that the accompanying contract documents are supplied with regards to the report tabled in the Legislative Assembly on 17 July 1998 in connection with the proposed Ritz-Carlton project. These contract documents while not required under law to be included in the report are being submitted in an effort to supply full transparency and disclosure in this matter. I trust that you will be in a position to provide Members with copies of these contract documents along with the substantive report.**"

What is being suggested here is in fact that the additional documents that were supplied ... and there is no list here of the additional documents that were supplied in this memorandum dated 29 July so we really would not be able to know what additional documents are being supplied or what documents were supplied on the 17<sup>th</sup>.

The reason I am mentioning this is because there seems to be an assumption that the documents are being

supplied simply because the Minister is interested in proving the transparency of the deal. Now, I will argue that the

documents that the Minister supplied in addition to those which he supplied on the 17<sup>th</sup> are in fact required by law. I note that one senior Crown Counsel just shook his head to say my interpretation is incorrect. But, it is a point of interpretation here.

Of course, we know it is not a court of Law, but I would assume that somehow when the Government Members get up to argue, that they will in fact be arguing that the concerns of this Legislative Assembly with this disposition of land, should not be with the contractual side of it. Yet I am saying that the contractual side of it has to do with the terms in which we will be giving up this land. So, if we are dealing with the terms of any agreement, definitely the terms of the agreement are going to be important in considering whether or not we go along with the agreement.

I also assume that this debate will not be made very easy because it comes at a time when we find that there is a greater need in this country for Members of the Backbench to distinguish themselves by being opposed to the way in which the National Team Government and the National Team Backbench continue to ignore the wishes of the people.

This mangrove we will be dealing with was part of the land which the Government proposes to dispose of: the land which is directly across from the site where the Holiday Inn was. This land represents some hundred and so acres that will be used to construct condominiums in the area -- 138 acres, that is parcel 215, is the area. I am very concerned about the Government—the National Team Government—and its Backbench desire to destroy this one of the two last areas of undisturbed mangrove in this part of the Cayman Islands. I am very concerned with this.

I have said in my motion that I do not oppose the construction of a hotel on the site in which the Holiday Inn was located. As a matter of fact, my motion says that permission should be granted for the construction of a Ritz-Carlton (or a hotel of that particular calibre) on this particular beach land -- the construction of a hotel only on this particular side. It goes on to say that the destruction of the mangrove on the opposite side of the road should not be encouraged; should not be ratified by the Government, or in this case, by the Legislative Assembly.

My understanding of the Governor (Vesting of Lands) Law, and, of course, not being a lawyer, I would not be able to understand and interpret this particular part of our legislation to the extent that the Government Attorney General and his support staff might be able to interpret it, but I believe that my opinion here is as good as anyone else's, otherwise the exercise of actually having the power to debate this motion in the Legislative Assembly would have no useful purpose, if we cannot at this particular time say no to this Government's proposal

to negate the possibility of this mangrove being destroyed.

Therefore, I believe that the Governor (Vesting of Lands) Law speaks and gives the possibility for the democratic process to function properly, that in this particular sense... like with the dredging motion where we brought policy decisions in dredging when we took it away basically from the executive branch of Government and brought it back to the legislative branch of Government.

So, if I am to anticipate some of the arguments that will attempt to say that we are dealing with policy decisions and that policy decisions should rest in the hands of the five Members of the Executive Council, then I am saying that I don't believe it would make any sense to be discussing this particular situation at this time if the final decision was not in the hands of this Legislative Assembly. If the final decision is in the hands of the Members of the Legislative Assembly the people still have hope.

It is important that all of those persons who have been duly elected by the people of the Cayman Islands listen to the desires and to the suggestions of the people; to listen to the people's concern in regard to this proposal, in regard to the most negative aspects of this proposal being the destruction of 138 acres of undisturbed mangrove across the street from where the Holiday Inn once stood.

The Vision 2008 exercise that was tabled in this Honourable House states clearly that the people of the Cayman Islands do not want to have the mangroves destroyed. On the part of the Vision 2008 priorities that deal with development and environment, it is clearly stated that the people would like to slow the pace of development and better integrate environmental concerns into planning; that the people would like consideration of a temporary moratorium on new development on the Seven Mile Beach. On environment, the people speak clearly that they would like to save the mangroves from being cut down, and that they would like to protect the North Sound.

So it will be pretty hard for the Government today, tomorrow, or Wednesday when they make their final decisions. It will be very hard for Members in this Legislative Assembly, Backbenchers of the National Team and others, to say that they do not know what the people want in regard to this particular proposal from the National Team Government.

All Members have had access to this document because it was tabled in this Honourable House by the Leader of Government Business, the Honourable Minister responsible for Education, Aviation and Planning. We all know that this survey was recently done. We all know that the voice of the people should be stronger than the voice of a few; that the voice of 15 Elected Members of this Legislative Assembly should in this case not supersede in terms of importance the voices of the great majority of Caymanian people and other people who are saying that the mangroves are important to their environment and to the economy of the Cayman Islands.

If the National Team Government is willing to dispose of this piece of Crown Land -- this piece of land belonging to the people of the Cayman Islands—so that the trees can be cut down, and the mangroves can be cut down in defiance of the will of the people of this country, then how are they going to tell Mr. Bob Dart later on that he cannot destroy the last remaining patch of undisturbed mangrove in this particular area? We should lead by example. Are we then saying that what we are doing will just cut and engineer ways for Mr. Bob Dart to get his project through? And that we in this island of Grand Cayman will be stuck with two big developments of this magnitude happening at the same time?

The people are lost already. They cannot find their way. They are fast becoming strangers in their own homeland. Yet the Government of these islands -- the National Team Government—and its Backbench supporters continue to do things that will alienate the people more and more from what belongs to them—their cultural heritage and the natural environment that created the kind of maritime community that we are so proud of. Those of us who speak of the Caymanian maritime tradition and how proud it made us, are now so anxious to embrace other traditions that we destroy everything that once supported that tradition.

I find it disturbing that a Government that is now in the second year of a second term, a Government that has gotten so much confidence from the people in the 1992 and 1996 elections, a Government that I was very much in sympathy with when I ran, and when I was elected, and when I came in here voted along with them in terms of raising revenue measures in this Legislative Assembly because I believed them. I believed that they were for the best interest of the people and that they were listening to the people. But I have come to the conclusion that they do not listen to the people and that I would be ill-advised if I did not scrutinise everything they brought to this Legislative Assembly that was of major importance in regard to the type of effects it would have on other aspects of our Caymanian society. A project of this magnitude is not the same as voting on a moratorium for liquor licences for West Bay.

Of course it is important that we have this. Of course it is important that the Government cooperates and shows its ability to recognise the need for the moratorium. But it is even more important for the Government to vote in such a way, or to behave in such a way to show its support for maintaining the mangroves because the people want the mangroves to be maintained. If the mangroves are maintained it would not mean economic destruction for the Cayman Islands, it would not mean that things would slow [down]—not in this particular case—because everybody knows that we have a very buoyant economy at present. Everybody wanting to work finds work at the moment. So who are we developing for?

What I have said about Mr. Bob Dart's entry into the scene applying for permission to dredge for Cayman Shores [is that he is] following the exact pattern of the Ryan group in doing stage applications rather than coming out and saying *'This is my master plan, this is what I*

want, *this is what I need.*' But, no, they apply for a little piece here and a little piece there, and once they expand and have their foot in the door they know they can go further and further. It is interesting that at this particular time we would get this request to dredge, to excavate, to rip out of the bowels of our country the trees that give us life and godliness. I continue to believe that there is a conspiracy which goes on, which allows these things to happen. They are planned because when you look at one action and look at the other action you know there is a plan of how to get things done.

The will of the people is the Constitution of a country, not the will of the politicians. I am hoping that the people will speak loud now, tomorrow, and in the year 2000 about their disobedient servants: the Members of this Legislative Assembly. The people need to speak loudly because a servant cannot follow the instructions of the master unless the master gives those instructions loud enough, and clear enough so that the servants will know the master's bidding. I think that the people of the Cayman Islands have made their wishes quite clear in Vision 2008 in this particular exercise.

Mr. Speaker, there is a lot to be said.

**The Speaker:** When you reach a convenient point where we could break for lunch, would you advise me please?

**Dr. Frank McField:** Mr. Speaker, I can break for lunch now.

**The Speaker:** I don't want to break your train of thought. So, if this is convenient we shall suspend until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 12.55 PM

#### PROCEEDINGS RESUMED AT 2.15 PM

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Thank you, Mr. Speaker. Before we suspended for lunch, I was trying to outline why I have brought this Private Member's motion to say no to the proposed extension to 99 years for a lease that would allow certain entities to be able to develop the lands mainly across the road from the present site of the Holiday Inn. Because, Mr. Speaker, of the importance of this area of mangroves I am of the opinion that the Government is making a decision that is detrimental to public good and public interest and is contrary to public opinion.

I stated in fact that if Government goes ahead and extends the lease allowing the destruction of the mangroves directly across the street from the Holiday Inn which is some 138 acres of undisturbed mangroves, that this is a clear indication that the Government in its own example is giving some type of [approval] to Mr. Ken Dart to do a similar development in one of the last remaining areas of undisturbed mangroves in this same vicinity of George Town.

Mr. Speaker, if the Government is not sensitive enough to the importance of the mangrove let me in an attempt to gain their support for this motion, read briefly some of the importance, or significance of the mangrove.

**"The mangrove are known to play a role in rain-fall, ground water resources, agriculture, long term climate change, tourism, recreation and economically important wildlife. It is an integral part of our North Sound ecosystem which depends on nutrients from the mangrove in order to carry out its function as the breeding ground and nursery for marine life. The North Sound in turn supports recreational and traditional fisheries and economically important ecotourism industry."**

Mr. Speaker, in September of 1992, just a few months before the National Team came to power, a Ten-Year Development Plan for 1992-2002 was presented to the Portfolio of Tourism, Aviation and Trade. This report correctly stated: **"There is a lack of a method of placing a reasonable value on the environment. Since at the individual level no one really owns the environment, it has not been given true market value. We care more about the environment we own than the environment that is collectively ours."**

**"There is a lack of understanding of how development is fully linked to the environment. For example, it will be necessary to link tourism growth and development to the caring capacity of dive sites."**

**"There is a lack of understanding of how the environment is linked and in fact is essential to tourism. These and other reasons often prevent real action in environmental protection and enhancement strategies are needed to address these barriers."**

This recommended the continuation of the Seven Mile Beach moratorium until the environmental issues were addressed. The National Team Minister for Tourism did not actually follow these recommendations, in fact, the National Team Government actively encouraged the development of the Westin Hotel while downplaying environmental initiatives.

So, what we have here is the fact that as early as 1992 when the Tourism Development Plan was given to the Ministry for Tourism, we had a document paid for by the people of the Cayman Islands to give them an idea as to how they could best continue their economic development without destroying their cultural heritage and their environment. It says clearly that one of the suggestions was the fact that the moratorium which was in effect at that particular time on the building of hotels along the Seven Mile Beach area be continued.

The Government that came into power not only removed that moratorium by allowing the Westin Hotel to be built, but the Government continued, it appears to not follow the advice of this recommendation in that it did not see the commissioning of an environmental impact study necessary for the creation of sound environmental enhancement policies. So even when we come to the issue of dredging in the North Sound there is still no environmental impact study that is available to legislators and

members of the general public in order to make an intelligent and an informed decision as to the pros and cons of certain destruction of ecologically sensitive assets or resources.

It is important that we also note that in this particular tourism study the presentation took account of what it [considers] to be the importance of the Cayman Islands as a distinct destination. It says:

**“It is essential, absolutely critical, for it to be recognised that substantial tourism development is a matter of the quality of the experience offered and the position to be secured in the market place. Cayman is not Nassau, it is not Las Vegas, it is not Miami, it must build its product on the basis of quality, on the basis of protecting and enhancing the natural and cultural environment that tourists come to enjoy.**

**“One has only to look at what memories and experiences tourists seek, one only has to look at the mistakes elsewhere to see how Cayman’s attraction to tourists could be lost by not paying attention to the environment. The uniqueness of the Cayman identity cannot be allowed to become ordinary, tourists will go elsewhere.**

**“In summary, the environmental recommendations that relate to tourism for the Cayman Islands include an environmental protection and enhancement leadership role as it relates to tourism and tourism management including a method of placing a reasonable value on the environment.”**

In placing a reasonable value on the environment the question is: Is the Government in this proposal they are making, placing a reasonable value on the environment? It is my opinion that the Government is totally without any kind of idea as to what the real significance of the natural environment, the cultural environment is. In destroying the natural environment, we also destroy the cultural environment.

How can we say that we are interested in protecting Caymanian culture and Caymanian heritage when at the same time we note that the destruction of the natural environment goes to show a lack of us using as a way of making decisions the culture and heritage of the people. In other words, we are not using the value system of Caymanians when we decide to destroy the mangroves that support the North Sound.

That is not using the value system of Caymanians. If we even go to West Bay, we will find that people will tell us the importance of the North Sound and the way the North Sound has supported their social and cultural lives, and has really been the economic basis for their cultural heritage. So to remove the support for their social/cultural heritage would also be an attack against that heritage.

So we cannot have people believing that the destruction of the mangrove is simply a physical destruction. It is a cultural destruction, it is a spiritual destruction, it is a religious instruction, it is a destruction of the total life form of Caymanians... I know that the First Elected Member for West Bay with his interest would laugh at this, but we will get to that as I go along.

The picture I am painting here is that it is no small action for the Government to come and say we are going to destroy one of the last remaining areas of undisturbed mangrove in these Islands. And to do this, not as a result of the fact that the Cayman Islands’ people are desirous of having a project of this nature take place at this particular time, but to do so simply because an investor has come into the islands and approached certain persons in regard to the possibility of this project happening.

So what initiates this decision is not the desire of the Cayman Islands people, nor the consciousness of the Cayman Islands Government to better the standard of living for Caymanians, but the fact that an investor has come into this Island with a whole view of bettering his own life and the lives of his children.

It is important from the beginning, the catalyst, what causes this particular proposal to be debated in this country. What has caused it to come this far? Not the hunger of the Cayman Islands’ people, not the needs of the Cayman Islands’ people, not the wishes of the Cayman Islands’ people, not the opinions of the Cayman Islands’ people.

What type of country are we living in where one man who does not come from among us, can come and say, *‘I would like this to happen’* and all of a sudden he has access to the door, and to this office; to this person; to this board; access to this and that; he can get things done in this country; he can move mountains and create wonders that Caymanians themselves would wish were possible to do, or that some of their elected representatives could do in representing them?

Money? Is that it? Is this about money? Whose wealth is it about? Individual wealth? Private wealth? Public wealth? What is it about? What started the ball rolling eighteen months or so ago? What caused there to be such a great interest in this project when, for instance, Mr. Ken Dart had already sometime ago laid out to certain Members of the Legislative Assembly and Ministers his idea of doing a similar project? Of using the other piece of undisturbed mangrove on this West Bay peninsula to create a 200 acre development—a similar concept.

From the time the people heard about this idea they said, *‘No, we don’t want this in the Cayman Islands, we don’t need it right now, we believe that that physical destruction of the mangrove, that the creation of this physical jungle, that at the moment this would make us really strangers in our own country and would bring in so many different people so many different ways of life, it would bring in so many different values and ideas an interests that at the end of the day we would not be able to manage and hold on to those values that are sacred to the Caymanian people.’*

The people spoke about that. The Tourism study done in 1992 gave us an idea that if we continued to not plan tourism with thinking in terms of the tourist’s experience which means the experience the tourists get from the people, get from the environment resembling the people and what the people had traditionally that we might be losing at the end of the day.



The Vision 2008 exercise tells us again that this idea is not a popular idea among the people, yet the government has been seen to be rushing in here one day before the Parliament closed on 17 July, before we adjourned that particular sitting, to be able to table this in order to get this particular legislation through in order to be able to meet the requirement of this particular Governor (Vesting of Lands) Law. I wish that I could get the Government of this country to move as fast to support me in what I am trying to do for the people of this country as the Government of this country has moved to support this particular developer.

We have the SafeHaven project... If we look at the Yacht Club project and read all of the promises – all that they were going to do there at the Cayman Islands Yacht Club, and look at it -- maybe we should suspend and take a look around. Maybe that is what legislators need to do if they are not familiar with the way in which their natural resources have been mutilated, mutilated, mutilated!

Mr. Speaker, we go to SafeHaven, we go to the Yacht Club, we go to Salt Creek, we go up to Rackley's Canal, go up there by the Lions Centre, whatever that is called now that big development there, we would go and see that our soil is bear. It reminds me of what one poet said, "We must build our lands to stay that in departing we will not leave behind soil which has washed away. When our sons assume the mortgage on this land that's had our toil, they will not have to ask the question *'Here's the land but where's the soil?'*"

Mr. Speaker, where is the substance? Where's the earth that belongs to the people who have inhabited these islands for a very long time? Where are our spirits supposed to go? Where are they supposed to dwell in this earthly place?

We do not need another mutilation of the Cayman Islands. We can wait. If it must happen we can wait a bit longer. There was no desire on the part of the people. The desire came from elsewhere. They went to the Government, or they went to certain Members and said, *'We'd like to do this, and these are the terms we'd like to have; and if you give us this, we'll give you this.'* You know, this is. . . . Who is this person? Who is this person who can come and order our Government to sit? Because the Government has to sit with this person in order to do something that is absolutely necessary for the people of the Cayman Islands? No. The Government had better business to do than that.

We need to look at the fact that if the Government takes our land and extends the lease for 99 years, and the Ryan developers or other entities are able to destroy the mangrove to build a golf course and over 300 condominiums on that particular side near the North Sound, if they are able to do that, if we are allowing that on land that belonged to the people, on land that has not been alienated from the people, what do we say about land that was in private hands? Land that is in private hands—the 200 or so acres that Mr. Ken Dart would like to develop.

We have to look at these two things together. We have to understand that if we set a precedent now by

taking the people's land and mutilating it, when somebody else who has invested in this country comes to do it, it is going to be very difficult for the Government to say no. When you vote on this, you are voting for both projects.

Those that are for this proposal are for both proposals. It will be very difficult to convince people in the year 2000 that any difference was meant. It is important to see the interconnection between things. So, I would like for the Government to withdraw their proposal. I would like for the Government to listen to the voices of its people. I would like for the Government to follow the direction of the people and say no to this proposal.

I know that the proposal has come from the Executive Council in regard to the extension of the lease. I understand that Executive Council in terms of collective responsibility has already decided that the five Members elected by this Parliament to be Members of Executive Council have in fact made a decision. I would believe that there is no reason why the Official Members should have any particular interest in this project.

So like everything else, whatever decision is made by the Governor in Council it is a political decision because the majority of the persons making the decisions are Elected Members. So it is the Elected Members who we must hold accountable for this destruction when it happens, if it happens, if they allow it to happen. We must begin to send them a message as to what the price will be for this because the people must charge them a price for not listening to the concerns and opinions of the people in regard to this very important issue.

I believe that we don't live in a dictatorship. I believe, and I have come in here before and felt that I somehow have helped the Government to make the right decision. I believe with my faith that I can help the Government again to make a very important decision by causing them to see the flaw in not listening to the people.

We all know, because we all had access to the Vision 2008 exercise that the priorities of the people have [inaudible --spoke away from microphone]. People were questioning the rate of development and the question was *'Over the past ten years do you think the rate of development in the Cayman Islands has been too fast, too slow, or have the Cayman Islands been developed at the right pace?'* Among all respondents, 74% felt that the Cayman Islands had developed too fast.

The exercise is: Who can win an election in the year 2000? Let us look politically at this. Who is going to win an election against 74%? Some people might say, *'Oh, they weren't Caymanians.'* Who knows who said it? But I bet you that Caymanians believe that there is no urgent need at this time to destroy those two remaining patches of mangrove on the West Bay peninsula. I believe that older Caymanians also know the importance of those mangroves to sustaining the marine life that we need in order to attract tourists. So, let us not laugh. Seventy-four per cent know that development has been very important to them and their families, yet they are saying that it has

been too fast over the last ten years. I think that is a good message.

Now, in regard to the rate of development, the question was "Do you think the rate at which the Cayman Islands is being developed should be controlled and regulated, or should it be allowed to continue as it has in the past?" Among all respondents 90% said controlled and regulated. This is a clear message.

Now we don't have to be stubborn like the Dignity Government between 1988 and 1992 when there was a question about the hospital. They said, *'I will do it! I'm the Government.'* We don't have to be that way. The Government doesn't have to have that attitude because we know from example what the people will then do if we do what the people don't want us to do: The people will [say] "Out!"

I could have come and said to myself, like some politicians like to do, *'Oh, let's hide this from the Government. Let's not tell the Government how the people feel because then the Government will make a mistake and get voted out and then we'll get voted in.'* But I am not that kind of person. I come here and I share all the information with you, just as I share the information with the people, so that you can know.

Of course we know that you had access to the same information, but in case people did not have the time ... because I know that Ministers are very busy with their jobs.

I am a full-time MLA, I sit in my office from 8.30 in the morning. I have time to read and research these things. So I have had a [chance] to look through and I would just like to bring to the attention of Ministers in particular that the people are against this project.

I have said that the people are against this project because of the ecological reasons. I also think the people are against the project because they realise that development has been just too fast.

Now, another important point: If development is supposed to continue at a growth of 7% per annum, this increased growth, it would mean that by the year 2008 when this exercise is supposed to be terminated, that we will have 80,000 people living on these islands according to some estimates. And then in another ten years it would be 160,000 people.

So we are not just changing the mangroves and destroying the mangroves, we are changing and destroying the Caymanians. Every Caymanian must realise that every time this destruction takes place it is a destruction that is taking place in regard to Caymanians as well.

Now, I have stayed away a bit from the whole idea of the Ritz-Carlton Hotel simply because I don't necessarily want to challenge the idea of establishing a five-star hotel. But I would say too that if we did establish a five-star hotel because our people needed jobs... and when we look at the statistics we find that in this particular employment in the restaurant and hotel sector that we have a total of 1,206 Caymanians in the hotel/condo and restaurant employment.

So between the hotels the condos and the restaurants we have 1,206 Caymanians. Okay? Now the em-

ployed work force (and this was done in 1996) was 19,310 and out of that 19,310 we had 1,202 (sic) Caymanians employed between the hotels the condos and the restaurants. Do we really need to create more jobs in the area of hotels and condos and restaurants? Do we really need more jobs? For whom?

What will the Government say? Will it say, *'Well, we have to look down the line'*? Whose line? Down the lining in pockets? There is no basis for anyone to argue that this particular project is of economic importance to the Cayman Islands. Of course, the Financial Secretary who likes to collect duties on imported goods might argue. We have a system whereby we survive from cash—we take cash in and we spend cash just like the common labourer. Basically Government runs just like the common labourer runs his household. I make \$250 this week, I spend \$250. Well, Government being Government it can borrow a little bit more than the common labourer. So Government actually borrows. But not only does Government spend all the cash Government takes in, but Government also becomes more and more indebted as we can see each year.

What do we say then? Government will always need money. Why? Because Government does not want to take the same kind of discipline that we encourage our citizens to take—save a little money, do without debts, live according to your means, don't always go out there and do things that you don't have the money to pay for. That is what we tell our citizens, but when it comes to Government we say, *'Let's go out and build a civic centre here and a sports club there, and pay for this tourism meeting here, and this airline subsidy here, and do this there, and do this here.'* At the end of the day when we run out of money, we go to the people and we get it. But just think that the people are *taxed to the max*. What we do is we say, *'Let's create another development. Let's destroy some more mangrove, let's encourage them to do this and that.'* And you know where that leads to. When we become dependent upon the whole idea that in order for us to pay for what we need we have to encourage development -- we have been doing that for over twenty years.

What that has established for us is a principle way that Government does not want to be controlled by the fact that its tax base is limited because Government says, *'Well, we can give permission to this, and let him have permission to do that and the other thing'* without any firm policy as to what kind of repercussions the country will have later on—ten years, twenty years from now—when the younger generation is trying to make their lives and establish itself. No consideration! It is so selfish! It is so short-sighted!

It shows such a lack of emotional intelligence when you say, *'Humph, I have to get it now. I have to be satisfied now. I can't wait until tomorrow. I can't leave nothin' for my children or their children. I have to have it all today because I have a system like a fast car—you put gas in it and it burns it up the faster you go.'* Rather than slow the car down, or change the engine size you continue to

want to consume more gas and buy more gas. That is basically the scenario about the Government.

I think there are a lot of us desirous of having change in regard to the monetary and fiscal structure of Government. The Honourable Financial Secretary has attested to this by his initiatives in bringing the people from New Zealand down here to look at ways in which we might reform. But, the whole concept that we can get \$100 million out of stamp duties, transfer duties and import duties out of this Ritz-Carlton deal, is one of the things that I believe is driving the political rationalisation for it. This is only the political public rationalisation for it because, of course there are other rationalisations for it that might perhaps be a little bit more individualistic. But the public rationalisation for it is the need for money.

Governments in the Cayman Islands have always had the need for money, and will always have the need for money especially if we look at how the Financial Secretary answered the question put to him this morning by the Third Elected Member for George Town in regard to Government spending. If we look at what the Third Elected Member was leading to, then we understand the significance of this deal.

Of course, if there is some 50% increase in expenditure on capital projects, such an increase in regard to recurrent expenditure, the Government will need more and more money. After the Ritz-Carlton project is finished, then we'll need the Ken Dart project. When that is finished we will need the other project until we build; until our people are in the sea and out numbered to an extent that it is no longer tolerable; until the desirability of the Cayman Islands begins to decay because of social problems and political unrest and people begin to go and leave this stuff behind as was done in so many other countries.

No, Mr. Speaker, we are too blessed to believe that blessing does not mean that we use our intelligence. *Blessing* means that we are blessed in the sense that we have the sense to be able to distinguish and make choices for ourselves. *Blessed* does not mean that somebody else comes and gives us a little whip every time to do.

No, we have to exercise free will, good judgement and we have to exercise the fact that character is important, sincerity is important. It is important to have a philosophy; to have a world view; to understand that material success is not all. The Bible says that we cannot "*live by bread alone*." We cannot break the laws and break the traditions and expect, because we are getting bread in *Pharaoh's land* that all is well. All is not well: we must abide by certain principles of nature and logic without which society would fall apart and we would be in anarchy and decay.

There is no need for the Government to be actively involved in creating incentives, or creating good terms for any developer to develop hotels and condominiums in the Seven Mile Beach area at this particular time. If the Government were doing the development in North Side, or East End, or if the developer were doing this or the Government were making the concessions for development

in East End or North Side, I might even have a different position -- perhaps a totally different position. But for the development to be taking place where it is, I can only say that this development cannot be good for the people of the Cayman Islands at this particular time and that the Government cannot demonstrate to me that their decision is based upon looking after the interests of the people of the Cayman Islands. So there must be some other *interests* that they are looking after. Maybe we will hear about that as the debate develops.

I am quite sure that there will be some individuals who would like to get in here to make me seem like not only am I stupid, but that I shouldn't be here. Those persons who think I shouldn't be here tend to change according to what I say because everybody takes this thing so personal. When people speak they think that somehow it is being spoken against them. I would also say that I do that sometimes so I am not without blame.

One thing I would like to say, which is a point I brought to your attention, Mr. Speaker, in regard to the Register of Interests. I would just like to say that shortly after I was elected, some persons came to me and said, '*Look, we voted for you. Now we would like to have a house.*' Some people came and said, '*We voted for you, now we would like to have the little swamp that we bought filled.*' Some people came and said, '*We voted for you, we would like to borrow some money.*' There were all kinds of requests for things because people felt that because they supported me by way of votes that they should get something in particular from me.

There are also those persons who believe that because we get political donations from persons... and I looked for political donations because I have a great cause--and it becomes greater each day when I see that some Members of this Honourable House find it difficult to separate public and private interests—I beg money from the public. I have done so in my campaigns. I begged money from companies, individuals, whether or not I am doing boxing, I am trying to do scholarship programmes, or whether or not I am trying to do my TV programmes, or whatever, I solicit money and I genuinely accept money. But nobody is going to buy Frank McField. Nobody is going to say because they support me or vote for me that I should behave in any particular manner other than the manner that I feel is righteous.

So I want to make that clear to those individuals who have found it necessary to fax around copies of my register of interests to general members of the public and to even threaten those members and try to intimidate them.

What I am saying is that all of us have connections. But we do not have to make our connections influence us to that extent. There is a difference between being objective and being subjective about a decision. We can clearly see when someone is being objective and when they are not. They don't have to tell us, we can tell. I can sit down and listen to a conversation and decide from looking at the person's background whether or not that person is being objective in regard to that particular discussion or not.

So, that was one little point that I needed to bring in here because I know how people like to make it appear as if *he too is a Judas*. But, Mr. Speaker, the world needs Daniels, not Judases; there are enough of them! The island here needs a few more Daniels.

In regard to the amount of money that the Government feels is sufficient enough compensation for the extension of this lease to 99 years for all this land, which is US\$6 million (they didn't say CI dollars because that would have been a little less, and that would seem less, so they said US\$6 million), I believe. But we are communicating in our language system and there is no reason why we should not communicate in CI dollars. The developer can pay us in US, but we should communicate to each other in CI dollars. I'm a Caymanian, that's my currency. Speak to me in that language and not in some other language! So there again, I find it unrefined being told that in their contract—or in the Executive Council paper—that they will receive \$6 million US dollars. Very misleading!

So, why is this not enough money? Well, the commission and a valuator, Mr. Speaker—or they had three—one was done by a Government valuator. And Mr. Speaker, this valuation was good for only three months according to the valuator. It really should not be something that—when it was laid on the Table of the Legislative Assembly—that was any more current. My opinion was that it had lapsed at that particular time and that it should never have been tabled as a fulfilment of the Governor (Vesting of Lands) Law. Therefore, I would also like that to be borne in mind so that when the legal minds get up to rebuff my suggestions that they certainly provide me with an explanation as to how, when we are to be formal, we can become so informal.

One of the things that always strikes me as strange, is how Government that is a formal institution can become so informal at times; how things can just be there and you are supposed to know that's the way it is, yet it is a formal institution. I insist on the protocol being followed here and I am saying that when that was placed on the Table it should have been a valid valuation and could not have been a valid valuation if the valuator said it was only valid for three months. So there I think we might have to go back. But I am sure that some of my learned colleagues back here are listening to me and they will pick up on the point, research the point and elaborate the point when they make their contributions.

The valuator says a few strange things. One of the things I think he is trying to say is that he doesn't want to get involved in the political aspect of this. He is saying, and I am basically reading this, that if it was a political decision you wouldn't charge US\$6 million. Maybe on an economic level, yes. That is the evaluation. But politically, the Government did not have to take the bare evaluation. I can say that my car is worth \$15,000. And there might be some person who is willing to come by and pay me \$25,000 for my car, but the valuation is \$15,000. What should I take? Should I take the \$15,000 if I can get the \$25,000? I go for what I can get—the best deal!

Now, can the Government prove that it has tried to get the best deal in this particular sense? No, it can't! Do you know why? Because it has only dealt with one person. It has not given us any indication or any history of having dealt with any other developer.

What will it (the Government) say now? That one developer went to the person who owns the lease and therefore Government did not have anything to do with that, therefore the only thing we are being asked to do is extend the lease to 99 years therefore we don't have anything to do with the agreement that the other two people are making when the lease has to do with covenants? And the covenant which is an agreement we have something to do with? So when two people are making decisions we have to approve of the decisions which those two people have. We cannot withhold without good reason our approving of their negotiations. But it is a very important point that we get involved at some particular point.

So, again, it is not enough for Government to come and say this is the best deal. This is not the best deal. We know that there are other deals out there. There are other people interested in this very beautiful piece of property on the Seven Mile Beach, namely, the property on which the Holiday Inn stood. There are other persons who might have given better conditions. Why was this not investigated? Why did they only go as far as to look at it with this one developer, Mr. Ryan and company? Why? We need to have a good explanation as to why that was a closed House discussion, negotiation and conclusion.

We just saw the two Members for West Bay bring a motion in here in regard to awarding of local contracts which means that if a Government contract is going to be awarded for anything over \$100,000 they want to give Caymanians the opportunity to compete for the contract award.

Why is it then that we are not giving Caymanians the ability to compete for this particular award? Why is it that we are not giving other developers that have been here on this island contributing to the development of this island since the 1970s the possibility to compete for the award of this particular contract, which is the extension of the lease? Why? Am I supposed to believe that Mr. Humphrey, the owner of the present lease, values one developer so much more than he values other developers that he would only entertain doing business with one person? Am I supposed to believe this? Will it be explained to me that this is the case?

I have to have an explanation; I request an explanation. The people need to know. If it is so, that this developer was the only developer that Humphreys (Cayman) Limited was willing to deal with, then perhaps it would mean that this particular company is holding the Government of the Cayman Islands for ransom by saying we will only deal with one person. Because if the request is to extend the lease, to change the lease in fact, to amend the lease in such a way, then we know that he should have no right to say this is the only person you can bring for me to deal with if he wants to get rid of the lease.

If Mr. Humphrey is no longer interested in the lease, if he is having economic hardships because the hotel is old ... And we understand that there has been no new hotel built in Bermuda in the past 28 years, we also understand that there has been a request to build a Ritz-Carlton in Bermuda and because of environmental or ecological reasons they turned the parties down. But here we are saying that we are nice enough to Mr. Humphrey to say, *'Look, you can now trade your lease. You can cash in your chips and give it to somebody else and make your big profit.'*

When Mr. Greenall got the lease back in 1958 or 1959 Mr. Greenall paid virtually nothing for all of the land that he leased from the people of the Cayman Islands. And people have been able to come and buy into the lease and make profits, and we have not made one penny more in that particular period of time than all the other persons have made on this 50' piece of land. And yet we are going back to do the same thing again?

We are going back to do the same thing to exclude ourselves from ever being able to make any profits in 99 years? Gee, I would not want to imagine what this world will look like in 99 years! I would not want to try to imagine what the value of beach land would be like if its kept clean in 99 years. It might be priceless! With the way in which the world is being polluted, and the way in which the world is becoming more and more populated; with the way in which people have so much disregard for themselves and one another and the environment, a piece of beach land on the Cayman Islands Beach, if it is done in the right way and preserved in the right way it could be worth trillions of dollars!

We can't make land. God made that. We can produce cars out of it, timber, wigs, gowns—all of those things, but we cannot produce land! It is the single most valuable commodity in the world. And people try to put a price on it. I am saying that if the Government of the Cayman Islands were conscious of the importance of that particular resource, it would not be trading it for \$6 million—that they at this particular time could, of course, spend, but with a little bit of discipline, do not really need.

**The Speaker:** Excuse me. Would this be a convenient time to take the afternoon break? We shall suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3.30 PM

#### PROCEEDINGS RESUMED AT 3.55 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 17/98. The Fourth Elected Member for George Town.

**Dr. Frank McField:** The evaluation data presented by the Government Quantity Surveyor said that the valuation should not be valid for any period longer than three months. I mentioned that before. The date of the valuation, which was signed, was in 19 March 1998. And it was tabled on 17 July 1998. In the evaluation he says, "I

**do not believe it is therefore possible for the applicants to argue that Government only has this one opportunity to obtain a peak value by permitting their development. My figures tend to suggest that if a similar development was undertaken later then Government could expect a similar return."** [page 7]

So, the idea that Government is not benefiting from the lease as it is because the original lease was signed (and I correct myself by saying it was in 1950 rather than 1958 or 1959) with Mr. Greenall, the total amount was paid at that time so Government has not received since that date any additional monies from all the land that form part of this original lease. That is my understanding, at least.

So one argument is that we are not making anything with the land as it is now and therefore to encourage the development of this particular Ritz-Carlton project would result in us being able to utilise the full value of this particular property. Now I am suggesting that there is nothing wrong with utilising this particular piece of property, meaning the part that the Holiday Inn was on, providing of course that what we develop here is a hotel only.

I am also saying that there are other developers that would have been interested in using this piece of property in some way, doing something with this piece of property, and that Government should have had discussions with more than one individual.

All of the Finance and Stores Regulations' principles suggest that when Government is dealing with the people's business, that a certain amount of transparency and objectivity is taken into account, namely, that the terms of the agreements, or the conditions are advertised as to give them the best opportunity to receive value for money. Is Government receiving money for value? It is my contention that the Government is not receiving money for value here; that the pieces of lands in question are worth far more than the Government has been told it will be given by the developer; and that to put the Government's value of this on the so-called stamp duties that will result, or the import duties that will result as the result of there being construction again, I believe is to really sell the people of the Cayman Islands short.

The fact that the Government until now has made no attempt to speak to any other developer that we know of, or to look for any other conditions, I believe causes this particular deal—this particular project, to be of suspect. I suspect that it is not being done because of the public interest and because of the possible public benefits.

When the documents related to the disposition of this particular land were tabled we were told in the first memo dated 17 July 1998, and this was the Minister for Agriculture Environment, Communications and Works:

**"This is my Report recommending the disposition of land in accordance with section 10 (1) (b) of the above Law and which is accompanied by the documents required pursuant to section 10 (2) of the same Law containing the details of the proposed disposition."** Section 10 (1) (b) speaks of the 21 days the document needs to lay on the Table of the Legislative Assembly and, 10 (2) speaks of what should accompany

the documents, or what should accompany the proposal, and it says in 10 (2)(e) **“a copy of the resolution of Executive Council approving the terms of the proposed disposition”**.

That is where I felt before that the subsequent memo written by the Minister suggesting that certain documents were not required by law is in fact not the case, and that one of the documents that he submitted in addition was what they call the *“licence.”* There is a report on the contract documentation for the proposed disposition in accordance with the Governor (Vesting of Lands) Law which was drawn up by the Crown Counsel and he speaks of the licence, and he says:

**“A Licence: this agreement is the document giving consent to the assignment of the existing lease, consenting to the variation and extension of that lease and providing for and consenting to the consequential changes in title envisaged by the proposed development.”**

I would say that this document, the licence, which was subsequently laid on the Table of the House on the 26 of July (not 17 July) was a necessary part of the documentation which is required by law. If the terms of the disposition have to do with what the person who is receiving, and the person who is disposing of will each get as benefits, then we can only know what the benefits are as the benefits are spelled out in law. That must be, then, Contract Law. Contract Law would be the law that would govern the rights and obligations of the parties that are involved.

So my understanding is that all the documents would have to be looked at in that light. Even if this were not the case, the Minister did give us access to these documents and once we have scrutinised these documents we are now bringing these documents in as part of the debate, and as you already know, my motion deals with this almost as a separate issue. In addition to speaking against the proposal I am talking about a motion that is here as a Private Member's Motion. So, for this particular reason I think that all the relevant documentation is essential in terms of our consideration as to whether the deal is good or bad for the people of the Cayman Islands.

There is something in one of the documents which talks about a *declaration of trust*. In addition to a licence you have a declaration of trust. This declaration is a holding document while the mechanics and timetables of the restructuring of the various interests take place and until the legal titles to the consequential leasehold interests are executed in due course. When we have a document of this kind that the Governor of the Cayman Islands must put his signature on, it is important that if we are going to debate it, that we talk about the agreements that would be made, and whether or not the parties that will be signatories to this agreement will be able to carry out their part of the agreement.

Now, it is interesting that no due diligence was done on Mr. Ryan. In the submission from the Crown Counsel, the Government's legal advisor in this case, it says, **“In view of the fact that the parties to the various con-**

**tracts were new parties, either in formation or to be formed, a requirement of the contract was that the obligations to be performed by those companies were also to be obligations of Humphreys (Cayman) Limited (HCL), a company that already stands in a current legal relationship with the Governor as a sub-leasee of the existing parcel 11.”** Parcel 11 being the parcel of land which the Holiday Inn stood until it was demolished without even waiting to find out whether or not this Legislative Assembly would be willing to extend this lease.

So, if they would go ahead, if Mr. Humphrey—or Humphreys (Cayman) Limited—would go ahead and demolish the Holiday Inn without knowing whether or not we would extend the lease to 99 years, it goes to show that it is not important to him that that lease be extended. He can operate without the lease being extended otherwise he would not have closed the Holiday Inn and broke it down. He knew, they all knew, that this would not be a complete deal until the legislature of this island had had the possibility to scrutinise the deal and make a decision in the positive or the negative.

So, for him as a private entrepreneur to make decisions, those must be his decisions that he is responsible for, and of course we cannot say now that he broke down the Holiday Inn, we made him do that so we have to go along and give the kind of conditions they want. That is not fair.

But one thing is for sure: If the main developer who we know to be Mr. Michael Ryan, if there was no due diligence done on him, if he did not bring his corporation life from Canada or the US, from where he is coming from to here, he came as an individual with a suitcase. And he starts a new life, trading under the cover or protection of a company that has been here that we know has a so-called, according to this, legal relationship with the Government. But, if we notice the due diligence, the other contractual agreements, the licence, the trust declaration, the grant of easement and licence, all these other documents will be signed by Mr. Ryan and not by Humphreys (Cayman) Limited. So from the point of view of liability, the liability will be to Mr. Ryan who is the secretary of all of these companies. So due diligence should have been carried out with regard to this individual. This individual is playing too important of a role in this entire situation for him to not have been thoroughly checked out.

We are saying that we have a Government that is capable, competent, fluent in understanding the people's wishes and we have something like this? A situation where someone, some stranger, comes into a country that praises itself as being one of the main financial centres in the world and this type of scrutiny is what he has to live up against? When he is talking about doing something like \$200+ million worth of development in the Cayman Islands, when the Government of the Cayman Islands is considering some estimated \$100 million in revenue, and there is no scrutiny?

We don't know where the man came from. What is the history on him? Someone will, perhaps, get in here

and talk about that because it is important now. Perhaps behind the closed doors of the Executive Council where other things have happened that we can't check on perhaps it's not important, but it is important in here.

It is important that we know who we are dealing with if we are going to give up so much of our people's land, their heritage, their lifestyle. We have to know who we are dealing with because at the end of the day are we going to have the land directly across from the Holiday Inn that is an undisturbed mangrove area up until now, bulldozed down—mutilated, Mr. Speaker, under the guise that some development will happen there on that side and then we end up with a situation like we have at the Cayman Islands Yacht Club, like Safe Haven, like Salt Creek? I think that the people of the Cayman Islands who listen to this Legislative Assembly broadcast should go and take a look at some of these areas and come back on Wednesday to the Legislative Assembly and tell legislators that we don't need that kind of mutilation of our lands.

**Mr. Roy Bodden:** True!

**Dr. Frank McField:** It is not too late because we have in this Legislative Assembly persons that will have to listen to reason. Reason suggests that somehow the entire process in which this deal has gone through has not been done with the best interests of the people in mind. I know that I could be out of order in doubting the sincerity, but somehow we have to look at political motives because that is what we are here to judge.

I am asking that the Government revisit the situation and explain (when it comes to debate this motion) for instance: when we have the strata properties; when we have one—I think—registered strata plan; where we have, for instance, different companies that are going to be created in this situation. As I said, I do not want to get too technical because that is not my field. But what I see here, it appears to me that there may be one, two, three different holding companies. In other words, although Ryan and Company may be getting the lease, then they will empower other companies to be able to do certain things and to accept certain types of rewards.

So down the line, as the Counsel says, we will have the extension of commitments and obligations as we go along. At the end, all of the situation for contract lawyers - of course that is probably a heyday to try to work out exactly who has what rights, this, et cetera -- it is like having a big piece of something and leasing that big piece of something to someone, giving that person all the rights for that something for 99 years. The person chops it up into little pieces, selling it here and selling it there, and at the end of the day he makes an amazing amount of money, personal profit without (and this is it too) having to have money themselves. This, this, this, is one of the most serious aspects of this whole situation!

Had this particular developer come here with a few million dollars that we know he has, and said, *'Here is my bank account, here is what I have. I want to do this.'* But, no, he is just a deal maker. He's a middle man, he's an in

between, he is pulling this thing from here and pulling that thing from there. And at the end of the day he might not have to have any more money than to just put plans together.

What is the asset this gentleman is going to be using? What is the asset, the land? Who does the land belong to? The people of the Cayman Islands. Why should one individual from someplace else be able to come in here and do, without any capital himself, what any Caymanian with any kind of economic initiative, or entrepreneurial spirit should be able to do? If a Caymanian had gone to the National Team Government with the proposal they would not have been received this way.

**Mr. Roy Bodden:** They would be caged and run out of town!

**Dr. Frank McField:** For the same reason that's when the poor Caymanian goes to the Government to say, *'Let's defer the duties on the clothes that we are buying so that we can sell them and make some money,'* they said, *'No. You pay at the airport otherwise the Customs is going to keep this.'* When a poor Caymanian person goes to try to get a deferral for the house that they might want to live in, there is no consideration, there is no sensitivity on the part of Government, so how can we explain it in this particular case when the person is a total stranger without any money that we know of?

There is a good possibility that the man will be a millionaire. But there is little evidence to prove that the man is a millionaire. And the man will become a millionaire simply because we have fellows in this country who allow this type of business to go on without understanding that the public interest is more important than any private interest.

If we understand this thing right, this gentleman is talking about destroying our mangroves and building condominiums and a golf course on the other side. With public pressure we are getting it presented to us in phases, like the Darts are now doing. It strategically defeats in our mind the master plan and we go to cut it up so that we can only see one piece at a time. In other words, rather than having two eyes, we have one and we know that one eye cannot see as well as two eyes. This is basically the same strategy when you say, *'I'll get this piece approved today and the other piece tomorrow.'* It is a one-eye thing. And everybody can understand a one-eye thing. It is deception.

We need to look at the fact that when somebody spends a few hundred thousand dollars on architects to put something together and a few lawyers to draw up the deals, and walks in to a \$200 [thousand], \$300 [thousand], \$400 [thousand], \$500 [thousand], Million - dollar type of investment game, not for that one person but to be shared around, that person's friends who invest, . . . that is an amazing type of situation. I wish that I could walk into somebody's country and do that!

**Mr. Roy Bodden:** The Old Frontier men in California!

**Dr. Frank McField:** When I went to Germany back in 1973, I tried to work. They said to me, *'Son, you come from what we consider to be a developing country. You can't have a work permit here. You can study here, you can be an apprentice here, but you cannot have a work permit here. You can get married, if you want, here, but you cannot get a work permit here.'* Mr. Speaker, people have standards, they have rules, and when you go to those places those are the things that meet you. You have a choice to obey those or leave. I had a choice. Rather than get married back in 1973, I decided to go study. But I had to make a choice. The choice was that I could choose from columns A, B, and C, but it wasn't that I could do what I wanted in somebody else's country.

We have always welcomed developers. I will always welcome developers. I am a little skeptical sometimes when people talk about the environment. Everybody knows that even during my election campaign I was very skeptical and did not say certain things because I did not want to without having the information I needed, to make informed decisions. But at this particular point I see the case that is being made by the National Trust and other persons who are concerned with the environment. I don't see why people would be so concerned with the environmental effects if it weren't justified. I think all over the world, Mr. Speaker, even when we deal with the fact that global warming is causing water levels to rise and that what is predicted to happen, perhaps in the next hundred years, is that the water level will probably achieve a level that could affect us drastically on these low-lying islands.

Why is it that we are not thinking about one hundred years? I happen to have been very fortunate when I went to countries where I saw buildings that had been in existence for hundreds of years. Recently I was in London and I went back into the Parliament and the good Chairman of the Foreign Affairs Committee, Mr. Donald Anderson, gave me a little tour of the Parliament because it was in recess. He showed me where certain people were tried, where certain people were buried and it went back hundreds, and hundreds, and hundreds of years. So what is one hundred years?

Why is it that we can't think beyond one hundred years? Is it because we are such a transient people? Because we don't have written history and monuments and different things? Do we lack historical understanding and perception? Do we lack an understanding that today is only a part of tomorrow? That time is continuous in that sense until God sees fit to end it? Why is it, therefore, that we can only plan for today and not for tomorrow? Why is it that we allow people to come in and exploit that shortsightedness? Why is it that the people of the island tolerate a government who cannot see beyond the dollar note? And, Mr. Speaker, it comes into one pocket and it goes out of the other one. So, we cannot now be motivated just by money. We must also be motivated by what is good for the future generations as well as the present generation.

I will have lots of time to come back and make statements in regard to what other Members will have to say on this Motion. But I appeal to all persons to not let

selfishness get in the way, not let political sides and political allegiances get in the way. Let us do something here to show the people of this country that the Government of the country and the people on the Backbench, those in Opposition and those who support the National Team Government, are aware of the people's desires and are willing to execute those desires rather than our own individual desires. We cannot academically, intellectually, intelligently justify disposing of this land in order that it be destroyed. We know the environmental necessity of maintaining the mangroves in this particular area. We know there are lands there that people can build on. We are not against development, we are not against developers, we are against wastefulness. We are against a Government which does not listen to the people.

In closing I will say that it is important that the public notice the difference between Opposition and Backbenchers—

**Mr. Roy Bodden:** True!

**Dr. Frank McField:** —because the Government people are the Backbenchers—the Opposition are those people who are considering replacing the Government. I am one of those people who actively wants to see the National Team Government replaced as soon as possible. I pray, and I hope that the people of this island pray with me, that that day comes soon and that this Motion be not the cause why they have to be removed from power.

**The Speaker:** I would now entertain a motion for the adjournment of this Honourable House.

## ADJOURNMENT

**Hon. John B. McLean:** Mr. Speaker, I move the adjournment of this Honourable House until Wednesday at 10.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM on Wednesday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 23 SEPTEMBER, 1998.**



**WEDNESDAY  
23 SEPTEMBER 1998  
10.13 AM**

*[Prayers by the First Elected Member for West Bay]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order paper. Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have apologies from the Fourth Elected Member for West Bay who is in the hospital in Miami. I would like to say to Honourable Members of the House that I spoke with his brother-in-law, Dr. Steve Tomlinson, just before coming into the Chamber. His condition remains unchanged since he went up. He is still undergoing tests. On behalf of all members and the staff of the Legislative Assembly I would like to wish him a speedy recovery.

Questions to Honourable Members/Ministers. Deferred question 139 is standing in the name of the Second Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**Deferred Question 139**

**No. 139: Miss Heather Bodden** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to list the programmes and achievements of the National Drug Council since it became an independent statutory corporation.

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

**Hon. Anthony S. Eden:** The National Drug Council was launched as an independent statutory corporation in January 1998 under the National Drug Council Law 1997 to formulate policies and develop programmes intended to prevent or reduce drug abuse and to coordinate anti-drug measures in the Cayman Islands.

The National Drug Council is charged with coordinating the implementation of the Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation as well as organising the update for the Plan each year. Along with this, the National Drug Council has been tasked to implement a number of the action plans arising out of the national strategic plan.

The National Drug Council, which is comprised of a Board of Directors and an office with five staff, has organised itself into a number of sub-committees for carrying out its functions and programmes. The persons involved are Government employees, members of non-Government organisation, as well as other interested and concerned citizens who have volunteered their services to assist the National Drug Council in furthering its objectives.

Apart from its official launch in January this year, the National Drug Council has done the following:

- Conducted a student drug use survey of the entire Middle and High School population in the Cayman Islands and the results will be released in November this year;
- Coordinated Drug Free Week in May 1998 which involved several schools, service clubs, churches and Government Departments;
- Coordinated Drug Awareness Week activities for all schools which is set to take place from 28<sup>th</sup> September to 3<sup>rd</sup> October on Grand Cayman and from 18<sup>th</sup> to 23<sup>rd</sup> October on Cayman Brac;
- Produced and distributed a brochure outlining the function and services of the National Drug Council as well as the components of the National Strategic Plan for Drug Abuse Prevention and Rehabilitation.
- Produced and distributed a Directory of Service Agencies which gives information and contact numbers on local services and agencies dealing with the issue of drug abuse;
- Set up Information Centre at its office in Paddington Place and has distributed some of the printed and video materials to schools;
- Started setting up a database of all drug-related statistics for the Cayman Islands so that these will be accessible from a central location;
- In cooperation with the Education Department, the National Council is formulating a comprehensive school-based drug abuse prevention and education campaign which will be officially launched this September;
- Prepared a media-based drug education campaign, utilising all local media which is set to begin in October;

- Trained staff in policy and programme evaluation, strategic planning and basic concepts in drug addiction treatment and prevention; and
- Participated in regional conferences where decisions are made on strategies to be employed in drug demand and supply reduction.

In addition to those activities and achievements, the National drug Council is working on the setting up of district councils; a programme for the rehabilitation of drug offenders; a proposal for the establishment of Sobriety Homes; the sponsorship of an addiction conference in the Cayman Islands in 1999 in conjunction with the Addiction Research Foundation; and plans to conduct a prison prevalence survey at Her Majesty's Northward Prison to determine the extent of the alcohol and drug abuse problem among prison inmates.

### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. Would the Honourable Minister say what was the role of the National Drug Council before becoming an independent statutory corporation?

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

**Hon. Anthony S. Eden:** Mr. Speaker, before being formalised it was an advisory body to the Minister/Member at certain times.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Thank you, Mr. Speaker. I'd like to thank the Honourable Minister for such a comprehensive answer. I would also like to congratulate his Ministry as well as the Chairman of the National Drug Council and would just ask the Honourable Minister to keep us fully updated on the activities and achievements that are now being put in place.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Honourable Minister tell the House what were the achievements of the National Drug Council before it became an independent statutory corporation.

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

**Hon. Anthony S. Eden:** Mr. Speaker, before being formalised it was traditional for them to keep under review all aspects in regard to drug abuse, prevention and rehabilitation. In the past, reports in regard to this were also tabled in the Legislative Assembly. But what I would undertake to the Honourable Member is – since I only took this over about three years ago – I would get the details to him in a more comprehensive manner.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Is the Minister then saying that prior to the National Drug Council becoming an independent statutory corporation, there was no mechanism to achieve these things just listed in his answer?

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

**Hon. Anthony S. Eden:** No, Mr. Speaker. I would not say that specifically, but this is in a more organised fashion.

When the Ministry which I now represent was named in 1994, the then governor felt that there should be a separate approach – a more concerted approach in regard to drug abuse, prevention and rehabilitation and that formed a part of the Ministry's name. This is just a continued expansion of what existed. And as we all know – especially what has come out in the reports in regard to [the year] 2008 – this is the number one concern of the entire Islands; we look forward to addressing this.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, a supplementary question to the Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

It appears here that the achievements are ideological rather than practical. Would the Minister say why no actual practical achievements (and when I say practical achievements, I mean achievements with regard to statistics perhaps that would suggest that we are beginning to more effectively deal with the problems) . . . can he say why this is missing from his answer?

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

**Hon. Anthony S. Eden:** Mr. Speaker, that is a good question. The basis of the National Drug Council approach has emanated from the National Drug Strategic Plan which this Honourable House accepted a few years ago. In regard to the statistical data, Mr. Speaker, this is one of our priorities, and as I indicated in regard to schools, that has now been done and I will share with this Honourable House later on this year.

We will also be undertaking a survey of the inmates at Northward Prison. Mr. Speaker this is a new approach that is being used. It takes a while to accumulate this data information and we cannot possibly judge our success or failures until we have on hand to know where we have come from.

**The Speaker:** The Third Elected Member from West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I wonder if the Honourable Minister could briefly update us as to the National Council's success with regard to district services.

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

**Hon. Anthony S. Eden:** Mr. Speaker, as I mentioned earlier, the National Drug Council actually started operation in January of this year (1998). But in conjunction with my Ministry, the Ministry of Education and the Ministry of Community Development we will be setting up district councils and working from that.

In the meantime through Cayman Counselling Centre we are providing in the district health clinics the ability for people to go there and visit with the counsellors. This we feel, Mr. Speaker, is an approach that the people living within the districts will not have to travel that far and will feel more comfortable in their own surroundings.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, could the Honourable Minister say if to his knowledge the National Drug Council has identified any specific cause of alcohol and drug addiction and whether or not they have developed any specific programmes to deal with the causes of drug and alcohol addiction? If so, what are some of the causes and some of the prescribed remedies?

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

**Hon. Anthony S. Eden:** Mr. Speaker, we have initiated, (as I said) the Drug Knowledge Survey, the Prison Survey and a survey of the schools. Until we have collated and pulled all of this information, I would not want to comment and say a specific cause for these problems. But once we determine the most concentrated areas we will be providing programmes to address these problems.

**The Speaker:** The Fourth Elected Member for George Town. I shall allow two additional supplementaries.

**Dr. Frank McField:** Mr. Speaker, I am not going to really ask a supplementary, in the sense. I would just like to thank the Honourable Minister for his answer and

also say that when someone is doing research or investigating something, the researcher—the investigator—must start with certain basic assumptions. Without those assumptions you would not be able to know where it is you are going.

So, my question really was, whether or not ... what were the basic assumptions that were being made at this particular time in informing the direction in which the Drug Council would go with regards its investigation and with regards to the treatment, but of course if the Minister feels that at this particular time that question is a bit too complicated I ...

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

**Hon. Anthony S. Eden:** Mr. Speaker, at this time we are utilising the Addiction Research Foundation formerly of Toronto, Canada. They have decades of experience in this situation of drug abuse and they have put forward areas that we can look at and we hope to address these problems as we identify them in the results of our surveys.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, Can the Minister tell the House whether this relationship with the Addiction Research Foundation of Toronto, will be limited to the sponsorship of this conference, or will there be a wider relationship in which his Ministry will tap into the experience of the Addiction Research Foundation for help and guidance in crafting strategies suitable to the Cayman Islands.

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

**Hon. Anthony S. Eden:** Yes, Mr. Speaker. That is a good follow-up question. We have just gotten the report from this Foundation and I will be tabling it for the knowledge of the entire Legislative Assembly in due course.

**The Speaker:** The next question is No. 149 standing in the name of the First Elected Member for West Bay. This is a deferred question.

#### DEFERRED QUESTION 149

**No. 149: Mr. W. McKeever Bush** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if the Government is aware of any Insurance Company now refusing to cover persons requiring Health Insurance under the mandatory Health Insurance Law.

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

**Hon. Anthony S. Eden:** This question relates to the Health Insurance Law 1997. Under the provisions of that Law, the approved providers of health insurance coverage in the Cayman Islands may refuse coverage of those persons who are defined in the Law as "high risk insurance persons."

The Law defines a "High risk insurance person" as one who, by reason of a medical condition or a history of illness, has been refused cover under a standard health insurance contract at the standard premium by two or more approved providers. In this connection I would refer the Honourable Member to section 4 of the Health Insurance Regulations 1997 under which approved providers are permitted to decline insurance for such high risk insurance persons or indeed accept such persons subject to certain conditions, or even on normal terms.

The Government is aware that some "high risk insurance persons" have been unable to obtain health insurance coverage under the provisions of section 4 of the Regulations, but is not aware of any other cases where persons have been refused coverage.

### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I would like to ask the Minister responsible for Health how he views the situation whereby the definition of high risk is a person who has been refused coverage by two or more health providers? So when you are bringing an insurance law in to play ...you need the insurance companies to help you create the situation for the definition to actually apply. In other words they need to refuse people coverage before you establish these types of conditions. And if I can formulate it more in terms of a question, Is it a fact that the health-providers themselves are creating the high-risk persons?

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

**Hon. Anthony S. Eden:** Mr. Speaker, I am informed that this is based on the medical condition of the person and what the doctors say.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I wonder if the Honourable Minister would say if these high risk insurance persons are those now seeking insurance under the Health Insurance Law which is mandatory, or are they people who were covered by insurance companies and because they had medical problems and made claims they have now been refused the renewing of those policies.

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

**Hon. Anthony S. Eden:** Mr. Speaker, this was based on the new people who would be coming after this law came in to effect.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Minister tell the House how many persons are deemed high risk and what are the Government's plans for dealing with this category of persons?

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

**Hon. Anthony S. Eden:** Mr. Speaker, at this time, we are still gathering the information and learning about that category of people. In regards to how they are covered, the Health Insurance Regulations make provision in Section 5 for health care for those uninsurable persons, and partially uninsurable persons who are unable to pay for their medical fees.

Under these provisions the Government will continue to provide for them as it did prior to the Health Insurance Law coming into effect. To offset this cost, the Government shall collect from each approved provider of health insurance each month \$5 on individual and \$10 on groups for every standard health insurance contract that is effected by that health insurance provider.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you, Mr. Speaker. I am wondering whether the Minister can say whether he, or the Ministry, or the insurance unit is aware of any situations that exist where a company can take an application, take the payment of the application, the person gets sick, stays in the hospital, the money is not returned, but the person is refused to be covered.

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

**Hon. Anthony S. Eden:** Mr. Speaker, I am informed that under the contract law, if the premium is accepted by the company and there are no other problems that would develop, that they should take care of the person.

**The Speaker:** First Elected Member for West Bay, do you have a follow up?

**Mr. W. McKeeva Bush:** Yes, Mr. Speaker, thank you. I am wondering whether the Minister or the department, or unit, could in their discussions with the insurance companies draw some of these to their attention.

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

**Hon. Anthony S. Eden:** Mr. Speaker, this will be done.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. I have a similar request to bring to the Minister with regard to persons under group coverage plan, where I had an experience with one particular carrier, or provider [who] refused one person in a group of about 20 because he claimed that the person was rather obese for his height.

I am asking the Minister to investigate into that to find out how nineteen persons in the group could be covered and refuse one coverage even though the premiums had been paid and a contract signed for about six months prior to the refusal.

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

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. I really appreciate the Honourable Member sharing this with me and if he would give me the details confidentially I will certainly check in to this.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would like to ask the Honourable Minister whether there is any fear at the moment that the insurance companies will cream off the healthy people, and that Government will be in fact stuck with the unhealthy people creating a very good situation for the insurance companies.

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

**Hon. Anthony S. Eden:** Mr. Speaker, No, I am informed that with the Group policy, most of the insurance companies will accept these people in that area; although the Third Elected Member from Bodden Town has indicated that this has happened in one situation that he knows of.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. In keeping with the law that requires all persons to be insured, I wonder if the Minister can brief us as to what Government plans are for providing such coverage for the indigent and the senior citizens in this country who cannot afford to pay for such insurance coverage.

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

**Hon. Anthony S. Eden:** Mr. Speaker, as in the past, Government has always assisted the indigents, but we will be looking in the future to taking out coverage for them.

**The Speaker:** If there are no further supplementaries, the next question is 150 standing in the name of the First Elected Member for West Bay.

#### DEFERRED QUESTION 150

**No. 150: Mr. W. McKeeva Bush** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation would the Government review the Health Insurance Law, especially the aspect of premiums.

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

**Hon. Anthony S. Eden:** Honourable Members may recall that in presenting the draft Health Insurance Law and Regulations and the various revisions to this Honourable House, I said repeatedly that the Law is not written in stone. No matter how meticulous we have been in detailing the Health Insurance legislation, there are some aspects that cannot be known until the Law comes into effect. I have said this all along.

Honourable Members are reminded that the Government accepted Private Member's Motion No. 4/97 concerning an actuarial study to investigate the feasibility of the Government establishing a public owned corporation and to determine what the premium should be for the health insurance coverage specified by the Law for such a corporation.

The Motion further resolved that such reports, as produced by the actuarial firm, be laid on the Table of this Honourable House with the decision of the Government on the matter.

That report, I am pleased to say, has been completed and the bound copies will be available to the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation within days. I will be ready to table that report, along with Government's decision on the matter, at the next meeting of the Legislative Assembly in November.

It seems to me that it would be wise to consider the report and its recommendations before making revisions to the Health Insurance Law and Regulations. Nevertheless, I would welcome suggestions from any Members of this Honourable House.

**The Speaker:** Supplementaries? If there are no supplementaries we will move to deferred question number 152 standing in the name of the Elected Member for North Side.

**DEFERRED QUESTION 152**

**No. 152: Mrs. Edna Moyle** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs to state how many hours per day and days per week is the North Side Police Station manned.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Two police officers are assigned to the North Side Police Station to police the district of North Side which comprises 15.27 square miles. A woman constable is resident at the station and she is assisted by a male constable.

Each of these officers is normally on duty for an average of 40 hours per week, working 10 hour shifts. The number of hours per day that an officer is on duty in North Side varies from 10 hours to 20 hours. The number of hours that the station is actually manned is dependent upon whether the officer on duty is actually at the station or out on patrol or attending an incident. When either of the officers is off duty on a rest day, on vacation, sick or attending Court or on a training course, coverage is provided by officers from Bodden Town or East End Police Stations. The total police strength of the outer districts is one Inspector, two Sergeants and 12 Constables.

**SUPPLEMENTARIES**

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I wonder if the Honourable Member would tell me then if the officers duty varies from 10 hours to 20 hours, why is it when a call is put through to the North Side Police Station because of some problem, it goes through to Bodden Town Station and the person answering that call is the North Side police woman?

**The Speaker:** The Honourable Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I am unable to say why the person who is assigned to North Side would be answering the telephone in Bodden Town, if that is what the Member is suggesting. Perhaps if she can give me some information as to when this situation occurred then I can certainly enquire into why it happened and let her know.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I wonder if the Honourable Member could say, Why is it that not once that a telephone call is put through to the Police

Station in the little district of North Side is it answered by the two officers from that station? It either goes through to Central in George Town, or to Bodden Town for us to get a response since at some time they cannot be on the street investigating or being called out. At some point in time someone should be in the Police Station in North Side if they are on duty 10-20 hours.

**The Speaker:** The Hon. Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I could only agree with the Member that it would seem logical at some point a caller should be able to get an answer at that station. I will certainly look into it and enquire as to what may be causing the situation. I do not know whether people are returning to the station from doing rounds and not directing the phone back, or cutting off their transfer to the Bodden Town Station which they perhaps ... effect when they go out.

But there would obviously seem to be some reason why that situation pertains and I will look into it.

**The Speaker:** Any further supplementaries? The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

While this is not directly relevant to this question, it nonetheless is relevant to the duties of the police and perhaps the Hon. Acting First Official Member may be in a position to comment on it. If he could state whether the police are aware and vigilant to the dangerous practice of cyclists riding at nights without lights, and if so, what is being done to address this dangerous problem.

**The Speaker:** The Hon. Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I would expect that they are certainly aware of that practice. And I have heard Public Service announcements on behalf of the police from time to time in relation to the proper lighting of bicycles and the proper clothing of pedestrians. I cannot honestly say that I have heard any in relation to bicycles in recent times, so I can enquire as to what is being done and perhaps suggest that some of those be rerun.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

In view of this very dangerous practice, and in view of the vigilance that the police has as regards people speeding perhaps two or three miles over the limit and giving them tickets, I am wondering whether more attention could not be placed on this very dangerous practice of children and other people riding bicycles at night without lights. And whether rather than just putting out a statement by the police, whether they could not be more vigilant and try to stop this very dangerous practice;

whether the Hon. Acting First Official Member could seek to get that assurance for the Honourable House.

**The Speaker:** The Hon. Acting First Official Member.

**Hon. Donovan Ebanks:** Yes, Mr. Speaker, I will certainly seek to have the Commissioner of Police give it appropriate attention.

**The Speaker:** There are no further supplementaries?  
Question number 153 standing in the name of the Third Elected Member for West Bay.

### DEFERRED QUESTION 153

**No. 153: Mr. John D. Jefferson, Jr.** asked the Honourable Minister responsible for Tourism, Commerce and Transport to provide details on the number of staff of the Department of Tourism, (locally and overseas) who have resigned, were terminated or have left through transfer to other Government Departments since January 1993.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** During the period January 1993 to August 1998, a total of 54 persons left the Department of Tourism worldwide.

In Grand Cayman, 25 employees left the Department; five were transferred to other Government Departments on promotion; one left at the end of his contract; 15 resigned; three were terminated and one walked off the job.

In the United States of America, 26 employees left the Department; 19 resigned; six were terminated.

In the United Kingdom, three employees resigned from the Department.

Details are provided in the attachment to this answer (see Schedule 1).

### SUPPLEMENTARIES

**The Speaker:** Supplementaries. The Third Elected Member for West Bay.

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

In light of the fact that some 54 persons left the Department of Tourism during this period of time (i.e. 1993-98), and with the information provided as to why they left, I wonder if the Honourable Minister can say if he is satisfied that maybe the working conditions, or the benefits, or the promotional opportunities that are available in the department are up to his expectations with regard to especially Caymanians who seemed to have left in droves.

**The Speaker:** The Hon. Minister for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Mr. Speaker, the answer to that supplementary is that I am comfortable that the employees working for the Department of Tourism worldwide, for example, the Regional Sales Managers who are the bosses in the offices in Chicago, Los Angeles, Houston, Miami, and in New York – some of them have been with the Cayman Islands since 1979.

The representation in Canada, which is not part of this answer, simply because we do not employ individuals, but employ a firm, have been with us for 20 years. Most specifically in the headquarters here in Grand Cayman, we have had a number of persons who have resigned, who are Caymanians. Basically they start their own businesses and I think perhaps it is a good training ground for that possibility of launching in to other areas of the Tourism industry. Some decided to leave at the end of their contract, some were terminated and we know the process for that within the government service. There is the need for proof; there is the need for natural justice to take place and the promotional opportunities, Mr. Speaker, when you have a department with 36 employees in it and the majority of them being relatively young the promotional possibilities are not as good as everybody would like in that sense.

But in terms of the service to the public, those who are young, who are efficient, who are reliable, who are dedicated to duty...and as a continuity to the future development of the Cayman Island's marketing system within the Department of Tourism and the Ministry.

In the United States there is a total of 50 employees spread around, as I mentioned earlier, to various regional offices over the United States and in the United Kingdom there are 7.

**The Speaker:** I will entertain a motion for the suspension of Standing Order 23 (7) and (8) in order that Question time can continue beyond 11 o'clock.

The Third Elected Member for West Bay.

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

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I beg to move that the Standing Order 23 (7) & (8) be suspended so that Question time can continue.

**The Speaker:** Is there a seconder? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I respectfully beg to second that motion, sir.

**The Speaker:** The motion has been made and seconded that Standing Order 23 (7) and (8) be suspended. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question Time continues.

**AGREED: STANDING ORDER 23(7) & (8) SUSPENDED.**

**The Speaker:** Supplementary. The Third Elected Member for West Bay.

**SUPPLEMENTARIES**

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. In light of the fact that tourism is one of the pillars of our economy, I wonder if the Honourable Minister can say what efforts are being made—and I am aware, Mr. Speaker, that the Minister is in a very awkward position being held responsible for anything that goes wrong, but having no input with regard to personnel. But, Mr. Speaker, I know that the Minister does have some influence. My question is: What is being done with regard to creating opportunities within the Department of Tourism (i.e. locally, as well as overseas) for Caymanians — especially Caymanians who may be interested and attracted in making a career in this area? Mr. Speaker, I am aware of the importance of Caymanians promoting Cayman.

**The Speaker:** The Hon. Minister for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Thank you, Mr. Speaker. I thank the Third Elected Member for West Bay for that question ... and I do not normally dodge behind the civil service procedures. I believe that the system that is in place could be improved, like everything else—and that what is happening within the Cayman Islands, when we look—even going back four years ago—we appointed a local person to be the Director of Tourism. We have assisted that lady to develop to such an extent and I think quite frankly that she is performing at a very high level and is managing our operations worldwide.

I think if we look throughout the Service we will find that there is a lack of strength at middle management level; it's not just today that has been the case. I believe that not only the Department of Tourism, but Government overall, should seek to address that issue as efficiently and promptly as it possibly can.

We have a job to perform, Mr. Speaker. We give every opportunity by advertising locally the various positions within the Department of Tourism. If local persons are not available, or attracted to the particular position that is advertised, we have a responsibility to find the person to carry out that function to ensure that the marketing and promotional activities of the department continue and are done in an efficient manner so that we continue to be the most attractive warm weather destination in this part of the world.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I wonder if the Honourable Minister can say what role the

Ministry, or the Department of Tourism has with regard to new recruits – that is, when a position is advertised what process takes place in order to fill that position.

**The Speaker:** The Hon. Minister for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Mr. Speaker, it is the normal governmental process, where the position is advertised in consultation with the Personnel Department of Government and Public Service Commission. When the applications are received, they are short-listed by a panel which is established by the Public Service Commission and normally the head of department would be a Member of that panel. They do the interviewing (mainly civil servants doing the interviewing) and make their recommendations to the Public Service Commission – those that are local I should say.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I wonder if the Honourable Minister can confirm whether or not the Director of Tourism, or the Minister of Tourism has any input, or has any say as to whom they recommend for the appointment.

**The Speaker:** The Hon. Minister for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Mr. Speaker, it is not normal that the Minister would have any say in appointments within the Cayman Islands which is subject to the Public Service Commission regulations.

The head of department has every right to [have a] say because he will be working directly with the individual who is elected, and normally — to the best of my recollection — the head of department actually heads the panel. The panel relies on the head of department because of his knowledge of what needs to be done, and his ability to assess the individual who is coming before them.

**The Speaker:** Are there any further supplementaries? No further supplementaries? Question number 155 standing in the name of the Third Elected Member for Bodden Town.

**QUESTION 155  
(deferred)**

**No. 155: Mr. Roy Bodden** asked the Hon. Temporary Acting First Official Member responsible for Internal and External affairs what was the outcome of the investigation into the most recent prisoner escape at Her Majesty's Northward Prison.



**The Speaker:** Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, in accordance with the provisions in Standing Order 23 (5) I would humbly beg leave of the House to defer answering this question until a later sitting.

**The Speaker:** I will put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: QUESTION NO. 155 DEFERRED UNTIL A LATER SITTING.**

**The Speaker:** Question No. 156 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 156

**No. 156: Mr. Roy Bodden** asked the Hon. Temporary Acting First Official Member to state the number of United Kingdom police officers currently serving with the Royal Cayman Islands Police Force.

**The Speaker:** Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** There are currently 16 officers from the United Kingdom Police Forces serving with the Royal Cayman Islands Police Service. All of these officers are constables and they were initially recruited on secondment on two-year contracts with an option to renew for a further period if their performance was satisfactory.

There is a correction in the break-down below which I will try to provide as I go through it and hopefully it will not substantially alter the gist of the answer.

One officer was initially recruited in May 1992 and his current contract is due to expire in May 2000.

Two – rather than four – officers were initially recruited in April/May 1994 and their current contracts expire in May 1999 as they only renewed for one year.

I would beg to insert, sir, four officers were initially recruited in April/May 1994 and their current contracts are due to expire in April/May 2000.

Eight officers were initially recruited in May 1996 and their current contracts expire in May 2000.

And one officer who was also initially recruited in May 1996; his current contract expires in May 1999 as he only renewed for one year.

It is not known at this time how many of these officers will wish to apply to renew their current contracts or whether their United Kingdom Forces will grant further extensions of their secondments. This information will normally be requested nearer the date of expiry of the contracts.

#### SUPPLEMENTARIES

**The Speaker:** Supplementaries. The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Can the Honourable Member say if there are any plans afoot to recruit any more from the United Kingdom?

**The Speaker:** The Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I know of no current plans. I expect that those would more likely emanate nearer to the time of the expiry of some of these contracts.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Member state if at present the Police Force is of full complement, and if the numbers presently are satisfactory to the powers-that-be?

**The Speaker:** The Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I do not have precise numbers with me, but I think there are a few vacancies – not a great deal. I certainly think it is also the view of the Commissioner that he would prefer to ‘civilianise’ a few more positions and that in turn would release some additional posts to be filled if he were successful in ‘civilianising’.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Member say if this list is exhaustive. That is, if it takes into consideration all categories of recruits, or is it just limited to those at the level of Constable?

**The Speaker:** Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, the question was whether it was comprehensive or whether it simply took in officers at Constable levels? To my understanding it is only at that level that we have been recruiting on this secondment type of arrangement.

**The Speaker:** Are there any further supplementaries? No further supplementaries. Question number 157 standing in the name of the Third Elected Member for Bodden Town.

**QUESTION 157**

**No. 157: Mr. Roy Bodden** asked the Hon. Temporary Acting First Official Member what are the ranks of those United Kingdom Officers recruited on contracts and promoted while serving with the Royal Cayman Islands Police Force.

**The Speaker:** The Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, only one officer currently serving with the Royal Cayman Islands Police Service who was initially recruited on contract/secondment terms from a United Kingdom Police Force has been promoted. The officer was recruited in the rank of Constable on 21<sup>st</sup> April 1990 and completed two, two-year contracts before resigning from his home force. He rejoined the R.C.I.P.S. as a constable on a local contract which commenced on 21<sup>st</sup> April 1994. He subsequently renewed his contract on 21<sup>st</sup> April 1996 and again on 21<sup>st</sup> June 1998. His current contract expires on 20th June 2000.

The officer passed the Sergeants' promotion examination in September 1997 and was successful in appearing before a promotion board in December 1997. He was promoted to the rank of Detective Sergeant on 10th August 1998.

**The Speaker:** Supplementaries. The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, is the Honourable Member in a position to say why this officer gained such rapid promotion when there are Caymanian officers who have passed the examination for Sergeant and have not been able to attain promotion because the apparent reason was that there was no more space? — The complement for sergeants had already been completed.

**The Speaker:** The Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I cannot give any information on the particular circumstances of that promotion. I can only presume that it had to do with whatever particular skills that officer had relative to the vacancy that was available. But I can certainly give the [Member] an undertaking to ascertain that information and provide it for him in writing.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Would the Honourable Member give the undertaking to provide for the House the number of those Caymanian Officers who have passed examinations to become sergeants, but

have not been able to be promoted because the space and the complement does not allow them?

**The Speaker:** The Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Yes, Mr. Speaker, I can give that undertaking.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. While the Member is at it, could the Member— because I am assuming he cannot give the answer right now. Could the Member provide for us in writing any information regarding any one of these officers seconded from the U.K. being allowed to attend Law School while going about their normal duties?

**The Speaker:** Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I can seek to ascertain whatever information is relevant to that. Particularly if it relates to the Officer having to forego any of his duties in order to comply with the academic requirements.

**The Speaker:** The Third Elected Member for West Bay. Supplementary.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. In the answer provided, it appeared that there is a promotional board that is responsible for approving promotions within the Royal Cayman Islands Police [Service]. If the Member has the information available, I wonder if he could give us an idea who constitutes the membership of that board.

**The Speaker:** The Hon. Temporary Acting First Official Member.

**Hon. Donovan Ebanks:** Mr. Speaker, I am unable to say who the current members of the Board are, but I can certainly undertake to provide it for him.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries, that concludes Question time for this morning.

At this time we shall suspend proceedings for 15 minutes.

**PROCEEDINGS SUSPENDED AT 11.20 AM****PROCEEDINGS RESUMED AT 11.45 AM**

**The Speaker:** Please be seated. Proceedings are resumed. Item 4 on today's Order Paper, Other Business,

Private Members' Motions. Continuation of debate on Private Member's Motion No. 17/98—Proposed Ritz-Carlton Hotel, West Bay Road. Does any other Member wish to speak?

The Honourable Minister for Agriculture, Environment, Communications and Works.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 17/98

##### PROPOSED RITZ-CARLTON HOTEL WEST BAY ROAD

**Hon. John B. McLean:** Thank you.

I rise on behalf of Government well knowing that lands fall under my Ministry and to speak briefly on the motion which is presently before the House.

I would like to start by saying that leasing of Government property is not something new. The said lease which was actually done in 1950 (the year I was born), gave permission for some 606 acres of land in this area, to be leased. It was specified for exactly what we are talking about today, the Ritz-Carlton Hotel, and/or the many other hotels we have seen on that beach at that time. Let me say that contrary to what a lot of people may say, the Government has taken a very serious look at this matter. We have to realise that if such a project [contract] goes through, we are looking at not only today, but at many years down the line. I realise that the issue seems to be destroying certain things in that area. We must do things in the right way, but at the same time we have to make sure that progress continues in this country.

As I mentioned, the reason the lease was given in 1950 was due to the fact that the Government of that day had the foresight to see that that area could be identified as a hotel area. I need not elaborate on that because we all know that many parts of that have been extended. However, I would like to say that in regard to what is in front of us today — the Ritz-Carlton Hotel project — the Legal Department has looked at this, documentation has been provided to the general public and I have laid the necessary documents on the Table here, as this is my responsibility.

Of course, I am not like many others; I don't claim to be a lawyer, because I am not. But the fact remains that I have to depend upon the legal advice given to me and in regards to documentation that was produced here, it was all scrutinised through the legal department and it was laid on the Table.

We have to realise that there are many good things that will be the outcome of this hotel. We are looking at twenty years of development, if it is approved. We are looking up front at the monies that will be paid into the coffers of Government and I refer to the original docu-

ment which when that was actually put together we were looking at £100. Today we are looking at \$4 million plus another \$2 million and we are also looking at the developer making sure by bringing into this territory such a prestigious hotel that we will be regaining approximately 300 rooms.

As far as the Government is concerned, we continue to do whatever we can to scrutinise properly and we would be the last ones to try to do anything because on this side we have persons who have a lot more to lose than others. We respect the people of our country, and we will continue to do what is correct.

The National Team Government has come under a lot of nasty remarks because of this project. But once again I would like to say that we boast of promoting tourism in this country in the Cayman Islands, and we can be pleased today to know that we have developers who are prepared to bring something like the Ritz-Carlton Hotel here and I am sure that you will hear something more about it later on. The fact remains that I know from the tourism point of view the Minister for Tourism will definitely have to make his stand on it because he knows exactly what I am saying.

It is unfair for persons to try to spread rumours about us doing destruction. As I referred a while ago to the document that was drawn up in 1950, I think it is on page 4 where within the lease it has been laid down clearly as to why this lease was drawn up and to the things that could actually be done on this property.

So, today as far as I am concerned, I think on behalf of Government we would find it hard not to reject such a motion as is before the House and to not try to make sure that progress is in place for this country for the next twenty years.

We give the assurance on this side that every precaution will be taken. We are not going to allow things to destroy this country. If that were so, I would think that would have been proven a long time ago. So, we on this side, the Government, cannot support this motion on the basis I have spoken.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you.

Mr. Speaker, several weeks ago I took the liberty of writing you a letter (as you will recall) even though no debate had taken place on the papers laid upon the Table of the House or on this motion, to inform you in regard to the lease arrangements by Ritz-Carlton and the Government for West Bay South Block 12C Parcel 215 — out of an abundance of caution — that I have an interest in Cambridge Real Estate Corporation, of which I am a majority owner, and hold a sale contract for West Bay South Block 12C Parcel 215, and that Cambridge, among other companies, is also taking reservations for the purchase of condos.

I did that, as I said, out of abundance of caution and in respect to the legislature in regard to Standing Orders of this Honourable House.

**The Speaker:** I confirm having received that letter.

**Mr. W. McKeever Bush:** Thank you, Mr. Speaker.

It is my understanding that the Ritz-Carlton as part of their efforts to establish a hotel in the Cayman Islands approached a group headed by the developer, Mr. Ryan, through an investment banker who was also assisting the Holiday Inn group in their efforts to sell their property.

After studying the property, they determined that it was necessary to acquire more land to make the project feasible. Across from the Holiday Inn site, the parcel of land is listed (as I have said) by Cambridge Real Estate, and has been for some time. Mr. David Berry, one of our agents, was contacted by the development group to enquire about the purchase of the same land. Mr. Berry negotiated a transaction satisfactory to all parties for the purchase of the property.

At the time, while in Executive Council, I would have been remiss in my duties had I not brought to the attention of the relevant Ministers that a major development group was interested in bringing a Ritz-Carlton to these islands. I have never taken any part in the decision-making process either for the grant of any approvals or concessions asked for, if any. From what I am hearing, it is downright dirty for anyone to insinuate otherwise.

I own a business, a real estate corporation. And if you look in that bracket of business if there are not thirty companies or more, there is not one. And as you know, sir, I am a Caymanian. I have never used my office, or my political influence, for my company or any personal gain whatsoever. But as a Caymanian I do have a right to do legal business, real estate is such. I will continue to do so as long as it is competitive, fair, and of hurt to no one.

As we debate these kinds of matters, people will get personal because they cannot deal with the facts. They will accuse people and talk about people's families as has been happening in the last two days on the radio. But, there is no [reason], if you are going to deal with an issue of this magnitude, for people to criticise people's families.

I hope that the perpetrators hear and understand what I am saying. I am not a rich man by any means. And the whole country sooner or later will hear about that too. As most Caymanians know I have put the interest of the country above that of mine, time and time, and time again. Had I been selfish and done as some are trying to make people believe, I would be better off. But, that is not the case.

For anyone to suggest that my family and I can leave this country without caring for others, then they do not know my family. They don't know us. I, too, do not carry an American Green Card, nor American citizenship or any other citizenship as some of those who are out there criticising me have. I, too, have nowhere to go, but to run to Boltin's Avenue in West Bay. That is my home. That is where I belong. That is where I desire to die—where the bones of my ancestors rest!

This is my home too. Therefore it is incumbent upon me as a representative to be able to look at the present

position today and consider all that surrounds these islands, all the issues that are affecting us from the review of the Dependent Territories to the world-wide economic situation—everything that can have an impact on us; but more importantly to take into consideration the future and the clouded horizon that we all know is there.

When we reel against development, we should ask where the funds will come from to do all that is necessary for the people of this country. Not even what people want because wants and people's expectations sometimes go out of proportion. But all that is necessary for these islands.

I hear them saying that I, McKeever Bush, do not care about the country, that I don't care for people. Political detractors will say anything when the opportunity arises. And if they don't have the facts then it is even better—especially when they get an emotive situation as we have before us today.

Mr. Speaker, I have worked for myself from the time I was 13 years old. And I guess a lot of others worked for themselves starting a little bit older. I know what it means to work, and to work hard for my family. And not at the expense of others either! I challenge anybody in this country to say otherwise! I know also what it means to sacrifice. I know what it means to have a young child and have to leave my family at night to work two jobs—one in the day and one starting at 11.00, going straight through till morning—to be able to make ends meet. I know about that. And my wife has worked for over twenty years in one bank.

I thank God for those opportunities because that is what we are supposed to do. We are supposed to work. I thank God for the opportunity to serve this country, the opportunity that the people of West Bay have given me—these four terms. And I also thank Him for the sense of humanity that He has given me.

Mr. Speaker, they ask, 'What did McKeever do for the country?' I can put my record of contribution and accomplishment for the people of these islands with anyone's, especially those who like to criticise me. I would like to take the time, since I am being questioned about what I completed, and I won't go into the aspects of sports development, but I want to point out some of the things I accomplished. It wasn't easy because some of the same people who are criticising us today, criticised us then too.

And if they say that I am a National Team Member, then they don't know me again! Because the National Team as a Government put me out of Executive Council. I went to the people of this country and I said 'I will work with the Government when there is something that I can believe in, and when there is something that I can oppose, I will oppose.' That is where I stand. I am not going to criticise and talk about the Government unnecessarily.

In the year 2000, when that time comes, God willing, the people of this country will have an opportunity to choose the people they want to represent them, but not before. And, if they want to get rid of me at that time, that is their opportunity; that is a democratic right they have. But I am not going to 'cow-tow' to anybody!

They asked what I have done. I want to point out just a few of my accomplishments between the years 1993 and 1997. In the aspect of Social Services, seminars were held for the investigation of maltreatment of children, the effects of child abuse and neglect on child development, and human services. Meetings were open to police officers, crown counsel, medical social workers, psychiatric social workers, truant officers, school liaison officers, in order to improve the skill-level of professionals in the identification and working with the victims of abuse. Child neglect and child abuse seminars. We sent people to the University of the West Indies.

Social Work. The Young Parents Programme which was introduced in July 1994. The main aim of the programme was to prevent child abuse and to promote responsible parenthood and appropriate care of children. That programme is doing it well. Services are provided to children and their mothers who are at risk to further harm in domestic violence situations. We established multi-disciplinary teams comprising the police, the Department of Health Services, the Education Department, Legal Department and Social Services.

We passed the National Pension Law which, again, some of the establishments railed against. For what? For the good of the people of these islands, even if there have to be amendments here and there the general principle, the law, got to the House and was passed and accepted. And today people can plan safely for their future and have something to look forward to.

We passed Labour Legislation, something that I am still berated for, giving more benefits to workers, including more maternity leave, longer vacation time, and compassionate leave in the event of the death of a close family member. We increased the penalties for improper distribution of gratuities, enhanced cultural development by creating Cayfest. The development of the National Children's Choir for national enjoyment and character building for our children. We created the order of National Heroes, and we did at least recognise two Caymanians, the Hon. Jim Bodden, and Hon. Sybil McLaughlin.

Ritz-Carlton had nothing to do with that, Mr. Speaker. And I would remind those persons in the gallery who are talking, that this House has Standing Orders. Mr. Speaker, this is their House and they must remember they should respect it, even if they don't like what I am saying. I am asking you to say that to them. And that's not all of them: there are a few in the back of me who are making quite a bit of racket. But I can deal with them if you will allow me to. However, I would rather that you deal with them.

**The Speaker:** This is a very serious deliberation and I am asking everybody in the gallery to please obey the Standing Orders so that I do not have to take further action.

**Mr. Roy Bodden:** Mr. Speaker, on a point of order.

**The Speaker:** May I hear your point of order?

## POINT OF ORDER

*(Relevancy)*

**Mr. Roy Bodden:** The point of order is relevance. I wonder if the Honourable Member now speaking is going to come to the point where he debates the merits or the demerits of the motion before the House. I notice that he is giving his record of performance. And while I respect—

*[applause from the gallery]*

**The Speaker:** [gavelling] Once again let me ask those in the gallery to abide by the rulings of the House, or I will have the Serjeant-at-Arms remove you. Please, let us not come to that. This is not a place where you come to applaud.

**Mr. Roy Bodden:** Mr. Speaker, may I continue, sir?

**The Speaker:** Please.

**Mr. Roy Bodden:** I want to say that I acknowledge and respect the Honourable Member's record of performance in the Legislative Assembly, both when he was a Member, as he is now, and as a Minister. But we need to come to the point at hand which is Private Member's Motion No. 17/98 dealing with the merits or demerits of the present Ritz-Carlton Development proposal, sir. I crave the Chair's indulgence.

**The Speaker:** I note carefully what you have said, but he said he was going to be brief. Let's give him the benefit of the doubt.

The First Elected Member for West Bay, please continue.

**Mr. W. McKeever Bush:** I would just like to thank my friend, the Third Elected Member for Bodden Town, for that reminder. Mr. Speaker, I will bow to your ruling because I do want to get on to other areas, and I don't really think that I need to continue with all that was accomplished at that time. This was just to remind those persons who say I have done nothing, of what has been done—not for me, but for the people of these islands. The proof of the pudding is in the tasting thereof.

I will continue. I often ask myself the question: By what standard do I measure my actions? In the case of my efforts for the people of these islands, as the Good Book says, a workman that needeth not be ashamed. I certainly leave it to the people of this country to say whether I am worthy of my hire, but a quiet conscience sleeps in thunder.

It is easy, and I am sure comforting, for anyone to say that his activities and [actions] are not anti-investment. However, the reality is that just saying you are pro-investment when your actions are blatantly anti-investment, is something different.

The personal attacks and deliberate attempts to rile up people with conjecture, to play on the minds of certain

people by getting on the radio and talking about people and their families, and who we are going to get in in the year 2000, will do nothing for the country. It creates an environment which is hostile to any new development, any new investor considering an investment in these islands. I believe all serious and credible investors welcome a mature democratic environment where the issues at hand can be freely debated, such as what the [Governor] (Vesting of Lands) Law has allowed in this motion and in this debate.

However, those same investors would have no interest in coming to a place where the political process is used for personal attacks and political grandstanding, where people are maligned. So, some people in their own minds might think that their actions are not anti-investment, but the reality is, the environment created would be highly negative to any group considering these islands. God help us all if this kind of attitude is to prevail.

Mr. Speaker, there is much talk about the year 2000, the election year. But with this kind of attitude you would not have to think much beyond the year 2000. Be you sure, Mr. Speaker, that I am not afraid of the year 2000, God willing.

I am not here to tell any Member how to vote on this matter, for, or against. Everyone here is intelligent enough to know what is good and what is not good, what is political conjecture and political grandstanding and what the facts are. People in here are intelligent enough whether they are for, or against. It is their right to vote on any matter accordingly, and in my opinion they have always done that.

Mr. Speaker, I, too, have my concerns for the environment. However, I have always realised that there can be a balance between the environment and development. I have always supported such a policy. We can save enough mangrove swamp to protect rainfall, wildlife and other things that are important to it. We can continue with sensible development that will contribute to the people of this country. I sincerely believe that. That is how I have always tried to do my business when it came to the National Trust or their issues or anybody else who are real—and I point out the word 'real'—environmentalists and real conservationists; not those who say one thing one minute and another thing the next.

The truth is that the Fourth Elected Member for George Town has not said anything as yet that convinces me that development and the environment cannot exist together. He has said nothing in his contribution. And I hope that he will enlighten the House when he rises again. I, too, have listened—

**Dr. Frank McField:** On a point of order.

**The Speaker:** You are rising on a point of order?

**Dr. Frank McField:** On a point of clarification. I said nothing about the fact that the environment and development could not co-exist.

**The Speaker:** The First Elected Member for West Bay, just explain yourself.

**Mr. W. McKeeva Bush:** Mr. Speaker, I believe I have explained myself well enough. That is why I got an interruption.

I, too, have listened to what some people had to say who are against this particular project. Some of it makes sense, definitely, because there are genuine people involved. If you could take it all without comparing to the reality then you could perhaps think differently about it.

I have been here long enough, and I am old enough at 43, to know that some of those persons who don't want this, and don't want that, Government can't do this and Government can't do that, will come and ask why doesn't Government do something about it. I have seen it! In other words, sometimes some of the people who criticise are the same people who come back and ask why Government doesn't do something about it. I have heard those complaining against development also complain about the lack of it when the economic downturn comes. What will they say then?

There is the question, Who are we developing for? I thank God that I live in a country as blessed as this. Development in the past has today trickled down and given us all a fairly good standard of living. That is a fact. When people have it so good that they can come out and even applaud the opposition in Parliament, then they must be making it good, otherwise they could not afford to take off the time. And I am glad for that. I am very happy to see them here. It means that things are not as bad as some would have you believe. It has trickled down, the development in the country, and has given us all a fairly good standard of living. That is who we are developing for—all of us.

It is easy to speak in derogative terms about development. The fact is that some of those people have no plans for the present. Some of those people have no plans for the future. Getting into the House and talking about the year 2000 is one thing, but being able to make this country viable for everybody is another thing. So what is their plan when they stop development? This country has two main pillars of economy—finance and tourism. Both of them are very fickle indeed. We don't have oil or other such natural resources. We don't have manufacturing. We don't have an agricultural base to be able to replace even the smallest and least effective economic sector in this country, much less something like tourism or finance.

Yes, we have to take the environment into consideration. But the truth and full facts must be taken into consideration. The two can go together. Getting on the radio show and talking foolishness about me or anybody else will not do anything to help this country. It might please some, and maybe it is music to some ears, because they love that, especially if they are going to criticise me that is good enough for some, but it cannot bring any good to the people of this country. It can't!

I made an enquiry of the owners of Holiday Inn as to what their position is on this matter. They took the opportunity to write me a letter outlining their position. It says:

**“Dear Mr. Bush:**

**“As a Member of the Legislative Assembly I feel you should be aware of the facts surrounding the closure of the Holiday Inn.**

**“The Holiday Inn Grand Cayman, was constructed during the early 1970s in the style of the Holiday Inn of that era reflecting the roadside motel origins of this brand of hotel. Over the years we conducted three major renovations at considerable cost, since renovating an existing property is always an expensive procedure. These renovations were carried out for the purpose of repairing wear and tear to the property, making general improvements to maintain its competitive status and upgrading the property to meet Holiday Inn system requirements.**

**“In 1996 Holiday Inn International gave notice to members of the Holiday Inn system that all the older hotels would be required to undertake substantial modifications and improvements if they wished to remain members of the Holiday Inn system. Otherwise their franchise agreements would be terminated. The purpose of this was to modernise the system so that it could better compete with the other hotel chains which have had a much more recent growth.**

**“After assessing both the cost and the practicality of making the type of changes they were insisting on, and evaluating the cost and economic impact these would entail, we concluded that we could not economically justify the cost of the work on the scale that they would require, especially since we were at a peak of both occupancy and achieved rates.**

**“We were accordingly faced with two choices, namely, to change our name, or to close the hotel down and demolish it. We chose the latter course since it was very clear that a change of name would involve a downgrading of our image in the market place with a negative impact on our rate structure, occupancy and future profitability.**

**“Having arrived at this decision, we set April 30, 1998 as the date to close the Holiday Inn as this would allow us sufficient lead time to terminate our business activities and make all the necessary arrangements for closure of the hotel.**

**“We contacted the Ritz Carlton company to ascertain if there was any interest in their part in developing and having a Ritz Carlton hotel on the site of the Holiday Inn. They did express their strong interest in having a Ritz Carlton in Grand Cayman, however, they were not in the business of developing a Ritz Carlton resort themselves fully, and accordingly through [part of tape 16 missing] they contacted the Ryan group which led to the current project underway to develop these facilities.**

**“I want to tell you that we are most proud of our accomplishments with the Holiday Inn.**

**“Yours sincerely,  
“Humphreys (Cayman) Ltd.”  
“[signed]Mr. Glen Owen.”**

I thought that after some of what I have been hearing, I should put that letter on record.

I want to deal with some of the matters I have heard being discussed, other matters that is. It is most important as the Third Elected Member for Bodden Town said, that this House and the people of this country know the facts rather than conjecture about the project.

Questions I have heard posed [include], *‘Why is the Government giving away the leased land so cheaply?’* As I understand it, the lease negotiated by Government is one of the highest ever in the islands. Correct procedure was followed, as I understand it and the applicant agreed to pay the amount stipulated by the highest value of the three estimates received. The amount Government will receive for the lease extension is \$11 million—\$4 million this year, \$2 million in twelve months. That is my understanding, and, \$5 million for the road extension. This total of \$11 million is the amount stipulated by the Government Lands and Survey Department’s evaluating officer, not by anyone in Executive Council or anyone in this House.

The applicant is not paying the full amount is something else I have heard. The truth is, the applicant is paying the full amount in cash and in badly needed road costs; the \$5 million for the road is the largest amount ever received for any road by this Government. The applicant is not only paying the amount of the highest estimate of the lease, but is also paying the full impact fee at the highest rate allowed under the new Impact Fee Law which is \$1.7 million, giving no credit for the reduction in infrastructure requirements created by the closing of the Holiday Inn. This totals \$12.7 million. In other words, if the Holiday Inn had stayed, it would not have been charged an impact fee, yet the net difference on the infrastructure is 151 keys, (hotel rooms that is), and the project is paying for the impact. That is good. The country needs the money. Let them pay.

In addition, this project, I believe, sets a new standard for the amount of contribution Government will receive from the development projects. I point out that this project has paid so far all applicable fees and not a single dollar due to Government will be deducted. Does this look like we are not getting anything out of it? Or that something was wrong with it? I doubt it.

Another question I have had from some people is that the applicant has received special concessions from Government. Normally Government at all levels, in various countries provide massive support and incentives to attract the type of investment that this project represents. Not saying that we did not need to do that; the Government has been able to secure the premier hotel chain in the world and an investment in excess of \$350 million,

and has arranged for the development group to pay for additional infrastructure.

This cannot be bad, Mr. Speaker. And the *Travel and Leisure* magazine for high-end tourism says that out of the top 100 hotels 12<sup>th</sup> is Ritz Carlton. Twelfth out of the 100 is the Ritz Carlton. That is not bad. And it says much for the hotel chain for those persons who understand about our tourism product. This cannot be all that bad for the islands.

Using the standard multiplier effect of six times the amount of the direct investment, the resulting impact of the \$350 million over the period of time (whatever that is) invested in the Cayman Islands is in excess of \$1 billion to the islands economy in the first two years. This includes the construction industry and all that entails, supplies— such as building blocks (I understand that the hotel will be built out of blocks), restaurants, stores, shipping, transportation, professional and financial services, and you go on and on. In addition, another billion dollars in indirect economic impact in the following three to five years. Now, I am not an economist by any stretch of the imagination. I am using the figures that are given within that business.

Now, the question has been asked as to whether Government could have gotten other people to do the development. That was the question I heard here on Monday. How would the Government do that when it is a private company doing it? And who is the other person, Mr. Speaker, that he says could do it? What are the better conditions that the Fourth Elected Member for George Town says should exist, or could exist with another person doing it? Who is this? Who is this other person? The country deserves to know who this is. I would like to know. And if the Member is so against the project, why is he complaining about who Humphrey decides to go into partnership with?

**Dr. Frank McField:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** The Fourth Elected Member for George Town, may I hear what is your point of order?

**Dr. Frank McField:** The Member is debating my Private Member's Motion. My motion states clearly that I am not against the Ritz Carlton going on the site where the Holiday Inn was.

**The Speaker:** My understanding is that what he is talking about is an investor, and he is reading from the *Hansard*.

*[Addressing the First Elected Member for West Bay]*  
Can you quote the page?

**Mr. W. McKeever Bush:** Yes, Mr. Speaker. Page 17. The Member knows very well what he said. His memory is not that short I am sure.

**Dr. Frank McField:** Mr. Speaker.

**The Speaker:** The Fourth Elected Member for George Town, do you have a further point?

**Dr. Frank McField:** I don't mean to be a nuisance to the Member, I respect his right to speak, but my Private Member's Motion states clearly when we go back to the resolves that I am asking Government to approve, to grant permission for the entities to build a Ritz Carlton, or a hotel of this particular standard on Parcel 11.

**The Speaker:** I fully understand that. But he is quoting from a portion of the *Hansard*. The First Elected Member for West Bay, would you quote that portion verbatim?

**Mr. W. McKeever Bush:** Mr. Speaker, what I said was *that the Member on the one hand says he is for building the hotel, but on the other hand he is complaining about the entire project*. He has said that you can get other people to do the project. That is the point I am dealing with.

He says there is no need to do the project. There is no need to do the project, yet he says that if the development were in North Side, East End, or Bodden Town, then it would be different. Either you are an environmentalist in George Town, in West Bay, in North Side, in Bodden Town, in East End, or you are not all. In other words, you cannot have your cake and eat it too!

But to play to the gallery, to grandstand, to talk about 2000 and continuously talk about politics! This is what it is all about!

**The Speaker:** Can I just interrupt you just one moment?

*[addressing the Fourth Elected Member for George Town]* On your point of order he is actually debating what you have said, so he has that right. Please continue, the First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Thank you, very much, Mr. Speaker. My good friend, the Fourth Elected Member for George Town, knows that I am right. He knows very well what he has said — what he has done thus far. He knows!

He says, "**There is no basis for anyone to argue that this particular project is of economic importance to the Cayman Islands.**" I hope he can back that up with facts.

It is one thing to oppose, but it is something else to be consistent with what you want. Don't tell me you are against the project, that it has no... what did he say? Let me read it for you Mr. Speaker: *That "it has no economic benefit for the Cayman Islands"* — yet you want it for Bodden Town, North Side or East End.

There is much talk about destruction of the mangroves that belong to the people of Grand Cayman. I heard one person complaining that I had laughed, and the Member bringing the motion Monday made mention



that I had laughed. What I had to laugh about was when the Member said that people believe that the destruction of the mangrove is simply a physical destruction, but he went on to say that it is a cultural destruction. And the part I had to laugh about— I smiled, I never laughed out loudly — was when he said it is a “**spiritual destruction, it is a religious destruction.**” That was what I had to smile about.

Yes, the mangroves, as I understand, because I don't know all about these things, and I listen to other people who are knowledgeable about these kinds of things, even if we don't get along well, I still listen to them if I know they are knowledgeable about it. He says they are destroying the mangrove and should not the land be kept for the people of Cayman to use? The land does not now belong to Government as much as people would like to believe. The lands are leased and irrevocably owned by a company, and that company has that lease for 52 more years. The point that has to be made to the people of this country so that one and all understand correctly is that at the end of the 52 years, negotiation can be entered into between the company and the Government for more extension.

The Westin, the Villas of the Galleon, Lime Tree Bay and the Falls complex are all on leased land, as I understand it, which will come due after 52 years or more. Does anyone really believe that those properties will stop doing business and give Government the land and buildings on it back without entering into additional negotiations? Let us be genuine with the people. Let us be realistic. The truth is that in the 1950s all of these properties were leased out and the die was cast at that time once those companies that received those leases were allowed to sell those leases. And it has happened.

It is not possible to rewrite history, and the proper action is to work to get the best possible out of the arrangement for the Cayman Islands to meet today's needs and those of the future. I believe that the Ritz-Carlton project does this better than any other option available. Unless, as the Member said, he knows someone who will do the project better.

**The Speaker:** Is this a convenient time to take the lunch break?

**Mr. W. McKeeva Bush:** Thank you, Mr. Speaker. I was just about getting hungry.

**The Speaker:** We shall suspend proceedings until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 12.50 PM

#### PROCEEDINGS RESUMED AT 2.31 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 17/98. The First Elected Member for West Bay, continuing.

**Mr. W. McKeeva Bush:** Thank you.

When we took the luncheon break, I had talked about the inconsistencies of being for the environment on the one hand, and against it on the other hand. I pointed out that the mover of the motion had said that if the development were going in North Side, East End, then he would take a different position. I had said that either you are for the environment as you say you are, in giving a long speech about it, or you are against it; but you cannot be both. In fact, you cannot be against the project coming to Cayman if you want to put it in Bodden Town, North Side or East End. That's a fact.

One question I have heard posed is: Why is the applicant being allowed to build a Ritz Carlton if the people of Grand Cayman have not decided that they want one? The applicant (it seems to me) is building what is allowed in the approved development plan and perhaps is building less than is allowed in the plan. The Government—any Government—has the right to decree what hotel chains will come to the islands. Hopefully, we are pleased that Grand Cayman has been able to attract one of the finest chains world-wide. Government, I do not believe, has the right to dictate to people what commercial ventures they must follow provided they comply with the applicable rules and regulations set down by the Government as this project has done. These are things that must be considered.

Another question, or untruth, is that Ritz Carlton is not part of the project, they are only the managers. The information that I was able to glean is that Ritz Carlton is one of the original sponsors of the project and Ritz-Carlton has a large financial stake in the project—over \$25 million of total commitment. This represents a serious stake in this country by a qualified, credible international business company.

The question is posed, Why can the Ritz-Carlton Hotel not be built on the old Holiday Inn site only? The motion says this is what is to be done.

The Cayman Islands currently has only one true resort, the Hyatt Britannia Resort. A resort offers more to attract tourists than a stand-alone hotel can. The Ritz-Carlton is the premier resort company in the world. To offer all the features and services that they require, it is, I believe necessary to have the space to offer the pools, the spas, the restaurants, the convention facilities and golf to attract the type of tourist that comes to a Ritz-Carlton.

Mr. Speaker, right now this could be another aspect of our tourism produce, that is, convention facilities. This plan, from what I have seen of it, is catering to a facility that will accommodate 1,000 people or more. The country does not presently have such facilities. It has small rooms like the Grand Pavilion and some of the other hotels have space. But we don't have that sort of facility. This is another way of upgrading our tourism product.

With all of these features the Island will further secure its position as one of the premier destinations in the Caribbean, as well as accessing other markets that previously have not been able to consider Cayman, due to

the lack of these kinds of facilities, in particular the group and incentive tourism sector that require the convention facilities I mentioned and other facilities, and critically the meeting and convention space. I believe that it is physically impossible to build these facilities as well as the required parking on the existing Holiday Inn site.

The villas planned in future stages, from what I can see on the Plan, will all surround separate swimming pools and meeting areas to further enhance the ability of the resort to attract group business, especially in the critical off-season market. Certain incentive travel groups require the ability to separate a specific area of a resort for their people while retaining the access to a full range of resort amenities. Whereas, most of the market for this type of business cannot afford, nor is there likely to be space to reserve an entire hotel complex; these individual areas allow for a broader range of attractive options to the critical incentive and group markets.

Therefore, you cannot imagine that it would be economical to build this sort of five-star resort property on a confined five-acre site. I don't know a lot about planning, but it would seem to me that it is not enough. The motion is saying that they can go ahead and build the hotel. Of course, the Member said they could put the project in another district.

Another question that I have been asked and have heard being asked is if the developer has the necessary funds to develop the project. It would seem to me that the mover of the motion took the investor to task saying he didn't have what it takes. Perhaps he has that information and perhaps he will share it with each individual Member of this House. I don't know that. As it seems to me, from all that I have been told by Humphreys (Cayman) Limited and the relevant people in the development, it was Ritz-Carlton who approached the developer, Mr. Ryan. I am sure that the Ritz-Carlton is not in the habit of approaching development groups who are not able to complete their projects.

One of the reasons the developer, Mr. Ryan, was approached, from the information I have gathered, is because he had already proven himself through his success and expertise in the resort development [field] through his projects in Costa Rica, Canada and the United States, some larger than the entire Ritz-Carlton project here.

**Dr. Frank McField:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** May I hear your point of order?

**Dr. Frank McField:** Mr. Speaker, because the Member has stated his special interest in this resolution, he seems to be bringing facts into the debate that no Members of this Chamber could really have access to. It is because of his privileged position as a real estate person that he is able to bring this type of information to influence the debate.

**The Speaker:** So what is your point of order?

**Dr. Frank McField:** My point of order in fact is that the Member should not be in the position to influence the debate because of his interests.

**The Speaker:** I am not following your train of thought. I thought the purpose of debate is to inform the House of the matter.

**Dr. Frank McField:** Mr. Speaker, we talk about common knowledge and things, we should all have access to the same information, if not, then the debate becomes a little one-sided. The Member has read a letter which was written to him by Humphreys that has not been tabled, that we have no access to. It is this type of position that the Member has as an owner of a real estate company. He has privilege to very private and confidential information that we don't have access to. Therefore I believe that the debate is being one-sided as a result of his position. I question whether he should be debating at this time.

**The Speaker:** I cannot concur with you that that is a point of order. The purpose of debate is to inform the Honourable House of events at hand. You had a privilege and you gave some very pertinent points during your debate which were all very valid. Maybe Members did not have that knowledge. That is why people debate. So, would the First Elected Member for West Bay please continue?

**Mr. W. McKeeva Bush:** Thank you, Mr. Speaker.

I have some information that is basic, if you go to the Planning Department, if you talk to the developer. The Fourth Elected Member for George Town brought the lawyer and the developer to Members of this Honourable House and each one of us sat down for about an hour or longer, asking them questions, seeking clarification. And we did that. My train of thought was to seek some information from the Humphreys because they were closing the hotel and I didn't know why. They hadn't said why and I wanted to find out. I was not privy to anything.

What I am talking about here is that I do have some knowledge because everyone knows that Cambridge Real Estate Corporation sold a lot of condos at the Britannia. These things that I am talking about are facts. It takes common sense, not just other things, common sense will tell you that if you are going to improve your tourism product that you need the things I am talking about. And if you go to Planning, you will see.

Mr. Speaker, I believe that he has had as much time to gather facts as anybody else—being a full-time Member of this Assembly. In fact, the Member says that he knows of another developer who is willing and capable, and to use his language, he says that we could get other deals who could give better conditions. If he has this information, I don't . . . he mentioned this in his debate, but he has not produced it. And as a Member of this House, even if my company is doing something, I am entitled to

speak as long as I have declared my interest. That is the Standing Orders, and, as I said, out of an abundance of caution and with due respect to the House to give sufficient time, I sent you the letter.

I believe this is as it should be, Mr. Speaker, because while I will not be able to vote on this matter, a lot of things have been said and if I was not able to speak, then a lot of people could get away with a lot of things accusing me, and making insinuations. And that is the purpose of the Standing Orders, to allow Members, even if they have an interest but they cannot vote, and that is the situation. My friend, the Fourth Elected Member for George Town will learn this in due course.

As I understand it, as I was saying before I was interrupted, the developer has put forth all of the necessary and appropriate funds to Government and other entities required to move the project forward and has retained some of the finest professionals in the world, including local Caymanians to work with him at his own expense. This is stuff that was told to us in that meeting, as I recall it, organised by the Fourth Elected Member for George Town when he was supporting the project.

*[Laughter and inaudible comments by Members.]*

**Mr. W. McKeever Bush:** Mr. Speaker, the Member should not really get into this questioning about when he was supporting the project ... and I am being kind here.

**Dr. Frank McField:** Mr. Speaker, on a point of order.

**Mr. W. McKeever Bush:** And I would expect him to be kind to me as well.

**POINT OF ORDER**  
*(Misleading)*

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, the point of order is that the Member is misleading the House. There is no record of my supporting this project and the Member needs to prove that point if he is going to continue to make it.

**The Speaker:** Can you explain why you made that statement please? The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Mr. Speaker, the Member well knows if he was supporting the project. At one point or another he was against the project. He came out on the television against the project. So, as I understand it he met with them and then he brought the developer and the developer's lawyer from Hunter and Hunter to talk to us, to convince us of the situation.

**Dr. Frank McField:** Mr. Speaker.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** It is an important point of order. The Member, the First Elected Member for West Bay, is, I believe, incorrect and I am saying that he is misleading the House because, in fact, I made certain statements in the press that led the lawyer for Humphreys to believe that I did not understand the full extent of the agreement with the Government. When it was explained to me that the deferment was not for infrastructural fees and impact fees, I was told that by the lawyer and I decided to make that information available to other Members of the Legislative Assembly by inviting the lawyer and Mr. Ryan to give them that information so that they would have had the benefit of the doubt on the same information as I had.

But there was no indication: no such thing as my supporting the project! Therefore, the First Elected Member for West Bay is misleading the House as he has so often done.

**The Speaker:** Can I ask you, First Elected Member for West Bay, to move on to another point? You have both made your explanations.

**Mr. W. McKeever Bush:** Mr. Speaker, when I am wrong, I am wrong. But I am not misleading the House and there are other Members who will, hopefully, clarify this.

**The Speaker:** I am not at all saying you are misleading. I have given you both an opportunity to explain yourselves.

**Mr. W. McKeever Bush:** Good!

**The Speaker:** I have not ruled it was a point of order, but I have asked you to please go on to another subject.

**Mr. W. McKeever Bush:** Thank you, Mr. Speaker.

I will leave the Member alone with his assumption that I am misleading the House, because he knows he's on a limb. But that was not the only time he was supporting it. And other people will bring that point, if it is true. And the Member knows that. To say that I often mislead the House is not correct. It is not correct!

Where was the Member on Mother's Day? What was he doing at the West Bay Cemetery when I was fixing up my grandmother's grave but bringing one of his constituents who has a company. . .

**Dr. Frank McField:** Mr. Speaker on a point of order.

**Mr. W. McKeever Bush:** And Mr. Speaker I can tell you—

**Dr. Frank McField:** Mr. Speaker, on a point of order.

**POINT OF ORDER**

**The Speaker:** Please, let us maintain order in the House. One person speaks at a time. If you will give way. . . The Fourth Elected Member for George Town, let me hear your point of order this time.

**Dr. Frank McField:** The Member seems to take a particular pleasure in throwing mud.

**Mr. W. McKeeva Bush:** It's not mud, it's the truth!

**Dr. Frank McField:** All I would like to say is that the Member has no proof and in no way can he prove this. He is misleading the House. As a matter of fact he is telling a lie, a bloody lie.

**Mr. W. McKeeva Bush:** Mr. Speaker—

**The Speaker:** Just give me one moment, please. I have asked you both. . . both of you have made your explanations, it is left to the listening public to [form their opinions] from what has been said. Let us not go further into this matter as it is not going to help the debate. Please, First Elected Member for West Bay, move on to another subject.

**Mr. W. McKeeva Bush:** Mr. Speaker, I have my right under the Standing Orders.

**The Speaker:** I am not trying to do that—

**Mr. W. McKeeva Bush:** Mr. Speaker, please, can I address you on the matter?

**The Speaker:** Certainly. Go ahead.

**Mr. W. McKeeva Bush:** Thank you.

I have my Standing Orders and I know that if I am called a liar in this House I must prove otherwise. I ask you to set down that right. I will not call the constituent's name because I am above that, but I will certainly bring his business card and the name of the company tomorrow morning.

Thank you, Mr. Speaker. I will move on.

A lot of politics is being played, and they have a subject that they know will whip up some emotion. But, by God, if you do those things, at least say that you've done it and you have changed your mind because you can change your mind—

**Dr. Frank McField:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** [addressing the First Elected Member for West Bay] Will you give way?

The Fourth Elected Member for George Town, what is your point of order?

**Dr. Frank McField:** Mr. Speaker, the Member is back to the point again that you have asked him to leave.

**The Speaker:** The First Elected Member for West Bay, please, I ask you to go on to another subject, and deal with this later.

**Mr. W. McKeeva Bush:** Mr. Speaker, as I said, I reserve my right for tomorrow morning.

The question was posed, Why do we need a Ritz-Carlton? Although the financial sector will always be a pillar of the economy, the world is changing. One of the recognised areas for growth in the short, medium, and long term is the tourism sector. To compete in this sector Cayman needs to upgrade its inventory to satisfy the demands of our potential clients in a highly competitive market. I believe that the Ritz-Carlton will do this for us.

If we look around at our competition... and I heard the Member say that we are not the Bahamas, we are not anywhere else, we are Cayman. But we do have to pay attention to our competition. Our [competitors] are busily upgrading and improving their tourism product. We need to pay serious attention and continuously upgrade our tourist product to ensure that Cayman will be able to compete today and in the future. If tourism is to continue to be an important part of the economy of these islands, I believe to develop the Holiday Inn site as a Ritz-Carlton is the best possible option, and one that should be encouraged.

From what I read and understand, the more of the big investors we have come to Cayman, the better off we will be. It builds up the Cayman Islands asset base. As we look around the world today, we see that as far as the global economies are concerned the picture is not a rosy one; that is a fact. The big investors, from my point of view, if located here, and if we work with them, will do more to assist us in the event of any pressure we might face from external sources as they would be protecting their investments also. Somebody who is putting down the kind of resort development which in stages will be some \$350 million would have something to protect.

We are hearing some concern about why we need to continue developing. Why do we need to continue developing? Check the *Hansards*. My position has always been that we are developing for the people of these islands. No country can stop developing. We can only make sure that we get good development and ensure that a balance is struck with such things as the environment. That is my opinion. We must do that if we are not only concerned about the present, but also of the future. Then we have to make sure that we develop and that the development is quality development.

The Member made reference to Vision 2008. He asked, "Are we listening to Vision 2008?" There are some 300 children graduating from school each year. In five years' time we will have 1500 children coming out of school. Not all of them are going to go into the tourism sector. We know that. And I know they can compare the Immigration statistics. You know what you do with some

of these people saying *'We don't want this and we don't want that?'* Try to take away one of their maids and cut down your statistics. Try cutting down one of their workers to cut down the statistics. You'll hear a different story. You will hear the same thing as you hear when they say, *'I don't want this, and I don't want that. No Government don't do that. Don't do that. That not good for us.'* But *'Give me a road, give me this, build up this.'* And then you say, *'But where's the money going to come from?'* *'Well, listen here I don't want no taxes on my car.'*

Mr. Speaker, all I am saying is that the way we have developed, yes development pays for this. Once it is balanced it will continue to do so. Once it is done right, it will continue to do that. All we have to do is ensure that good opportunities exist for those 1500 children in five years, at 300 per year on average, and train them. We must ensure that good training initiatives exist so that there can be upward mobility in the future for our people — these children graduating year by year.

Much is asked about what this will do for Caymanians. I know we are not going to please everybody—I know that, Mr. Speaker. I have never been able to do that. And it is a hard thing to try to balance. Everybody has responsibilities in this House—every one of us. But when we ask what this will do for Caymanians, it just can't stop there. And when we say, especially, that the developers are not pro-Caymanian, I know that that is not so. I spoke to them to get the information.

For instance, in addition to all those benefits that will come, the developers agreed to give 100 scholarships for Caymanians to attend the Community College and do training in the hotel and condo sector. And when I talked to them. . . in fact this is one of the things that they agreed to when the majority of us on the Backbench questioned them. There were only two Members who were not there, the Second Elected Member for Bodden Town, and the Fourth Elected Member for West Bay, but everybody else was there. This was one of the things that everybody was concerned about: training.

I said to them I think you need to go further to expand these scholarships to the International College of the Cayman Islands, and to give the same amount, at least that it would take for a person to do the training here, give that to a course overseas as a scholarship. If any person wanted to go overseas, there would be this assistance. Is this not trying to do something for Caymanians? And let us ask ourselves the question, as much as the developer has been maligned, Which other developer has done it? And he recognised from his development that he will be getting something from Cayman and he wants to put something back into it, that among other things. Which other developer has done that?

Also, when we heard about the Holiday Inn closing, I did speak to the Humphreys at the time and we got together with the developer. I brought to their attention that there were people over age 55 who would be displaced at the Holiday Inn. The developers agreed to give them \$250,000 to be paid out over the time the hotel is being built. I think that this is something good. Caymanians are

benefiting, and will continue to benefit from the development.

Now, as I said, you can't please everybody. Some people make it better than others in this world and so some people are not going to like these sort of things. They are not going to like it!

In addition, and a further example of the developer being pro-Caymanian and especially pro-small Caymanian, he (the developer) has agreed in advance to make every effort possible to enable the sensitive watersports concessions to be opened to the smaller Caymanian providers. While maintaining the necessary high standards required in Ritz-Carlton, the developer will be providing ample time and support to enable the smaller operators to compete on an even footing. In other words, he is going to do whatever he can to see that they get the business. What a difference as compared to the situation that exists presently where small operators get little or no business. Is this not helping Caymanians? This is helping Caymanians!

From the calculations, which are easy to make yourself, on an average over the first five years of operation the room taxes alone will bring in between \$5 million and \$8 million per year directly to the Treasury of these islands. Who is that going to benefit, but Caymanians? From the information I have, I understand that the only contract given out on the Ritz-Carlton project is to a Caymanian. Another Caymanian benefiting! Not everybody will get all that he wants from everything that exists in this country. Some will get more than others, but that is how it is made up in this island.

Mr. Speaker, everyone with common sense would agree that removing all the swamp in the country would definitely have a negative impact and moving some of it will probably have [some too]. But I believe that the negative impact is small, and nobody has brought any scientific evidence that proves otherwise.

We started development on the West Bay Beach, as the Minister responsible for Lands pointed out, way back in the 1950s when incentives were given. We started development on the West Bay Beach area on the sea side and the North Sound side a very long time ago. Swamp has been removed and it hasn't killed the place. The area is still the area that any quality development will want to be placed. Now, a lot of people might not like that, but that is a fact as far as investment is concerned. This swamp, . . . and this needs to be said: I am not being anti-National Trust. I never have and I never will be. Not that I agree with them on everything. But the swamp has not over the years remained some virgin rain forest in an isolated area somewhere. It is in the prime area for the country. And it is swamp that must be sprayed constantly in order to control the mass breeding of mosquitoes and other such insects.

The mangrove is dyked and drained too which means it is no longer the pristine ecosystem that we all talk about. And isn't it better that we contain development when we are talking about mangrove, for instance, and preserve other areas as some people have been doing

with certain land banks? These are things that can be taken into consideration. But in order to keep down the mass breeding of mosquitoes, has anyone stopped to question whether this amount of spraying is causing any kind of sickness in these islands?

I remember — and a Member was talking about it the other day — when I was the Minister for Health I posed that question to one of the doctors. One answer was that there was a possibility that the spraying was causing the high cancer rate in the country. And I just heard a Member questioning that same thing. I do know that several people have passed away — in blessed memory — from that department. And I am not saying that there is scientific evidence, but many people believe that the spraying has something to do with the high cancer rate in the country.

One question I have been asking (because I was told so) is whether it is true that the first 20-50 feet of swamp is the most important, or very important for sea life to breed. As I understand it the project is preserving the 300 feet of mangrove buffer as is set down by regulation.

On questioning whether or not the developer has the interest of Cayman at heart, it would seem to me that it is to the investor's extreme economic interest to not only just at the beginning of the development, but at each and every step, focus on the careful and sustainable quality of the environment and to keep it in as pristine a state as possible. Not just during the development stage, but each day, each month, each year, each decade because that's how important it is, or will be, to their development. What they would sell to the tourists is a sustainable environment. I would hope that the authorities would see to it that they have the expertise necessary to carry this out because it must be a must! Let me put it that way.

**The Speaker:** Maybe this would be a convenient time to take the afternoon break. I would like to invite all Honourable Members to meet with the Temporary Acting Honourable First Official Member responsible for Internal and External Affairs in the Committee Room immediately after our suspension in order that he can brief us on the movements of Hurricane Georges as it approaches Cayman Brac and Little Cayman.

We shall suspend for 15 minutes.

#### **PROCEEDINGS SUSPENDED AT 3.19 PM**

#### **PROCEEDINGS RESUMED AT 3.53 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you.

Mr. Speaker, when we took the break I was dealing with some of the questions being posed. I was talking about the effect of aerial spraying in the country to stop

the mass breeding of mosquitoes. I had a chance to talk to the mover of the motion who is saying that he got some information that the high cancer rate was not so; this is all speculation and it is not true.

I did say that in my contribution that I had no scientific knowledge and I didn't think anybody had any scientific knowledge that it was so or not so. But, as I said, a lot of people questioned why so many people have passed away in the Department of Environment with the same said situation. I am not saying it is, but people do question it. It is something worrying. If the Department of Environment has scientific information that says it is not, then perhaps they should allow us that information.

One of the questions that keeps coming up and statement made is that we should have no more over development because it causes stress. In regard to tourism development or this particular project, after the loss of the Holiday Inn and the Grand Pavilion, the island's inventory is reduced.

So we can do a couple of things to compensate. We can either build thousands of rooms for lower level tourism, which means more people—and we all know that can increase stress—or we can build fewer rooms for a higher level of tourist: those who are able to spend more (which is the Cayman Islands' policy, from the question I asked in the House the other day and was answered by the Minister for Tourism) which is what the Ritz-Carlton will do. Greater benefit for lower impact. Quality over quantity. This is what I think we should be striving for in our tourism product in the Cayman Islands.

The Member referred quite often to the Vision 2008 exercise saying that we must listen to the people, that this is what the people are saying. I pay attention to the Vision 2008 exercise. I have had public meetings on it and stated my support for it, and the need for such an exercise. But, all that is contained in this document is the opinion of people, it is not a definitive document. For instance, while he is exhorting us that we must listen to Vision 2008, we must pay attention to this Vision 2008 or the people are going to kick us out, they are going to throw us out, as I have already said, when the people of West Bay get ready to do that, that is their democratic right. It won't be the first time they tried to kick me out and the people acted differently. All manner of things were said too. But I guess that can be done again.

Mr. Speaker, you've been through it. You've been through the electoral process or the political process. So you know what things they can come up with. In the state of mind that I know is existing, it doesn't surprise me what will be said. I don't know how much more, though, they will be able to say.

The Member exhorted us time and time again that we should pay attention to Vision 2008. Vision 2008 also says that "the Caymanian's first policy" (let me go slowly with this) "the Caymanian's first policy should be modified so that high school graduates are required to take a test before they are eligible for office jobs." According to this document 58% believe that to be so. They strongly

agree according to this document. Does the Member believe that too?

This is not the 'document' or the 'Bible' of this country. The Vision 2008 Document says that "the tourist industry should try to attract more middle and higher income tourists." Let us focus on those two things, "to attract more middle and higher income tourists to ensure that the Cayman Islands does not become an elite and over-priced vacation destination." Does he believe this? Sixty-nine percent agree, according to this document. It says that "tourism in general is too important to the economy and the tourist industry should work on attracting more tourists to the islands over the next ten years rather than attracting fewer, yet wealthier tourists in an effort to protect the environment." If I am understanding this correctly, it says that we should be supporting mass tourism.

Do we know what mass tourism is? The kind of tourists that come here and put the ice in the bureau drawer in the room to keep their beer. That's what we want to promote? I think the Government is saying something different from the answer given to my question about the type of tourists.

So, I agree with some of Vision 2008, but you can believe this: I certainly don't agree with all of it in particular, I don't agree with this because it makes no sense. I don't care if 69% or 100% said it, because if your argument is that you don't want infrastructure that is stressful, then you can't say bring in more tourists. You can't say that we should spend money attracting more tourists because that is what the tourist will do, more will mean more stress. I don't know, in his asking us to take into consideration Vision 2008 whether he paid attention to these things, and if he did, whether he supports them.

In the question about the new vacation destinations around us, they came up with this one: "Suppose Cuba became a major vacation destination in the next five years. Are you worried that this might significantly hurt the economy of the Cayman Islands?" And, 45% said they are very worried; 27% said somewhat worried; 17% said not very worried. And you can believe that when you add all of them together you get worried people! And rightly so.

What do we do to preserve our market share? This is the question. And we cannot get away from it as much as some people who do things and say things to stop people from building Ritz-Carlton or building any other development for that matter. Tourism is one of the main pillars of the economy and it is going to continue to be the main pillar of the economy if we don't watch out. I will say no more.

Mr. Speaker, I don't think I need to refer any more to Vision 2008 because this is not a definitive document, and it is a matter of people's opinion. But if you take all those things that I said, somebody should be worried about the situation.

I believe that we must strive for development that will assist us in being a sophisticated, dynamic young country that can face the new millennium with the tools in

hand that enable us to deal effectively with the predicament of nation-building with all that it entails under the challenging process of globalisation. These are matters that we are paying attention to right now. Right now in this country groups are talking about it. When the question is posed, Can, or will, the Cayman Islands hold its own within the context of the so-called mega-block economic formation? the answer would be yes.

Yes, Mr. Speaker, if [we] have the type of international businesses coming in that can sustain us, not only today, but in the future—five years, ten years, thirty years down the road. I believe that such a development, as the Ritz-Carlton, will assist in building our credibility and sustain development initiatives far into the new millennium.

We said, let's not pay attention to what the Bahamas are doing, and some other names were given. But we have to pay attention to what they are doing. We have to. This is where we started back in 1967, or around there, between 1967 and 1973. If you pay attention, as I know the vast majority of Members in this House will, you will see that they are making a serious comeback. They are doing the right things. We have to pay attention to our competitors they are upgrading their tourism product seriously. It is not quite the same as ours, not all of it, because they have other things. But they are gearing up again and moving along. And I applaud them for it. That's what you do—you take care of your people, even though everybody will not be pleased.

I would hope that all I have had to say, helped to provide some facts and a clearer understanding and would only leave in the minds of the people of this country that quality development would not only help to enhance our present needs in the tourist sector, but a greater dimension of development for the whole future of this country.

As I said, I am not here to tell people how to vote. That is their prerogative and everyone here is intelligent, they know what is good and what is not good and they can make their own judgement calls on the facts that are given accordingly. I believe they should judge it on that basis. Insulting people and saying all manner of evil about them is not going to help; that does nothing for the situation.

Personally, I believe that the project will continue to be good in the future for these islands and it will not destroy us, as is being said. There are two important matters that I am concerned about. That is, the storm buffer—and in any development they are leaving the 300 ft. storm buffer that Government requires by regulation: they are doing this. The other concern I have is about dredging. They are not doing any dredging in the North Sound. That is a fact. Planning is there. The Planning commission (I guess you would call it) is there for people to check.

Given the economic conditions of the world, given the situation of global economies, and all that these islands face, and Mr. Speaker, whether I can sell condominiums or not, or whether someone else is allowed to, that is the prerogative of the developer. I believe the pro-

ject to be sound, to be sensible, and good for the future of these islands. And to get to the future, we have to start preparing in the present.

The mover has not said anything to convince me that he has scientific knowledge for the basis of his actions, and he has not given any information that will convince me that he actually knows that this project is bad for Cayman. He has said a number of things, but he has not given any factual basis for it. He says that the developer should not be here, but I would imagine that the Government did some check on him. I would hope so. He says that there is another developer Government could give this to, and there are better conditions. He hasn't said who the other developer is, or the conditions this other developer will give. So, I hope he can deal with those things.

I certainly cannot vote for the project, but you can believe that I believe it is a good thing for the future of these islands, given all that we face. Thank you.

**The Speaker:** The floor is open for debate. Does any other Member wish to speak? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** As the Member who seconded this motion, quite naturally I have some things to say to the motion. I have listened keenly to all that has been said and I have noted that there were times when Honourable Members' tempers were frayed and the patience of the Chair was called upon. Indeed, I, myself, drew the attention of the Chair to what I considered was an important point of order.

Let me begin by saying why I, the Third Elected Member for Bodden Town, support this motion and have seconded the motion. In my behaviour here I have never put myself in the position where I stood up to speak out on something that I did not believe with all my heart to be so. And you know that I have been called many things, and have been accused of many things many times by the National Team Government and its supporters, including one who has opposed for the sake of opposition. However, I have to say that I have had the good fortune and the support of my constituents who have believed in the righteousness of my causes and the sincerity of my position to have returned me three times. The last time in spite of the National Team, and many people who are not so 'National Team' now.

Having said that, I want to say that I shall keep my debate to the high standard the Honourable House has come to expect of this Member, and I shall say what I have to say without fear or favour.

I am reminded that the 'National Team' finds itself and the National Team Members find themselves in the same said position that the National Team Members have so often reminded the Parliament and the country about, namely, that which Mr. Ezzard Miller was in in 1992.

I want to see what the National Team is going to do now that they are in that position. I want to see how flexi-

ble the National Team is. I want to see what kinds of systems they have. I want to see what kind of regard the National Team who claimed itself so all-seeing, so sensitive, so attuned to the wishes of the people. I want to see what they are going to do now, if they are going to make the same mistake that they claim Mr. Ezzard Miller made and get voted out of office like he did.

This motion is not about money. And I will quite candidly admit up front that there is scope for lots of money to be made from this development, if the development comes to fruition. But one has to quite sensibly ask one's self, Is money the be all and end all? What about the future? What about my children, what about our children and our grandchildren? Are we not mortgaging the future? Are we not handcuffing them so that they will not have certain means at their disposal, so that they will not have certain options that they may be able to sensibly exercise?

Let me just say something about the lease. Let me correct something that I heard the Honourable Minister for Lands say while making an analogy. A lease of 99 years does not necessarily mean that the party leasing has to extend that lease any further. They may exercise their option to close the lease at the end of that time. Case in point: Did not the British lease Hong Kong from the Chinese for 99 years? And were they not interested in extending beyond that point? What did the Chinese tell them? We are sorry, the lease is up. We are not extending. We want our territory back. And, we know what happened.

So, Mr. Speaker, let us not be lulled into the notion that the lease of 99 years is bound to be extended in perpetuity for we don't know. . . we hope at that time our progeny will be occupying the halls of Government and these hallowed halls. We don't know what their decision is going to be, we don't know what their disposition will be. So we can't take it for granted that they are going to allow this lease to continue. And I am sure that the people leasing know there is a certain risk they have to take, namely, that after the 99 years they may have built all of these buildings and developed the property and the owner will say, *'We want to take this back. So all these things come to us.'*

As for us, we shouldn't anticipate, because we won't be around. I am not the youngest Member in here, but I am not the oldest. And I am sure it will have to take a long stretch of the imagination to stretch to the point where I will be around 52 years from now! So I would hope that within this lease there is no automatic extension or rollover hidden because that would really be imprisoning our progeny.

Few issues in recent times have been more explosive and more emotional than this particular one. In the Cayman Islands this issue supersedes the interest in Clinton and his behaviour and the scandal in the United States because over the last week I have not heard ten Caymanians talk about Clinton—everybody is talking about the Ritz-Carlton and the implications of this motion.



We know that land is very important in the history and culture of our country. And it is from land that all wealth is generated. Hence, the reason why this issue is so emotive, so all consuming, so engaging, because the people have every right. . . and I am happy that there is one issue that can fire up the Caymanian people who have so often [been] accused of being passive, laid back and nonchalant. I am happy and I hope that their emotion—the arousal of their interest—in this proposal is symptomatic of their interest in what is happening in their country from here on in. On the eve of the 21<sup>st</sup> Century we can no longer afford to be nonchalant, to be unconcerned. No longer can we say, *'Well, it's not pinching my toe, so I won't scream.'* I am happy, Mr. Speaker.

What I am not happy about are some of the symptoms of behaviour that I have witnessed in here and I have heard elsewhere. Mr. Speaker, you know that I am one who always likes to tout the merits of democracy. This House, this Chamber, was designed so that Honourable Members on all sides of the spectrum with all different opinions and debate and discourse reasonably emotional, Mr. Speaker, like I get sometimes. But stop short of chopping one another up. All of us were elected and all of us are pledged to do the same thing: responsibly represent our constituents and country.

So, my spirits are dampened when I hear cheap shots taken; when people interpret positions as purely personal. I will endeavour to get my points across however difficult they may be without being personal, without maligning anyone, and without imputing any untoward motive. But, I make no apology for this: I am going to speak my mind as I see it, and I full well expect to be castigated as I have been before. But all Honourable Members know that I am not the longest serving Member here, but I have weathered many a storm. So, I hold no fear of anyone who comes behind me. I just want to say that it is my duty and my responsibility to call matters as I see them with full respect of the office of all Honourable Members inside here.

Mr. Speaker, the motion is straightforward. I would like to say now as I will observe again later, that worded as it is I will crave the indulgence of the Chair when that time comes to allow Honourable Members to vote according to the resolutions as put, and there are three or four, sir.

**The Speaker:** Are you saying each resolution separately?

**Mr. Roy Bodden:** Yes, sir.

**The Speaker:** Understood.

**Mr. Roy Bodden:** Most Caymanians yearn for simple solutions; solutions that will make problems go away. There is nothing wrong with that. There is a certain practicality of that that is characteristic of the Caymanian psyche. It would be an ideal situation if we could solve these problems so easily; if we could just will simple so-

lutions to complex issues such as this one. But that is not to be, so we have to rise to the challenge irrespective of what position we hold.

I was disappointed with the way Government handled this matter. I was disappointed because on 17 July late in the afternoon, bordering toward evening when this matter was tabled, there was no attempt by the Government to sell this matter to the Honourable Members of the Legislative Assembly. There was no attempt by the Minister laying this bundle on the Table to explain the significance of these documents. Indeed, it would almost seem as if the documents were just thrown there.

And the National Team Government followed its usual style of not saying anything and hoping that the problem would just go away; that there would be those of us who wouldn't raise a query; those of us who would just take the bundle for granted, take it home and not even read it! I have to call into question the professionalism, the responsibility in the way this important matter was handled. Common courtesy would have suggested that some explanation be forthcoming. Certainly, precedence and procedures in the past have dictated that that is the way matters of this magnitude were handled. Indeed, I have seen less significant matters handled with more professionalism and openness.

#### MOMENT OF INTERRUPTION—4.30 PM

**The Speaker:** Is this a convenient time to break?

**Mr. Roy Bodden:** Yes sir.

**The Speaker:** I will entertain a motion for the adjournment of this Honourable House.

#### ADJOURNMENT

**Hon. Thomas C. Jefferson:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Friday. The reason for that, as we understand it, is that the National Hurricane Committee is going to publish a tropical storm warning for Cayman Brac and Little Cayman this afternoon and we feel it is in our interests not to be here but with our constituents.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM on Friday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 25 SEPTEMBER, 1998.**

**FRIDAY  
25 SEPTEMBER 1998  
10.28 AM**

*[Prayers by the Honourable Temporary Acting First Official Member.]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper: Announcements and Messages from the Presiding Officer.

**READING BY THE SPEAKER  
OF MESSAGES AND ANNOUNCEMENTS**

**The Speaker:** We were absent from the sitting yesterday and give thanks to Almighty God that the Islands were spared from Hurricane Georges. We are glad to be back this morning.

Item 3 on today's Order Paper: Presentation of Papers and Reports. We will have to move on as the Hon. Minister for Agriculture, Environment, Communications and Works is not in the Chamber.

Questions to Honourable Members and Ministers. Question No. 158 standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 158**

**No. 158: Mr. Roy Bodden** asked the Hon. Temporary Acting First Official Member responsible for Internal and External Affairs what is Government's policy regarding the number of children born to non-Caymanian mothers with Caymanian fathers who claim paternity.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, Section 15(3)(a), (b) and (c) of the Immigration Law (Law 13 of 1992) (1997 Revision) specifically addresses the issue of illegitimate children of Caymanian father and non-Caymanian mothers.

Section 15(3) (c) of the Immigration Law 1992, gives the Immigration Board the discretion to make a declaration that, for the purpose of the application of the Law, any person claiming to be the father of the child and who is able to prove to the satisfaction of the Board that he is the father and undertakes responsibility for the maintenance of the child, may be regarded as the father and the father's status may be taken into account in determining whether or not the child has acquired or may acquire Caymanian status.

Government has no control over the number of persons who may make such claim.

**The Speaker:** Supplementaries. The Fourth Elected Member for George Town.

**SUPPLEMENTARIES**

**Dr. Frank McField:** Mr. Speaker, I clearly understand the Law with regards to this particular question – the relevant section of the Immigration Law. What I would like to ask as a supplementary is for the Hon. Third Elected Member to say how has the Immigration Board in the past regarded applications by fathers that are Caymanians with regards to their children that are born of mothers that are not Caymanians. What has practice—not law but practice—procedures indicated that the policy is?

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, there have been over the past six years or so, fifty children who have been granted Cayman status by virtue of this section. I cannot say to the Member what was the total number of applications and as such give a perspective as to whether the majority of such approaches are successful, but obviously the Board does utilise the provision of the Law and is amenable to exercising the provisions contained therein.

**The Speaker:** Supplementary, the Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Member say what types of practical considerations are made with regards to granting of status to these children, whether or not in this case—if the domicile of the father is what is considered to be important, or that of the mother in this particular case? Are there questions as to whether or not the father is married or single? What are some of the considerations that are taken into account with regards to deliberation on granting of status to these children?

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I think first and foremost, the Board has to be satisfied with the father's claim, and in some cases may wish that to be substantiated with medical tests, or DNA tests in particular.

In terms of the broader considerations, I expect that the Board considers both the father's indication and ability to care for the child in the event that the mother may choose to leave. Beyond that I cannot really give the Member what other specific considerations there may be.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I realise that this was not my question, but I am very interested in this issue because I have so much representation to my office and I have to provide the general public with a lot of information, so I appreciate the fact that the Honourable Member has been very helpful in helping me to get some answers to this.

Mr. Speaker, would the Honourable Member say when considering status, or citizenship—in this sense let's say citizenship, nationality, belonging—if what is taken into consideration is the question of domicile rather than the question of nationality? Is the question of nationality—the child's right to status—being determined by where the Immigration Department believes the child will reside, or is the status being given to the child as a right that the father has to claim the child by way of the Immigration Law?

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I think it is very much the case of the latter. There is a substantial geographical spread in the nationalities of the children who have been granted status, and I do not think that, or the fact that the child may eventually by virtue of the maternal connection reside in some particular country, I do think that is the overriding factor.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I do not think that the Member understood the question. The question is: In considering granting of status to the progeny of Caymanian fathers who have non-Caymanian mothers whether or not in giving or granting the right – the hereditary right to citizenship, whether or not the primary consideration is where the child will reside?

In other words, if the child is going to reside in the Cayman Islands, the child might have a right to status if the father can prove that he can support the child and the child will have a home, whereas if the child is going to reside outside the Cayman Islands the Immigration Board would not necessarily grant the status.

In other words, is nationality more than the right to reside? Is the determining factor here having to do with the request to reside, or with a request to pass on one's nationality? Some fathers feel that they would like to pass on their nationality whether or not the child resides here or not – that's what I am saying. And then those types of applications, what type of considerations are made to accommodate those requests?

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I thank the Member for the clarification and I take the view, yes, that certainly the majority of grants relate to cases where there would have been indications of a desire and intention for the child to remain here. I cannot give him an answer to the other category he is eluding to, in terms of a father simply wishing to pass on his nationality to a child who is not, and does not intend to remain in the territory. But I can undertake to provide him an answer on that.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Honourable Member say whether there has been a recent review of this policy, and also is the Member in a position to tell the House whether the Government has received any representation from persons who are aggrieved because they are frustrated with attempts to acquire status for children whom they readily acknowledge to be theirs and whom they also pledge to support?

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I am not aware of any policy review in relation to this particular category of applicants under the Law. I can acknowledge, yes, that from time to time obviously representations are received in respect of decisions taken by the Board under this section of the Law as on other sections. Normally those are dealt with in the form of appeals to Executive Council which is the appellant body under the Law in respect to the Board's decisions.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I have a supplementary for the Hon. Temporary Acting First Official Member responsible for Internal and External Affairs

The question is: What is the position with regard to persons who live here who are not subject to Immigration controls, that have children here?

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I understood the question to be, What is the position in regard to persons who live here and not subject to Immigration control and who have children? Sir, obviously those persons who are not subject to Immigration control would be those who possess Caymanian status or permanent residence.

In the case of people who have been granted Caymanian status, my understanding is that the children normally inherit that right until an age described in the Law at which time they have to then seek themselves for the continuation of the respective privilege – whether it is status, or permanent residence.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. Maybe I should have just provided a little more detail. The extra detail is, they are not subject to Immigration control, they do not have Cayman status and they do not have residency. I am thinking in particular, specifically with regard to certain Cuban nationals here who have been given the privilege of living here. They get involved, they have children here and I am aware that Immigration is now trying to tell them the child is not welcome to live here. I wonder if the Hon. Temporary Acting First Official Member responsible for Internal and External Affairs can say what is the position on that type of child born here.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, first of all I am not aware and I would solicit from the Member any information that he has in relation to the sort of circumstance that he has alluded to. The category of individuals that he is referring to obviously is the category who have gained their right to remain here not through the normal deliberations of the Immigration Board. It is certainly my understanding that that right to remain would extend to their offspring and if he will share with me the case he is referring to, then I would certainly be happy to look in to it.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Thank you, Mr. Speaker. I am wondering if the Member could say in regards to the matter of Caymanian descendants coming from Cuba what is the situation ... or would he prefer to leave it alone so that the review that we are carrying out can take place and probably give us better guidance.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I am not clear whether the Member is seeking to extrapolate the gist of this question to a particular category of individuals namely Caymanians with a Cuban connection, or is he looking to ask a more general question about ... certainly all of these provisions are to be considered by the Select Committee of the House.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Mr. Speaker, I did say persons coming from Cuba of Caymanian descent. I was specifically dealing with connections in that particular question, but I heard what the Member said.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I am going to give the Honourable Member a specific case. I am not going to call any names, but it would be good if he could give me his opinion and see if his opinion coincides with mine on the issue.

**The Speaker:** You cannot ask for an opinion.

**Mr. John D. Jefferson, Jr.:** Well I can give him mine, sir.

I have a situation where you have a Cuban national who is male, and I have a Honduran national who is female. And they have a child here. Immigration is saying that the child is not legally allowed to live here.

Now, Mr. Speaker, I am aware, and you are aware that back in 1992 (I think it was) when we reviewed the Immigration Law, we took out all discrimination with regard to sex or gender. I think at that stage the child automatically took the nationality of the mother, and that caused a lot of very severe situations. So that is the situation and I wonder if the Honourable Member would be so kind as to tell me what his opinion – what the position is on that.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, unfortunately the Immigration Law does not give him nor me any authority – makes no reference to either one of us – but I would like to get more information. You didn't mention the marital status of the relationship and perhaps you can provide me with that privately and I can certainly undertake to look into it for you.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. There is a substantive question on the Business Paper in connection with Cuban nationals wishing to obtain a visa to reside in the Cayman Islands and since this question is dealing with this particular subject at this present time I wonder if the Honourable Temporary Acting First Official Member might be in a position to deal with this at this point rather than having to come back to the same thing again since we are basically dealing with the question of Cuban nationals at this point.

If he is, I would like to ask him if he could state what the current policy is in respect to Cuban nationals with Caymanian connections wishing to obtain a visa to reside in the Cayman Islands and also to state the procedures and requirements for obtaining such a visa.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs. (Pause) Am I understanding from the Third Elected Member for George Town that he would withdraw the other substantive ... because we do have an answer for that question and it depends on what the Acting First Of-

ficial Member prefers to do. The Hon. Temporary Acting First Official Member? (Pause)

Well let's go back to ...

**Mr. Linford A. Pierson:** Yes, Mr. Speaker. Thank you. Since we are dealing with the question and we are getting a lot of answers in regards to Cuban nationals with Caymanian connections I just thought that it would really be in order if we could get the answer for this. Then I would withdraw the substantive question.

**The Speaker:** Would you read that question then in its entirety and you will withdraw it when we come to it.

**Mr. Linford A. Pierson:** Yes, Mr. Speaker, thank you. The question is to the Hon. Temporary Acting First Official Member responsible for Internal and External Affairs and it reads (a) To state the current policy in respect to Cuban nationals with Caymanian connections wishing to obtain a visa to reside in the Cayman Islands and (b) to state the procedure and requirements for obtaining such a visa.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Yes, Mr. Speaker, I am quite happy. It sounds like there is a 'special' on—'you buy one and you get one free'. So, the answer is available and I am quite happy to provide it, sir.

There is currently a moratorium, Mr. Speaker, on the granting of permission to reside in the Cayman Islands for Cuban nationals with Caymanian connections. The moratorium has been in effect since August 1996.

The procedure in respect of Cubans with Caymanian connections wishing to obtain a visa to reside in the Cayman Islands, is for the local sponsor to submit details in writing to the Portfolio of Internal and External Affairs. These details include information such as their family connection to the Cuban nationals and their financial wellbeing, et cetera. The requests are then batched with others and reviewed by the Governor-in-Council. A decision is then made for approval, or non approval of the requests.

**The Speaker:** Supplementary. The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. Am I to understand from this answer that where the sponsoring party is in a position to provide the necessary financial backings to the satisfaction of the Portfolio, together with other requirements that a visa would normally be granted.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Yes, Mr. Speaker, albeit within the limitations of ... that I said that... there is cur-

rently a moratorium. But certainly in the absence of that moratorium the financial resources and obviously a formal commitment by the sponsor to be so responsible are necessary.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. A further supplementary.

I wonder if the Honourable Member could state if there is any plan to lift this moratorium within the foreseeable future.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** No, Mr. Speaker, I know of no current such plan.

**The Speaker:** There are no further supplementaries? We'll move on to question No. 159 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 159

**No. 159: Mr. Roy Bodden** asked the Hon. Temporary Acting First Official Member responsible for Internal and External Affairs what is Government's policy regarding the placement of returning graduates in the Civil Service.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The Government's policy regarding the placement of returning graduates in the Civil Service continues to be to attempt to place each graduate in the post which best matches the individual's field study and the needs of the Public Service.

**The Speaker:** Supplementaries. The Third Elected Member for Bodden Town.

#### SUPPLEMENTARIES

**Mr. Roy Bodden:** Can the Honourable Member say if there is any formal liaison between the Personnel Department and the Education Department so that there can be direct and accurate information as to when graduates are returning and also regarding their discipline specialities?

#### SUSPENSION OF STANDING ORDER 23 (7) & (8)

**The Speaker:** Before taking the answer to that question, I would like to ask for a motion to suspend Standing Orders 23 (7) & (8) in order that Question Time can go beyond the hour of 11 o'clock.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, I so move.

**The Speaker:** Is there a seconder? The question is that Standing Orders 23 (7) & (8) be suspended in order that Question time continue beyond the hour of 11 o'clock.

Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDERS 23 (7) & (8) SUSPENDED.**

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs .

**Hon. Donovan Ebanks:** Mr. Speaker, I think the answer to that question as I understand the situation, is that there is liaison between the agencies referred to. It is (I would say) arguable that that liaison is not as currently as extensive and as timely in terms of the period of study as it could and perhaps should be.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Honourable Member say whether it is the intention of the Government to improve this liaison so that the skills and knowledge brought by returning graduates may more effectively be utilised.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, there are certain considerations ongoing in relation to the general subject of assisting further education and utilisation of those people in the public service. The issue of liaison and the fact of identifying and establishing any employment relationships is part of that. Unfortunately, I cannot say exactly when that consideration will come to a head and circumstances will be changed. But I can give an undertaking to try to enhance that particular aspect of the overall programme.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, would the Hon. Temporary Acting First Official Member responsible for Internal and External Affairs say if the considerations that he is referring to are considerations with regards graduates in the Personnel Department.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** No, Mr. Speaker, I was not alluding to graduates who had studied Personnel Management or graduates who were assigned to Personnel in particular. I was referring to the broader issue of students in tertiary education.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. Would the Honourable Member say if any concerns have been expressed by returning graduates concerning the grade that they are placed in the civil service on their return.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Yes, Mr. Speaker, those concerns have been expressed and I expect that they will continue to be expressed to some extent, not to say that it is because Government is not mindful of the concerns expressed, but the whole nature of the relationship where the individual is working for you, or is taking up the employment by virtue by an obligation that was entered into long before the had the current evaluation of their own abilities and values. So, yes, there have been concerns expressed.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, M. Speaker. I wonder if the Honourable Member could say if the civil service is losing a great amount of these returning Caymanian graduates to the private sector because of the grade placement that they are being put into the civil service – that of an executive grade, rather than a professional.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, that may be a factor. I think the rate of mobility may also be a factor and that is certainly something that is currently being considered – the rate of upward mobility within the organisation.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, can the Honourable Member state whether these returning graduates receive any kind of orientation into the civil service upon their return, or whether they are just accepted cold turkey from the university setting and brought in to the civil service.

The reason I ask the question, Mr. Speaker: The Civil Service is a specialised service. It is a service where much emphasis is placed on experience and actually working in the civil service. And from feedback I have received, young graduates do not benefit from sufficient orientation and many of them are misled to believe that because they have a university degree that should allow

them to progress rapidly up the civil service ladder – not realising that the civil service is based on precedence, procedures and certain protocols that may not have been available in their academic training at the university.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, it is true that there has not been a well-structured orientation programme. That is being worked on, and I think a programme is to be run very shortly which will involve some key senior individuals, expounding on some of the key areas of public service life and trying to get across a clear picture of what public service life is all about so that these young entrants will have a realistic basis of their expectations and their actions.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I do not want to put the Honourable Member on a spot, because I have always admired the way in which this Honourable Member has answered questions put forward to him. But I have this one to impose upon him and I would just preface it by saying it is not intended in any way a personal reflection upon him. But can the Honourable Member explain to the House why it has always been the touted objective of Government to Caymanianise the Civil Service and yet such an important aspect as this in the Caymanianisation of the Civil Service has not effectively been dealt with, or an effective programme has not been crafted over all these years that this so-called Caymanianisation has been touted.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I do not know whether he will continue to say that he admires the way I answer the questions or not. I wish I had the answer for that one for him, but I do not. Unfortunately, I cannot say why it is taking this long to...I know there was an attempt last year that got to present a similar programme that got aborted for whatever reasons and there is a renewed attempt this year to present it to those who have joined and those from last year.

One of the difficulties in organising has been that obviously when the 'infants' come on board, which is usually in the summertime, a lot of the key people--due to vacations and whatnot--are off, and then L.A. starts. But the intention (as I understand it) is to run it very shortly, perhaps between these two meetings, because I, myself am to take part in it.

**The Speaker:** If there are no further supplementaries, the next question is No. 160 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 160

**No. 160: Mr. Roy Bodden** asked the Honourable Third Official Member responsible for Finance and Economic Development how has the coming into effect of the National Pension and the Health Insurance Laws affected the inflation rate.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, The Economics and Statistics Office conducts quarterly price surveys – the last one being in June of this year. The September survey is currently underway and the results will not be available until early October of this year.

It is therefore not possible to say at this time what effects the National Pension and Health Insurance Laws will have on the Consumer Price Index.

**The Speaker:** Supplementary? The Third Elected Member for Bodden Town?

**Mr. Roy Bodden:** Mr. Speaker, I do not have a supplementary as such on this, as I understand the answer. But, I would only like the Honourable Member and the House to know that this is a matter which the Third Elected Member for Bodden Town will be keeping a close and keen eye upon as I am interested as I believe other Members are in monitoring any effect that these may have.

**The Speaker:** Moving on to question No. 161 standing in the name of the Elected Member for North Side.

#### QUESTION 161

**Mrs. Edna Moyle :** Question No. 161 standing in my name is directed to the Minister responsible for Community Affairs, Sports, Women, Youth and Culture (Speaker interrupts) –

**The Speaker:** May I interrupt you? I understand that that will be answered by the Honourable [Temporary] Acting First Official Member.

**Mrs. Edna Moyle:** Mr. Speaker, I still have to read the question and the Minister it was directed to needs to reply and say that it has been passed to the First Official Minister.

**The Speaker:** The Hon. Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I would beg leave of the House under Standing Order 23 (5) to defer answering this question at a later sitting.

**The Speaker:** I will put the question. Those in favour of deferring this to a later sitting please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. QUESTION 161 DEFERRED UNTIL A LATER SITTING.**

**The Speaker:** Moving on to Question No. 162 standing in the name of the First Elected Member for West Bay—he's not in the Chamber? (brief pause) The First Elected Member for West Bay.

**QUESTION 162**

**No.162: Mr. W. McKeeva Bush** asked the Hon. Minister for Agriculture, Environment, Communications and Works what precautions are being taken to prevent the importation of the pink mealy bug.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** This Ministry, my Ministry, through the Department of Agriculture, has embarked on a series of precautionary measures to prevent the introduction of the Pink Mealybug (PMB) into the Cayman Islands.

The precautionary measures undertaken are as follows:

**Plant Quarantine:** These measures are designed to reduce the risk of possible introduction of PMB associated with the importation of plants.

- Restricting the importation of plants from infested countries and countries with unconfirmed reports of infestation;
- Strengthening the procedures used for issuing plant import permits;
- Increased vigilance at ports of entry. (And I may add here that we are talking about the Airport and the Main Port).

**Public Awareness Campaign:** These measures are designed to alert and educate residents and visitors about the dangers associated with the introduction of this pest.

- Public service announcements in the electronic and print media;
- Government Information Services' press releases;
- Production and distribution of colour posters and flyers in all three Islands;
- Lectures/discussions with plant importers, nurseries, landscape and maintenance companies and hotel and condominium representatives;
- PMB awareness sessions with farmers;
- Poster displays at Agricultural Shows.

To date, the Cayman Islands is one of the few countries in the Caribbean region that remains free from this

destructive pest. The Department of Agriculture recognises the need for vigilance to reduce the risk of introduction of the pest and therefore the country remains on a **Pest Alert** for PMB. In addition to the precautions mentioned above, the Department has implemented the following measures to properly prepare itself to manage the PMB if an infestation occurs.

**On-going training** for members of staff designed to upgrade the technical capabilities and **skills** within the Department of Agriculture. These included:

- One-week work attachments with United States' Department of Agriculture's Animal and Plant Health Inspection Services (USDA/AHIS) and Florida Department of Agriculture's Division of Plant Inspection (1997);
- Laboratory training in the identification and classification of mealybugs (1997);
- Training in the biological control of PMB (1997 and 1998)

**Surveys:** Initially a rapid detection survey of mealybugs was carried out with samples being collected and sent overseas for identification. Included in these samples were suspected PMB infestations reported by the public.

Presently, we are conducting a National Mealybug Survey to characterise the types of mealybugs present in the Cayman Islands and to reassure ourselves that PMB is not present. Due to budgetary constraints, the survey has been limited to:

(a) high-risk areas, that is, locations that have a high frequency of visitors. Examples include the ports of entry, hotels, condominiums and guest-houses, Botanic Park and Pedro Castle; and

(b) host-areas, that is, locations with a population of the preferred host plants of the mealybug. Examples include farms, nurseries and garden centres.

However, this strategy is designed to include a random survey of households in all three Islands.

**Monitoring:** The Department of Agriculture has set up a system whereby preferred host plants of PMB (eg Hibiscus) present in strategic locations Island-wide are being monitored to provide information that would allow for the early detection of the pest if introduced.

**Linkages with external agencies:** The Department of Agriculture has developed linkages with Caribbean and international institutions to combat the threat posed by PMB. Specifically, they have been working closely with CARDI (the lead agency with responsibility for coordinating the regional responses to the threat of PMB), Florida Department of Agriculture and the United States' Department of Agriculture.

**Legislation:** The new Plant Law, when passed, would provide the necessary legal framework to more effectively protect the horticultural, agricultural and native flora of the



Cayman Islands from imported quarantine pests like PMB.

**Contingency Plans:** Despite our best precautionary measures to prevent the importation of PMB, we cannot guarantee the non-entry of this very aggressive pest. Consequently, contingency plans are in place to manage and control this pest if it is introduced. [We must continue to protect ourselves.]

**The Speaker:** Supplementaries. The First Elected Member for West Bay.

### SUPPLEMENTARIES

**Mr. W McKeever Bush:** Thank you, Mr. Speaker. I would like to thank the Honourable Minister for this information and wonder whether he could say whether plants from other Caribbean territories are allowed in – if they are allowed in what precautions are taken. I know that he mentioned his external linkages, agencies, such as the United States Department of Agriculture, and I am wondering whether he could say what, if any other precautions are taken with things imported from United States.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. We have tried to do as much as possible as I mentioned in the earlier answer. We try to meet with the persons we know who are presently importing plants into the Island and especially those who are actually bringing in plants for sale. We have tried our best to discuss it with them and to explain [to] them that in order to bring in plants the Department of Agriculture here should be acquainted first and the necessary measures can be explained to them such as having them properly checked in the United States prior to coming here and by a source over there that would be somebody that this Department would agree to.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. In the answer given to the substantive question, the Minister states that presently we are conducting a national Mealybug survey to characterise the types of Mealybugs present in the Cayman Islands and to reassure ourselves that Pink Mealybug disease is not present.

Then he goes on to say, that due to budgetary constraints the survey has been limited and he outlines what the survey has been limited to. Can the Minister state, seeing as how important this situation is, what other surveys would be ideal to make sure that the entire area is covered and if he could give us some type of idea as to amount of money – what funds are necessary in order to get this done properly.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. The last part of the question -- I would be unable to say (to the Member that mentioned this just a while ago) exactly the figure, but what we would like to do is to be able to go and do a survey of all the Islands because it is my understanding that it is a possibility that things happen in Cayman Brac. And we need to know... what we know about Grand Cayman, we need to check on all of those. I do not have the figure with me with regard to how much it will cost, but I would be happy to supply it.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. I am sure the Minister is on all fours with me on the importance of this matter and since budgetary constraints have been pointed out, perhaps the Minister could give an undertaking to determine what it would cost to properly conduct the survey including what needs to be done, in order that it might be considered. If the figure is not something that is totally out of reach I hold the view, sir, that it is very important that this be done because the fact is, if it gets out of hand then it is going to take a lot more than those budgetary constraints to do anything sensible about it.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, I take note of what the Member has said and the fact remains, Yes, within the budget that the Department has, we have been doing as much as possible; we will continue to do it there and, Yes, I will give the undertaking that definitely if we are to do the three Islands, and it is agreed by the Legislative Assembly we will get a figure and we will have it done.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you, Mr. Speaker. Craving your indulgence and not asking for any misunderstanding on the part of the Minister – but I just wish for him to bear in mind that the Legislative Assembly cannot agree to it unless it comes to the Legislative Assembly. So, I am asking for the undertaking that it will come to the Legislative Assembly.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. I would like to say that perhaps if the figures that were put in to the annual budget, if we had had all of those approved, then we would not have any reason to come back. But, I am thankful for his advice and I will definitely make sure

that we bring it back again because it seems as if we have the support now.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you, Mr. Speaker, and I thank the Minister. And again craving your indulgence, sir... but this proves a point.

Lots of times figures come to us and we do not know exactly what all of those figures are for and perhaps that is why some stuff is not done. So, maybe in future if it is done in that manner the right things will be dealt with.

**The Speaker:** No further supplementaries? That concludes Question time for this morning. We will now return to item 3 on today's Order Paper : Presentation of Papers and Reports. The Hon. Minister for Agriculture, Environment, Communications and Works. Report on the Cayman Turtle Farm (1983) Limited Financial Statements – 31<sup>st</sup> December, 1997.

## PRESENTATION OF PAPERS AND REPORTS

### REPORT ON THE CAYMAN TURTLE FARM (1983) LIMITED FINANCIAL STATEMENTS 31<sup>ST</sup> DECEMBER, 1997

**Hon. John B. McLean:** Thank you, Mr. Speaker. I beg to lay on the Table of this Honourable House a very good report, Financial Statement of the Cayman Islands Turtle Farm for 31<sup>st</sup> March, 1997.

**The Speaker:** So ordered. Do you wish to speak to it?

**Hon. John B. McLean:** Just briefly, Mr. Speaker, to say how happy I am with the Report and to know of the progress that is happening at the Turtle Farm. I would like to especially pay tribute to the manager and the staff for the very good job that is happening down there today.

Mr. Speaker, sometime ago, especially (I think) in the Sister Islands, we had problems with regard to even trying to supply them with products from the Turtle Farm. Thank God, today we can look back and say that all three Islands are being fully supplied with products from the Turtle Farm. So, I am proud to know that I can present this statement here today and to say that the staff has been doing a very good job.

**The Speaker:** At this time we shall suspend proceedings for 15 minutes.

**PROCEEDINGS SUSPENDED AT 11.30 AM**

**PROCEEDINGS RESUMED AT 12.06 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Item 4 on today's Order Paper, Private Members' Motions. Continuation of debate on Private Mem-

ber's Motion No. 17/98—Proposed Ritz-Carlton Hotel-West Bay Road. The Third Elected Member for Bodden Town, continuing.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 17/98

#### PROPOSED RITZ-CARLTON HOTEL WEST BAY ROAD

*(Continuation of debate thereon)*

**Mr. Roy Bodden:** Thank you.

When we took the adjournment on Wednesday afternoon, I was expressing my disappointment at the way this whole matter was handled by the Government when the papers were laid on the Table on the evening of July 17. I was puzzled that of the three who I would consider senior Ministers in the elected National Team Government, there was no attempt either by the Minister under whom lands fall, and the Minister with responsibility for laying the papers on the Table, or the Leader of Government Business and his colleague, the Minister for Tourism, there was no attempt by either of these three Ministers to explain to the Honourable House the significance and impact that such a proposal would have on the country; nor was there an attempt, perhaps I should say more significantly, seeing that the Executive Council had already approved the project; nor was there an attempt by either of these Ministers to sell the project to those others of us who certainly as representatives of the people are interested in learning of its merits.

From my position I have to question why. Is it because they were contemptuous of us and decided that we were not worthy to have that information? Or is it because they thought the less said about this project the better it would be given that they realised the propensity of the project to stir controversy and concern among the populace? I am not here to speculate, but I would have to say that given their record for lack of transparency in other matters of this magnitude, that there was perhaps a bit of both. So, I am led to remark that concern for the project had been generated among several of us on the Backbench who call ourselves Opposition. And as we began to read and peruse the documents we realised that this could not be a matter that was just accepted without debate. Then we realised too that action had to be taken within the 21 days as was required by the precedents, procedures and regulations, and Standing Orders governing our Legislative Assembly.

I, the Third Elected Member for Bodden Town, had been entertaining the idea of bringing a motion not so much to oppose the project, but to evoke some debate so that the merits and demerits and the serious consequences that would be called into effect had this proposal been approved by the Parliament be made known to the

people. When I was approached by the Fourth Elected Member for George Town asking me if I would support him in seconding a motion which he planned to bring. The Member showed me the motion he had crafted and I read it over and we both agreed that perhaps it would be worth putting in and in the meantime we would keep our options open to see whether it could be refined to have a more, should I say, beneficial effect.

I communicated the position to others in the group who did not express surprise that such a turn of events had been taken. The Fourth Elected Member for George Town and I set upon the task, because the more we read the original motion, the more we became satisfied that it did not convey effectively enough what we wanted it to convey. Hence we settled upon a total refinement and redevelopment of the motion. When we did that, we showed it to a mutual supporter, someone whose advice, consultation and support we hold in high esteem. The advice was that the motion as we had crafted it was effective. Indeed, the person said they considered it excellent, and so we proceeded to withdraw the original motion and bring this one in.

I say all this to say that I noticed there were some attempts to discredit the efficacy of the mover, and I cannot, as the seconder, see these attempts made and be so stupid as to think that it does not bear reflection upon me, the seconder. There have been quotations of some circumstances to which I have no knowledge, some incidents to which I have not been privy. Suffice it to say, however, that in his discussion with me the Fourth Elected Member for George Town did not leave any reason for doubt that he was bringing the motion because he was fired up with righteous indignation against what he considered would be a serious trespass upon the environment to the extent he felt that the people needed to be made aware of the consequences of what was about to happen. I, too, was moved by that same righteous indignation. So I thought it would be prudent for any conscientious representative of the people to register such a motion.

In his brief introduction, I note that the Minister who spoke on behalf of the Government to announce the Government's rejection of this motion said that, and I quote, **"I would like to start by saying that leasing of Government property is not something new. The said lease which was actually done in 1950 (the year I was born), gave permission for some 606 acres of land in this area, to be leased."** [*Hansard*—23 September, 1998, page 837] That is an absolute fact which cannot be refuted. In 1960 that was the beginning. That agreement set the precedent.

But, the Cayman Islands of 1950 were far different from the Cayman Islands of 1998. In 1950 the Cayman Islands, our country, could accurately be described as a mosquito-infested backwater. Indeed, one reporter writing for the *New York Post* described the Cayman Islands at that time as the Islands that time forgot. I don't feel good standing here, speaking about my country in what could be interpreted as such unflattering fashion, but I have to admit that these descriptions are irrefutable facts. So, in

1950 one could quite logically argue that it was all right to enter into such a lease agreement for 606 acres to be, as we would now think, given away. At that time something was needed to kick-start the Cayman Islands economy to move it away, to move the islands away from the islands that time forgot, from the position of being a mosquito-infested backwater to a modern developing country.

So to attempt to justify the present proposal by saying that this was done in 1950 is not new, it is an attempt that would not hold water even, Mr. Speaker, in the creation of crabs. The Cayman Islands today are on the cutting edge of the world economy. The Cayman Islands today are on the verge of becoming a major player in regional tourism, a major player for its size and its population in tourism. And we all know because we like to tout this, that we hold our own in international finance.

This is a good time to interject that the present Speaker is not against development. But I say, as I have said before, that we have to balance this development against any negative effect such development would have on our environment, on our infrastructure and, most significantly, on our people. And when I say 'on our people', I don't just mean economically, I mean socially, I mean culturally, and I mean in other areas as well. This is a point which cannot be easily over emphasised. And this motion, this said Private Member's Motion No. 17/98, is going (if it does nothing else) to separate the sincere from the insincere to separate those who like to come up with all kinds of pristine statements that they are for the environment, but they are also for development, from those who genuinely see the need to balance the two. Because I contend that you cannot have your cake and eat it.

I am going to pose some questions and offer some answers. The contradiction for the Government begins from 1992 in their Manifesto when the National Team, and I shall read from page 12, proclaimed: **"We believe that we can no longer ignore our environment and that reasonable steps must be taken to protect it having regard to the protection of the human race as the most important factor."**

I want to ask the Members of the National Team now if they have had a change of heart, if on the threshold of the 21<sup>st</sup> Century they are going to sacrifice this pristine asservation for political expediency? If they have so mis-managed the finances of the country that they have to hock the environment and put the people of the Cayman Islands where they are hostages to this kind of development. You cannot come out taking a position in 1992, and then in 1998 make a step 360 degrees in complete disregard. I don't have to remind the National Team of how they tried to do me in instances where I changed my position—quite logically, not unreasonably as they are doing now. And, Mr. Speaker, I am not going to call them the unflattering things they called me. I am going to say that their position is rife with inconsistencies. But that doesn't surprise me because like the red Indians used to say, some of them speak with "forked tongues."

A question was posed, Who are we developing for? It is a question, the answer to which we cannot escape easily. Here is why: A Parliamentary question was asked

by the present speaker to the Minister responsible for Community Affairs, Sports, Women, Youth and Culture, in an earlier session of this Honourable Parliament. Here is the question: **“What is the total work force of the Cayman Islands, broken down into categories of Caymanian and non-Caymanian.”** The answer, **“The total work force of the Cayman Islands is 21,490 broken down as follows: Caymanian 10,880, non-Caymanian 10,610.”** The question, quite logically, is, For whom are we developing?

I know that every year we have about 300 students coming out, graduating from the High School at minimum. But let me suggest that that is not a frightening number of students for us to absorb into our economy for if we go by these statistics (which are readily available) our unemployment rate, if any exists, is insignificant. So, to impose such a development, such a monstrosity, upon the people of the Cayman Islands without proper investigation, without the necessary and proper studies, is to court disaster. It is tantamount to playing Russian Roulette.

There is a buzz word now, very popular—‘sustainable development.’ I think that our future is hinged upon arriving at that point where we can say we have sustainable development. I grant you that the Ritz-Carlton is a prestigious organisation. It is one of those names that when you say it, people say, ‘Wow!’ because it evokes class, it evokes economic privilege, it evokes the good life. But that doesn’t necessarily mean that we have to give away the shop to get it.

I am reminded that recently the church I attend held a convention. The keynote speaker was a pastor from one of the sister churches in Bermuda. There was a point in one of his sermons where he said that the Bermudans had organised to protest against the Ritz-Carlton development in Bermuda. I want to make the point crystal clear that that was not. . . it had nothing to do with the developers of the Ritz-Carlton in the Cayman Islands. Okay? What it had to do with was that Bermuda, the people of Bermuda were not prepared to sacrifice elements of their environment, their social life, their economic aspirations for what the Ritz-Carlton developers demanded. It would be interesting, and we compare ourselves to Bermuda, to learn the reason in greater detail as to why the people of Bermuda (whose population is greater than ours) did not deem fit to make such a sacrifice.

If we are conscientious, we must ask ourselves, Is this worth the sacrifices in the long run, as the proposal is now? Is this worth the sacrifices that we are going to have visited upon our progeny? Not so much upon us. Are we not removing viable options from our progeny? Are we not destroying too great a swathe of the mangrove? Are we not taking too great a toll on our environment?

I want to say this, because all of us inside here proclaim that we are environmentalists. I wonder how many of us realise that even in the small and sometimes seemingly inconsequential Cayman Islands that what we do in the destruction of our environment contributes to the fragile position of the world position as far as global warming, as far as the melting of the icecap, as far as destruction

of the species of plants, insects and animals are concerned. We may think that because we are just approximately 200 square kilometres that when we destroy the mangroves that we are not contributing to the effect of the world-wide environmental degradation, but we are. You bet we are!

We, in the Cayman Islands, have to arrive at the point where we come to grips with the fact that chasing the almighty dollar is not the ultimate race. We have a responsibility, we have a moral obligation to leave this country no worse than we found it for our progeny.

Members of the National Team are good when they preach at reminding—especially me and my colleague, the then Second Elected Member for Cayman Brac and Little Cayman—reminding us about these obligations, chiding us. Well, I wonder if the sermon does not also apply to them. They like to remind us about obstinacy and its consequences. And I see my colleague, the Honourable Minister responsible for Education, Aviation and Planning far and away. I hope he is listening, Mr. Speaker, because he should learn this lesson. If he doesn’t learn from history he is doomed to repeat the mistakes and the punishment. And he will have to do his time in purgatory like he likes to remind us Mr. Ezzard Miller will have to do.

This business of the environment and sustainable development is so important to us in the development of our tourism and the development of our economy that various important documents have stressed it. What we call the Coopers & Lybrand Report, officially the Ten-Year Tourism Development Plan, 1992-2000 which was issued in September of 1992 and tabled in this Honourable House, spoke about an environmental assessment being done. And in the interest of time I won’t read what it says, but I want to highlight this. It says, **“Typically, an assessment should include the project description, social, cultural and environmental inventory; identification and prediction of social, cultural and environmental effects; mitigating actions, evaluation, study process, and final recommendation. This is a method of assessment and it, or a similar framework, should be adopted by the Cayman Islands.”**

In May of this year, Dr. Winston Mellows, of the University of the West Indies, gave a lecture on sustainable development and the environment and he what he says bears a direct relation on this motion and this proposed project. According to the *Caymanian Compass* of Friday, 1 May, 1998, Dr. Mellows said: **“Challenges to sustainable development in the Caribbean include poor population, social differences, lack of infrastructure and servicing external debts. He amplified the need for environmental impact assessments (EIA) for proposed industries and environmental audits (EA) for existing ones. Dr. Mellows also stressed that the Caribbean region is ecologically fragile and highly vulnerable to developmental pressures. A reduced capacity to absorb and recover from harmful effects of careless development.”**

And turning to tourism, Dr. Mellows said that it has the capacity to displace, with competing demands for space between local population and the hotels, for exam-

ple, with beach access. He cautioned against assuming that ecotourism and ecotourists are sympathetic to environmental issues and will sacrifice short-term objectives for long-term sustainability.

Why am I taking time to emphasise this need for environmental impact assessments, and for an environmental impact study? Because I vividly recall being on the Issues 27 show put on by CITN on 27 August where among the panellists was Mr. Michael Ryan, the proposed developer of this project. I specifically recall Mr. Ryan telling the moderator (and by inference the audience) that he had done an environmental impact study which was handed in to the Planning Department. The Third Elected Member for Bodden Town is telling the Honourable House that the Planning Department has received no such environmental impact study.

I interpret that as negligence, carelessness, a blatant abandoning of responsibility on the part of the elected Government. They should have seen that such a study was done. Indeed, it should have been part of the package which we Members of the Legislative Assembly were given.

They are trying to convince me that I am a sinner by objecting to this? They are trying to convince me, a representative of the people that I should be ashamed to second this motion? They are trying to convince me the seconder of the motion that I should abandon the mover, for him to be sliced and pinched by them? Never, Mr. Speaker, never in a thousand years. We are right in taking this position. We are fighting for the people. We are the good guys. I don't know what they are perhaps when they get up to speak they can tell us, but we are the good guys. We are the guys who are echoing the sentiments of the Caymanian people in a vast majority.

You need not take my word that there is no environmental impact study, today's paper reads, "Ritz-Carlton Environmental impact study awaited." Mr. Rick Catlin says what I have just said.

Responsible people have to be held accountable for these kinds of inconsistencies. You will understand, sir, that we would be remiss in our duties as conscientious representatives if we let these kinds of things go by without serious questioning; without bringing these things to the attention of the Parliament and the wider constituency. Where is the leadership? Who is responsible? When the papers were laid on the Table, no one came forward, no one explained, no one took the time to articulate what was in the bundle. No one told us what was missing. Where, Mr. Speaker? Is it leadership by default? Is it leadership by dodging? Or is it the ostrich syndrome where they bury their heads in the ground and pretend that all is well.

On the eve of the 21<sup>st</sup> Century it is time for a different kind of leadership in the Cayman Islands and there are Members presently in this Honourable House, as well as many outside, who can provide the kind of leadership this country deserves to take it into the next century.

I know what they are going to say, because they have said it before. They are going to say that I am not rich, that I am defunct, that I am a follower, that I have

nothing to lose. They are going to say all of those things. They have said them before! And they spent lots of money, but I am still here speaking for the people. And as long as God and my constituents return me, that will be my position because they can say many things about me, but they cannot say that I operate out of any conflicts of interest. And I am going to talk about that later. Do you know why? Because the chickens have come home to roost!

**The Speaker:** Are you about to go on to another point?

**Mr. Roy Bodden:** Well, Mr. Speaker, if you are—

**The Speaker:** Or would you prefer a few more minutes? I am flexible.

**Mr. Roy Bodden:** I would greatly appreciate a few more moments.

**The Speaker:** Go ahead.

**Mr. Roy Bodden:** I want to flush out this business of where is the leadership.

In the *Caymanian Compass* of 11 September 1998, there was a letter to the Editor written by a Mr. Alden M. McLaughlin, Jr. It is an excellent letter. I would hate to be on the wrong side of this author's pen. I want to finish what I have to say about the leadership with the last paragraph because this is the question that I posed except that I could not do it so succinctly.

**"If we are not exceedingly careful, Cayman risks losing the good things which still make it the best place in the world in which to live. We must not allow that to happen. Now more than ever, Cayman needs strong, sensitive and intelligent leadership."** Where is it? Where is it, Mr. Speaker?

**The Speaker:** This is a convenient time now?

**Mr. Roy Bodden:** Yes.

**The Speaker:** Proceedings are suspended until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 12.45 PM

#### PROCEEDINGS RESUMED AT 2.36 PM

**The Speaker:** Please be seated. Debate continues on Private Member's Motion No. 17/98. The Third Elected Member for Bodden Town, continuing.

**Mr. Roy Bodden:** Thank you.

When we took the luncheon suspension I was at the point where I had been discussing some letters written to the *Caymanian Compass* newspaper, and I had discussed one of these communications. There are two more that I would like to briefly mention. The second one comes from the issue of Wednesday 23 September 1998

and it is written by a Mr. Mitchell Exctain. In the first section of this letter is a paragraph which caught my attention. I was captivated by this, and I would like to read it. It says:

**“As we approach the 21<sup>st</sup> century it is with ever more urgency that we do not ignore these symptoms, . . .”** He was talking about the negative effects of our social and economic policies and the necessity to reprioritise. So these are the symptoms he was referring to. Continuing “ . . . **that we do not stick our heads in the sand and hope for the best. Our leaders must be willing to sacrifice personal gratification and re-embrace the true qualities of good leadership, those of humility, honesty and integrity.**”

The final reference that I want to draw is a letter to the same publication from Mr. Osbourn Bodden, a young man whom I know very well. In his letter dated September 23, 1998, **“Everyone who is sensible and knowledgeable seems to be against this sort of development.”** And he is talking about the Ritz-Carlton proposal. **“Yet it is going ahead. This is certainly a dangerous precedent for any Government to set when the wishes of the majority are ignored.”**

Mr. Speaker, why are these letters important? Because it is from these writers that I see the next generation of Caymanian leaders coming. It is from the ranks of these authors that I see the next generation of parliamentarians coming. So these people are saying, *‘Listen, if you go ahead against our wishes and do this, then we are prepared to correct the matter at our earliest opportunity.’* Why should this be striking?

This should be striking because this is the same stance that was taken by the Leader of Government Business and those people—including myself at that time—who were against the behaviour of Mr. Ezzard Miller and the hospital that he was building at that time. What are we saying now? Are we to interpret that the Leader of Government Business and the National Team whose vision was so good at that time and who made the right decision, certainly according to the results of the following election, . . . are we saying that those people have now lost that vision? That they are prepared to operate out of a total disregard for what the majority wishes are? That they have thrown out the environmental concerns, the social concerns, the economic concerns? Or was it pure political expediency and the true colours are showing now?

A final communication is a letter which was circulated to all Members of the Legislative Assembly from Mr. Alson Ebanks who is the Chairman of the National Trust. It was written on behalf of the National Trust. Mr. Ebanks put out the concerns and objections of the National Trust. This society, this country and this Parliament is fraught with contradictions. Contradictions that even I, at my level of intellect, cannot understand, for the National Trust is a government-created entity to preserve the environment.

So now what we have is the Government fighting against its own entity, like a father fighting against his children; like a father fighting against his son, like a mother fighting against her daughter and the principles

they taught them and which they thought were imbued in them. It is a contradiction, Mr. Speaker, that I will perhaps never understand.

But I see other contradictions in the behaviour of certain people, and it is to these contradictions that I am leading. Believe you me, I have been trained to exposed and explain them and that I am going to do!

We acknowledge that one of the things we want to do in this country is to develop a viable tourist industry, a viable tourism product. I am convinced that the groundwork has been laid and that we are doing well, which is not to say that we still don't have some hurdles to cross and some challenges to meet. But I want to make the point that in issues such as this, we have to be careful that we are not defeating the very objectives we set out to achieve. Because, if our development takes place at great risk to the environment over objections of the populace then we are going to have to deal with a community who will likely be resentful of the destruction of their environment to facilitate what is a necessary pillar of the economy.

You don't have to be a genius to realise that the risk we are running is a serious risk of this happening if we accept this proposal as it currently stands. This proposal is fraught with certain contradictions that we must deal with if we are to continue touting that we want sustainable development and that we have respect for our environment.

I want to draw reference to a publication *Invest in the Bahamas*. On page 50 is an article entitled, “Looking to a Bright Future.” I crave the Chair's indulgence because I think that this is a very important point from which we in the Cayman Islands can derive great benefit. Mr. Vanderpool Wallace, who is the Director General of Tourism and who himself is a respected Harvard Graduate, has this to say about what they in the Bahamas did. And we all know that the Bahamas is doing very well now. It is a jurisdiction which is flourishing in more ways than one.

Vanderpool Wallace inherited an industry that had seen brighter days. His immediate task was to assess its state of health. For a long time much effort had been spent on advertising and promotion. He writes, **“We decided to cut back in these areas and to focus on the product. We went to a great deal of effort to communicate to the local population about what we needed to do to get the industry back in order. [The industry being the tourism industry.] I believe that our message was well received because the attitude of most Bahamians to visitors has improved tremendously.”**

The message that Vanderpool Wallace successfully conveyed was that every citizen was in the tourism industry, as every encounter that a visitor had with a Bahamian would have a direct impact on their view of the country and determine whether or not they came back. The Ministry produced a mission statement which was to create, sell and deliver satisfying vacations, satisfying for the people who live and work in the Bahamas, satisfying for the investors in the country and satisfying for the island's visitors.

Now, what is critical about that is this: If we develop a product which is not satisfying to the people who live and work in the Cayman Islands by virtue of the fact that in the development of that product we destroy an important element in the country—namely, the environment—and the principles involved in that destruction, if the people who live and work here are dissatisfied with that, do you know what is going to happen? Dissatisfaction is bound to manifest itself in ways which will negatively affect the way they greet and accommodate the visitors, and in turn it will have the effect that we will not be able to realise our objectives because our development process was counter-productive to what we were trying to promote.

I believe that we can learn from the situation which many. . . and in the absence of any scientific polls to the contrary, I would have to say the majority of our people are against this destruction for this resort. I would have to say that the granting of this proposal to go ahead as it currently is is counter productive to our objectives to develop tourism where we have the people of the Cayman Islands pleased and happy to work in the industry and to welcome the visitors and to say that we have sustainable development to the point where visitors will want to continue to come to the Cayman Islands because of the attitudes of the people, because of the pristine surroundings they are in and, not, insignificantly, because of our realisation of the fact that the environment is a most important part of our product.

There is something to be said for the Amerindians (or the Red Indians, as we sometimes call them), because they spoke about 'mother earth.' Conservationists and environmentalists are now beginning to realise the significance of the respect that these people had for their environment and mother earth. I am not a lawyer, and I don't claim to have all these degrees. I don't claim to be wealthy. But I have good common sense and I know that if we jettison certain principles, if we swim against the tide, if we go against the course of nature, we are bound to get into trouble. And all that we try to build and develop will soon be apparent that it is unproductive and that we have been labouring in vain. But the worst result will be that our progeny when they come to take over will realise that we have mortgaged their future and have left them with no ability to maintain the standard we had, and left them enough that they can build upon.

There is no convincing evidence that the decision to grant this proposal in the form in which it is now, is a decision in the best interest of this country; nor is there convincing evidence that the monies realised from this transaction are enough to reverse the negative effects which future generations of Caymanians will have to deal with. There is, however, ample indications of the people's objection to this deal as it is currently proposed. I pose the question at this point because it is strategically important to come in at this point when we have given this permission for the Ritz-Carlton to be developed as it is proposed, what are we going to say to Mr. Dart and to Mr. Oldie, when we will have already set a dangerous prece-

dent? We are flirting with disaster. And I don't care how educated the leader claims he is, it is a wrong decision!

The problems, the infrastructural nightmare, that this development as proposed is going to create will not be easily dealt with. We all know that the West Bay Road will for the time being continue to be the only arterial road by which commuters may travel to and from this section of the island. It is important that we realise the tremendous impact that this project is going to have on these commuters for the next little while, if not longer.

A survey was done by Public Works along the West Bay Road from the Sleep Inn to the cemetery. That survey showed that from 6.00 AM and 9.00 AM on a work-day, 7,000 cars turned off of or on to the West Bay Road. They call it 'vehicular turning movements.' That is right now. Can you imagine what that number is going to be when this project gets on line? We are going to be faced with traffic problems worse than we could ever imagine. This is not to say that \$1 million was voted for an improvement or an extension to the Harquail Bypass, and that has not even been touched yet.

There are other questions too that emanate from this and beg to be answered. If this proposal goes ahead as is currently submitted, who is going to occupy all of these condominiums? And at what time? Here is a list of subdivisions, and this is exemplary, rather than exhaustive. In West Bay, for example, we have the Shores with approximately 200 lots. Maybe 15 or 20 houses are built, the rest of the land remains unoccupied. We have Salt Creek, a development with no houses. We have the Cayman Islands Yacht Club, which some people call the Japanese development, which has now been developed for over 13 years. Maybe we have ten houses on that. We have Vista del Mar with maybe six houses. The rest of the land is vacant. Crystal Harbour, 180 acres. We have one house under construction. Governor's Harbour still has a lot of lots available. SafeHaven, two dwelling houses. The Landings, maybe 15 homes, the rest vacant. This is only on what some people call the West Bay peninsula. We are not even talking about further south. So, unless the Government knows something that we on this side do not know about where the population is coming from, and assuming that as we often hear the complaint this is beyond the economic reach of Caymanians, where are the people coming from? Is the National Team Government planning on jumbo jetting them in? If so, from where? These are questions that will have to be answered.

In the documents which were tabled, there was an absence of any due diligence report. Is Government telling us that none was done? That they are prepared to accept on faith what these developers say of themselves and their ability to develop this project?

I contend that a due diligence report should have been done. Persons familiar with *Offshore Alert* and the issue. . . and I am a subscriber. I would be stupid not to be. In the issue of March 31, 1998, on page six, called into question is the ability of these developers to deliver. What contingencies does the Government have in place should there be default by the developers? Is it good

enough for them to lose the monies deposited? What about the damage that was done to the ecology and the environment? Is there a price for that? Who is going to pay that? What about the unfinished and abandoned buildings that may be left? Who is going to complete those? What about the damage to the Caymanian psyche? Are we forgetting Treasure Island, formerly called Paradise Manor? Are we forgetting the hotel and those problems?

Quite frankly, I am surprised that people who claim to be so learned, so prepared, and so willing to put down others have accepted this without the benefit of a due diligence report, never mind the fact that there is no environmental impact assessment study.

Do you know what, Mr. Speaker? I knew it a long time ago but they have exposed their heel and their heel is made of clay. They have exposed their Achilles tendon. I could be less charitable, but I am not going to be because I told myself that I was not going to follow the behaviour patterns of those people in their heyday and make innuendoes and insinuations and malign their motives and their conduct. I am not going to do that. I will stop short of that.

But I am going to say that the time has come in this country for some people—for the leaders—to extricate themselves from positions of conflict of interests. And I, the Third Elected Member for Bodden Town, have been watching this behaviour play out over many years. I think it is time that it be brought to a head because you cannot go around putting people down whose objectives and their motives may not be the amassing of fortunes and the making of money, and (what was it we used to call it in development studies?) the conspicuous consumption lifestyles if you acquire your privileged position by conflicts of interests.

Do you know what they do in Britain? Ministers have to put their businesses in blind trusts. That is what they do in the United States and Canada. That is what they do in other places. And... I am giving it time, because you know Mr. Speaker, if these kinds of things are not done voluntarily I am going to bring legislation. I have already mentioned it to the First Elected Member for George Town, telling him that in the quest for transparency that is the next step we have to take.

When the SafeHaven lease was granted, those Members on the National Team now had much to say about the former Member, the Third Elected Member for George Town, and that lease. I remember that. I was Chairman of the Public Accounts Committee. All kinds of aspersions and insinuations and things were being said. Now I notice that they want to curry-favour that Member, and they want to forget. Mr. Speaker, you can't blow hot and blow cold too. You can't be fish and fowl at the same time. There cannot be double standards. You cannot speak out of the two sides of your mouth. You can't speak, as my good friend and colleague is reminding me, with a forked tongue. Stop has got to be put to that. The people's interests must be first and foremost. That is the commitment we give when we are campaigning. That

commitment must remain with us throughout the tenure of our lives in Parliament.

If this country is in such a good position, do you want to tell me that we have to accept this deal as proposed? If this country is in such a good position, do you want to tell me that we have to give away the store? I don't believe that. I don't believe that at all.

And while I am on this, I want to mention something that really disturbs me. I saw this on the television myself. Several people, including my constituents brought it to my attention. I have seen where the proposed developer comes on the television immediately before the Caymanian flag. Trust me, I know those kinds of tactics very well because I studied them in school. It's called subliminal seduction. But to me, that is sacrilege because unconsciously that is designed to convey the impression, *'Look at me. I have the interests of Cayman at heart, so much so that I am strategically positioned before the flag.'* Subliminal seduction!

That is like taking communion when you are a sinner, when you have something against your neighbour. My priest doesn't let me do that. Before you take the sacrament he asks, "Are you sure you are ready for this? Have you forgiven your neighbour?" This is serious, Mr. Speaker.

Let me tell you what I think about this business of scholarships. I believe, as an inducement, that is fine. That is all well and good. And there is nothing wrong with that, in the sense that that is common with some developers. But, I will get excited--and I have told the proposed developer this--when that money is placed in an escrow account and a board of trustees is set up and when arrangements have been made with the relevant educational institutions for the disbursement of these scholarships. Not when you have to apply to someplace where the developer and his surrogates have a direct input into who should get from those who apply. It must be completely above board. Mr. Speaker, the gentleman who proposes to develop knows that, because he comes from a country where that is the common practice. Similarly, with the proposal to offer some financial assistance to those people who worked at the Holiday Inn over the age of 55. Put that money in an escrow account and set the criterion.

I wear specs, but only for reading purposes. My long-range vision is good. So I know that the reason why that is done is not a good reason. And I don't want to be like the Leader for Government Business, the Honourable Minister responsible for Education, Aviation and Planning, and use my privileged position here to malign people who are not here to use the same forum to defend themselves. So I am going to stop short of saying anything untoward. But I am saying that this is what needs to be done in those cases to make it look completely above board. And they should be encouraging that!

I see the Minister looking in his Parliamentary Standing Orders. I wonder if he wants to raise a point of order? I want him to do that. I am ready for him, Mr. Speaker. So, if he wants to raise a point of order, I will give way.



**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Just to say that I wish the Member would practice what he preaches because he has been into a lot of personal issues today.

**The Speaker:** Please continue, Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, that is not a point of order, and he knows that. But that is the kind of way in which he exposes his lack of leadership.

[Inaudible comments]

I want to address this business of conflict of interest. And I am going to take a sip of water because I want to be very sober when I do it.

This proposal comes from the Government, a Government whose leader is the brother-in-law of the attorney for the developers, who wears the same hat as Deputy Chairman of the Trade and Business Licensing Board and, by inference, sits on the board in a senior capacity which has to grant all of the licences for these entities, Condoco, Hotelco, Devco, and also the Local Companies (Control) Licence. If that is not a conflict of interests, I'm not from my Mama! This has got to stop! Where is it going to end?

Do you know something, Mr. Speaker, when I raised the issue of us extricating ourselves from certain situations, because these things only exist in equatorial Guinea, Nigeria, and Ghana and those places, and I say again that we must be like Caesar's wife—above suspicion!

Do you want to tell me that it takes me, this little black boy from Bodden Town, to tell the Government that that is a conflict of interests? I don't believe that. I would never, in my wildest imagination believe that. They must know that it doesn't look good. When you do these kinds of things, when you act this kind of way, you leave yourself open to suspicion, innuendo, or worse. And we talk about we want transparency?

Mr. Speaker, let me say something, sir. Looks don't scare me. My job here is to speak the truth, call it as I see it. I have always prided myself on the fact that I am a 'righteous Gentile.' The Jews have a category that they place non-Jews in. When the Jewish people say that you are a righteous Gentile that means that you are a non-Jew who abides by a strict code, particularly in the helping of Jews. Raoul Wallenberg, and Oscar Schindler were righteous Gentiles. They weren't Jews, but they were people who helped. Figuratively speaking, I always try to be a righteous Gentile because I think it is necessary to be like that. Not saying that I am advantaged, and then at the same time not admitting that. Hey, how did you get your advantage?

I could be less charitable. I am just saying that we need to clean this up. We need to put this to an end. This is not only my observation, Mr. Speaker. I speak this without fear or favour with all good intention because I

think as a player in the system that we need to clear it up. I think that the Honourable Leader should begin.

#### POINT OF ORDER

**Hon. Truman M. Bodden:** Mr. Speaker, I am taking a point of order. Is the Member referring to my having a conflict of interest? Because he has fudged over this area.

**The Speaker:** [addressing The Third Elected Member for Bodden Town] Would you explain that please?

**Mr. Roy Bodden:** Mr. Speaker, I made the relationship crystal clear. Should it be repeated?

**The Speaker:** You said, "brother-in-law." Is that what you are—

**Mr. Roy Bodden:** Thank you, Mr. Speaker!

**The Speaker:** Please be cautious with your words. Continue.

**Mr. Roy Bodden:** Mr. Speaker, could you repeat because I did not hear what you—

**The Speaker:** I asked you to be cautious with your words, but to continue.

**Mr. Roy Bodden:** Mr. Speaker, I certainly am cautious because if I weren't cautious, I could have said it was political incestuousness, but I knew you would rule me out of order, so I didn't say that.

**The Speaker:** Yes I would. Please do not repeat it.

**Mr. Roy Bodden:** I didn't say that.

**The Speaker:** Please don't.

**Mr. Roy Bodden:** So, I am very cautious, Mr. Speaker.

**"...to thine own self be true,  
And it must follow, as the night the day,  
Thou cans't not then be false to any man."**

I like how Lucian of Samosata put it in *The Way to Write History*: "**There stands my model, fearless, incorruptible, independent, a believer in frankness and voracity; one that will call a spade a spade, make no concessions to likes and dislikes, nor spare any man for pity or respect or propriety, an impartial judge kind to all, but too kind to none; a literary cosmopolite with neither suzerain nor king; never heeding what this or that man may think, but setting down the thing that befell.**" That too is the model of the Third Elected Member for Bodden Town.

Martin Luther King said, "**The ultimate measure of man is not where he finds himself in moments of**

**comfort and convenience, but where he stands in times of challenge and controversy.”** I want to use that this Friday afternoon as the measure of all honourable Members in this Assembly. And lest I be accused, as has been so often tried in the past, of opposing for the sake of opposition, let me make clear that when he speaks, the First Elected Member for George Town, will propose a counter to what the Government is planning to accept. He will make amendments to the motion we are debating.

**The Speaker:** Could you speak a little louder? I am not hearing you.

**Mr. Roy Boddén:** Because I know my detractor's strategy well. It is the only one they have. And so we will be offering something that will not destroy the inheritance of the Caymanian people and at the same time allow the developer to realise returns on his investment that will allow him to continue to develop.

Mr. Speaker, it is a position that the Government should have taken. I rest my case full well knowing that there are those who are going to come behind to try to destroy me. Trust me, I have no fear. I would only say to bear this in mind: The mover has to wind up and my close friend and political ally, the First Elected Member for George Town, will still have to speak. So I won't have to worry about my position which is the position of the people of the Cayman Islands. I have been elected to serve them and that means listening and abiding by their wishes. Would, to heaven that the Government could say as much!

**The Speaker:** This is a convenient time to take a break. Proceedings are suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.25 PM

#### PROCEEDINGS RESUMED AT 3.59 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 17/98. Does any other Member wish to speak? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I rise to offer my contribution on the Private Member's Motion dealing with the Ritz-Carlton Resort project. Mr. Speaker, I also want to deal with this issue in as dispassionate a manner as possible—just lay the facts out, let the people hear what they are and see if they come to the same conclusions as I have, on this project.

Mr. Speaker, let me start by saying that I do not think that the Government of the day—that is, the National Team Government who now occupies the hallowed halls of Executive Council—did a sufficient job with regard to selling this project—that is the pros and cons of this project not only to the elected representatives of the people, but also the general public at large.

Mr. Speaker, two Ministers previously were responsible for some aspect of this project and neither of them, I feel, did a very good job as to selling the project to ourselves, or the general public. Because of that, I, personally, initially had my reservations with regard to my position that I would take on this project.

The Minister of Tourism mentioned something in November of last year in the debate and basically what he said, Mr. Speaker, was that any country should jump at the idea of having a Ritz-Carlton Hotel—a five-star hotel.

Now, Mr. Speaker, not knowing, and probably not being as close to tourism as he is, and probably not being as knowledgeable as he is, with regard to different establishments, I think it was incumbent on him to say, Here are the benefits of a five-star hotel like the Ritz-Carlton to the Cayman Islands.

Mr. Speaker, on July 17 (I think it was), the Honourable Minister for Works and Lands, who is responsible for laying the documents on the Table with respect to the Ritz-Carlton Hotel, didn't mention a word concerning that project. It was not until after the Fourth Member for George Town had arranged for the Back Bench to meet with the developer—that is, Mr. Ryan—and his lawyers, was I convinced with regard to the benefits of the project. And Mr. Speaker I will deal with that issue a little later. But I want to start my contribution by first looking at the lease that presently exists on the property in question.

Mr. Speaker, you know it is misleading—not only to the elected representatives here in the House, but the general public—into attempting to let people believe at this stage that we have any option with regard to that property down there, because at present it is under lease. And in the documentation that the Honourable Minister for Lands laid on the Table of this Honourable House in July, a lot of those details were made available.

Mr. Speaker, I would just like to highlight some of those details with regard to this lease. The lease was for 606 acres of Crown property along Seven Mile Beach between George Town and West Bay. The lease was signed in April 1950 (99 years) which means that regardless of what Government does at this stage, that lease as it now stands, still has some 52 years to run, at £100 per annum, paid quarterly in advance. Mr. Speaker, not only was it for £100, it had certain conditions that the lessee was supposed to comply with in order to ensure that they continued to enjoy the benefits of the lease.

It says here, Mr. Speaker—and with your permission I would like to read some excerpts from the lease. It says that “ **the lessee paying the rent hereby reserved and performing and observing the several covenants, conditions, agreements and stipulations herein contained, and on his part to be performed and observed shall, and may peaceably and quietly hold and enjoy the demised lands during the term hereby created without any interruption or disturbance from, or by the lessor, or any person lawfully claiming by under or in trust for him.**”

Mr. Speaker, basically what that said was, the Government of the day said, You have it as long as you com-

ply with the terms of the lease you are not going to have any problem from us or anybody that we may designate to speak on our behalf.

It also goes on to say, Mr. Speaker, “...shall not be deemed to have failed, or neglected to perform the covenant to maintain, operate and keep open a hotel suitable for the accommodation of visitors to the Island of Grand Cayman on his part herein before contained, as long as he maintains, operates and keeps open the said hotel and provides suitable accommodation therein for 50 guests for at least three months in one year out of every two consecutive years.”

Mr. Speaker, I thought those were very lenient conditions because back in those days, the government of the day was looking for something to jump-start the economy. Back in those days, Mr. Speaker—like my good friend from George Town when he calls me he normally says, “the only source of defence we had at that stage was mosquitoes.” So Government did not see any value of that property. And the lease was specifically for tourist-related activity.

It goes on to say, “The lessee [i.e. the person, or the party who leases the property] shall have the right, but shall not be obliged to build and maintain upon the demised lands in addition to the said hotel houses, shops, cafes, cabanas, offices, banking and commercial houses, shipping and airline agencies, theatres, night clubs, country clubs, bath establishments, golf courses, polo ground ...courses, sports grounds, air fields and all other directions as may be necessary or desirable in connection to the said hotel or with the development of the demised land as a tourist resort. Provided, however, that the consent of the lessor [which is the Government] in writing to such other erections shall be first had and obtained. But such consent shall not be unreasonably withheld.”

Mr. Speaker, it is being said here that a hotel has to be built and 50 rooms have to be made available for at least three months out of a two-year span. Three months! And in addition to that, you are able also to use the property for the other things that are listed here.

What I found interesting was that in yesterday's paper there was a letter signed by one of my West Bay constituents, Mrs. Andrea Bothwell, on the Ritz-Carlton land lease. Mr. Speaker, with your permission I would just like to read a few excerpts of what she had to say and offer a few comments. She says, “Caymanians of 1998 have the benefit of hindsight and scientific evidence. We should know the value of our land not just monetarily, but culturally and ecologically. Yet it seems some of us can only see money.” She also goes on to say, Mr. Speaker, “Tourism is an expensive industry for any country to maintain roads, garbage, water, sewerage, impact on the land and people advertising.” She goes on to say, “It appears to me that in Cayman at this time tourism and development are our masters not our servants and I think it is time to take back the reins and yell ‘Whoa!’ as loud as we can.”

Everybody has the right to express whatever comments and views they have. And I have nothing against Mrs. Bothwell; I think she is a fine young lady and a good West Bayer. But, Mr. Speaker, the question I have first of all...it was not too long ago when the present Government did not occupy the hallowed halls of Executive Council. Mr. Speaker, this young lady's uncle for many years served on Executive Council and it was during one of his terms in office that the SafeHaven project was approved.

Now, Mr. Speaker, in this case—the Ritz-Carlton Hotel—we are only talking about 143 acres, I think. The SafeHaven project is much greater than that. And not only that, right now the young lady has just recently moved back to West Bay and where is she living? She is living in The Shores which is a reclaimed area—a beautiful reclaimed area that was created by knocking down a lot of mangroves and doing a lot of fill. Mr. Speaker, that area was known as Uncle Bob's Barcadere which I understand was a very cultural area as far as our people were concerned, especially in West Bay. So, Mr. Speaker, if she felt so strongly about not tearing down mangroves then why would she choose to live in an area where this was done? That is known, Mr. Speaker, as inconsistency.

As I mentioned when I first started, I was not convinced with regard to the benefits of this project until after the Fourth Elected Member for George Town arranged a meeting with most of the ...Backbenchers with the developer and his lawyer. And contrary to what that Member says, the conclusion I came to at that meeting was, first of all—and I have facts to that extent, Mr. Speaker—what had happened was that the Fourth Member from George Town had sat down with the developer and his lawyer. The developer and the lawyer convinced the Fourth Elected Member for George Town of the benefits of the project.

The reason why the meeting was arranged for the other Members of the Backbench was for the developer to be in the position to appraise us of the benefits and to convince us also to support it. As a matter of fact, Mr. Speaker, we spent almost an hour-and-a-half or two hours with that gentleman and his lawyer and we asked all sorts of questions. We expressed all of our concerns and Mr. Speaker, in my opinion he was able to answer and address those concerns that we had.

Concerns questions were raised with regard to the impact on the environment across the street—i.e. the mangroves. Mr. Speaker, it was confirmed to us that there will be a 300 ft. buffer I think, left along the shores there (of mangroves) in order to provide a storm belt, I guess, and to leave some vegetation in that area in regard to marine life.

Mr. Speaker, I did not get in to those technical things; I had one of my other colleagues who is an expert in that area, pose those questions and was able to elicit the type of information and answers we were looking for. After that meeting, the conclusion I came to was that the five, or six Backbenchers (including the Fourth Elected Member from George Town) we were convinced of the benefits of the project And one of the things that was dis-

cussed, Mr. Speaker... Because at that stage this Motion that we are debating today was already submitted and the discussions went along the lines—well you have a motion in place, we are now convinced—

**Dr. Frank McField:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order Fourth Elected Member from George Town.

**Dr. Frank McField:** Mr. Speaker, the Third Elected Member for West Bay is misleading the House in saying that my motion had already been registered with you at the time in which this meeting took place. This is an untruth and I am asking the Member to withdraw that information because the purpose is to cast doubt on my character with regard my involvement in this situation.

**The Speaker:** Can you document the dates?

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, maybe I was technically incorrect—that's the term that Clinton uses—(laughter) but, Mr. Speaker, at that stage the motion was drafted—

**Dr. Frank McField:** Mr. Speaker on a point of order.

**The Speaker:** Would you give way?

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

**Dr. Frank McField:** Mr. Speaker, this is no laughing matter. This is not the United States and I am asking that the Member withdraw his statement.

**The Speaker:** I want to first ascertain whether his statement is incorrect. Can you document the dates?

**Mr. John D. Jefferson, Jr.:** Let's put it this way. It was shortly after the House closed on July 17, and Mr. Speaker, at that stage I can guarantee you that the motion was drafted and seconded by the Fourth Member from George Town and the Third Member from Bodden Town as far as I recall, Mr. Speaker.

**The Speaker:** But you cannot give the date that this took place?

**Mr. John D. Jefferson, Jr.:** No, I cannot recall the date of the meeting, but Mr. Speaker, you know I am not telling any lies—you know that I do not lie, Mr. Speaker. I do not lie!

**The Speaker:** Madam Clerk, do you know the date that the motion was—

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, with your permission let me just put in perspective the Fourth Mem-

ber's position—that is, the Member from George Town—his initial position on this project. I asked, or requested—

**The Speaker:** No, I want to deal with this point of order before we go on. He has moved a point of order and I want to deal with it.

Madam Clerk, can you say what date the motion was filed with the House? (Pause) This says July 4.

**Mr. W McKeeva Bush:** Mr. Speaker, this...

**The Speaker:** Just one moment, please. It is so near time for suspension, we would have to suspend to check the records to see what date the motion was actually filed before I could rule, but I will rule on this point of order on Monday. Please continue in a different vein.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, in order to save any effort on your part about ruling on anything, if it was not registered with the Legislative Assembly, then I withdraw it, but at that stage the motion existed.

Mr. Speaker, I received a letter dated September 8, 1998 from the developer, Mr. Michael Ryan, because I requested details with regards to the Fourth Member from George Town's position on this matter of the Ritz-Carlton project. Mr. Speaker, with your permission—we do not have much time left, so it is probably a good way for us to end the evening, let me just read the contents of this letter.

**The Speaker:** Go ahead.

**Mr. John D. Jefferson, Jr.:** It says:

**"Mr. John Jefferson, Jr., MLA; George Town, Grand Cayman, BWI**

**"Dear Mr. Jefferson:**

**"I am writing in response to your request to provide you with the background relating to how the meeting with myself and Members of the Backbench came about. [That is the meeting I just referred to, Mr. Speaker.] I would like to begin by thanking you and the other Members on the Backbench for taking time from their busy schedules to allow me the opportunity to meet with them to explain and answer questions about the Ritz-Carlton, Grand Cayman, Resort.**

**"As you may recall, the meeting was called after an earlier meeting I had had with Frank McField and Attorney Bruce Putteril, following Mr. McField's initial publication in the Cayman Compass.**

**"At that meeting with Mr. Putteril, the project was discussed in detail and Mr. McField expressed that he then felt in a position to reaffirm his earlier support for the project; specifically as it related to the use of funds for the roads. Mr. McField restated that his prime concern was not with the development, but that the benefits received from it, particularly the ..."**

**The Speaker:** Third Elected from West Bay, may I interrupt you for a minute? Going back to the previous point of order, the records of the House show that that motion was filed on August 4. What date was your meeting taking place—does that say? I did not hear him say that he had withdrawn.

**Mr. John D. Jefferson, Jr.:** I did, I did.

**The Speaker:** Did you withdraw it?

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

**The Speaker:** Okay, go ahead.

**Dr. Frank McField:** Mr. Speaker.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** What is the Member for West Bay withdrawing?

**The Speaker:** You raised a point of order that he was implying that you had filed the motion before, and I was ascertaining the date that it was actually filed in the House. But he said he withdrew that statement that you objected to.

**Dr. Frank McField:** In other words he said that it is not true that I filed the motion before the meeting.

**The Speaker:** He said he withdrew his statement. That is correct. Please continue, Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you. Mr. Speaker, I just want the Fourth Member for George Town to know that I asked my uncle – that is, the Minister for Tourism – for also an hour, so I have five hours in which to put forward my case. One, yes.

Mr. Speaker, continuing with the letter:

**“At the initial meeting with Mr. McField and Mr. Putteril, I had an opportunity to discuss all aspects of the project with Mr. McField, including environmental protection measures we were taking, preservation of the mangrove buffer, our non-dredging stance, training, revenue generation, our commitment to build the road and bridge at our expense, and many other aspects of the development.**

**“Mr. McField, at the end of the meeting with myself and Mr. Putteril extended an invitation to come as a guest on his television show, Public Eye, to discuss the project and explain it to the public so that they could better understand and support the project in the same way as he then understood, and supported it.**

**“Due to scheduling problems it was not possible to take up his kind offer and appear on the show. Mr. McField then offered to arrange a meeting with the rest of the Backbenchers to discuss the above mentioned matters.**

**“I want to thank you and the rest of the Backbenchers for the open and productive nature of the meeting, the many valuable and thoughtful questions**

**and suggestions relating to all aspects of the development, which advice will continue to be valuable in the planning and execution of the Ritz-Carlton Grand Cayman Resort.**

**“Once again, thank you for taking time to meet with me and please let me know if there is anything I can do to answer any additional questions that may arise relating to this project.**

**“Yours very truly, [signed] Michael Ryan”**

**Mr. John D. Jefferson, Jr.:** So, Mr. Speaker, September 8 is the date of that letter. That proves without a shadow of a doubt the Fourth Member's position on this project. He supported it, Mr. Speaker, plus it is also my information that...because Mr. Speaker, in that letter it referred to money to the roads. Prior to this, the Fourth Member for George Town moved a motion calling for Government to establish a road fund. That was seconded by myself, Mr. Speaker, because I felt that the motion had merit.

Mr. Speaker, that motion carried and the Member was so excited about the possibility of his accomplishments that I understand that he volunteered to bring a motion on the lease extension because we could use the money that we were going to get from that—which was the \$5 million or \$6 million to establish, or fund his road programme.

So, Mr. Speaker, it shows that there is some inconsistency. Mr. Speaker...

#### **MOMENT OF INTERRUPTION—4.30 PM**

**The Speaker:** We have reached the hour of 4.30. I will

now entertain a motion for the adjournment of this Honourable House. The Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

#### **ADJOURNMENT**

**Hon. Anthony S. Eden:** Mr. Speaker, I move the adjournment of this Honourable House until Monday morning.

**The Speaker:** The question is that this Honourable House do adjourn until 10 AM on Monday. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The House do stand adjourned until 10 AM on Monday.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 28 SEPTEMBER, 1998.**

**EDITED  
MONDAY  
28 SEPTEMBER 1998  
10.28 AM**

*[Prayers read by the Fourth Elected Member for George Town in the absence of the Third Elected Member for George Town.]*

**The Speaker:** May I ask all Members to remain standing? Proceedings are resumed. At this time we will have item 2 on today's Order Paper, Administration of Oath. Oath of Allegiance to Mr. Arthur Joel Walton to be the Temporary Acting Third Official Member.

Mr. Walton will you come forward to the Clerk's table?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*by Mr. Arthur Joel Walton, JP*

**Hon. A. Joel Walton:** I, Arthur Joel Walton, do swear that I will be faithful and bear true allegiance to her Majesty Queen Elizabeth II her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Walton, please take your seat as the Temporary Acting Third Official Member. We welcome you on behalf of all Honourable Members for the time of your stay here. Please be seated.

Item 3 on today's Order Paper: Announcement and Messages from the Presiding Officer.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** We have apologies from the Honourable Third Official Member who is off the Island on official business. The Fourth Elected Member for West Bay is still sick. And the Honourable Minister for Agriculture, Environment, Communications and Works will be arriving somewhat later this morning.

Item 4 on today's Order Paper: Questions to Honourable Members and Ministers. Question No. 163 is standing in the name of the Elected Member for North Side.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 163**

**Mrs. Edna Moyle:** Thank you Mr. Speaker. As this question is directed to the Minister for Agriculture, Environment, Communications and Works, I would assume it

will be put off until . . . or is the Leader of Government business going to answer?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, could I ask for that question just to be left to the end? The [Minister] obviously is a little bit late, sir.

**The Speaker:** He may arrive before Question Time is over . . . or, do you want to defer it for a later sitting?

**Hon. Truman M. Bodden:** Just . . . If he is not here by the end of Question Time we will defer it, sir. Thank you.

**The Speaker:** We have two on the Paper for him. Fine. Question 164 is standing in the name of the Second Elected Member for Bodden Town.

**QUESTION 164**

**No. 164: Miss Heather Bodden** asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture: Since the opening of the Resource Centre earlier this year, what are the benefits of having this Centre and are people taking advantage of what is being provided by volunteers?

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

**Hon. Julianna O'Connor-Connolly:** The benefit of the Centre is to provide information and education to women of the community regarding services available by the Centre and other agencies. Since the opening of the Women's Resource Centre it has hosted, in conjunction with the Ministry, an Open House to commemorate International Women's Day.

The Centre has also facilitated three open discussion forums on various topics including weight preoccupation and eating disorders, exploring the Maintenance and Affiliation Laws and examining the Cycle of Domestic Abuse in Our Community.

**SUPPLEMENTARIES**

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Thank you, Mr. Speaker. Can the Honourable Minister say, regarding the domestic abuse side, if she is finding that more women are coming forward?

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

**Hon. Julianna O'Connor-Connolly:** Thank you, Mr. Speaker. I am not in a position to say whether or not more women are coming forward in that the Centre has recently been opened. But we can confirm that women are indeed coming forward and discussing this topic much more openly.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** The Minister answered that persons at the Centre have been exploring the Maintenance and Affiliation Laws. Can the Honourable Minister say if in exploring the Maintenance Law if persons responsible have observed that there is a contradiction between the length of time a father is required by law to support a child and the length of time in which the mother is required by law to send a child to school?

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

**Hon. Julianna O'Connor-Connolly:** Perhaps the Member can clarify further as to the exact contradiction.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** The punitive father is required to support the child until the child is, I think, fifteen or sixteen, and the child is required by law to go to school until he is seventeen, I think. In other words, the mother is responsible for the support of the child an additional year longer than the father is required.

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

**Hon. Julianna O'Connor-Connolly:** That is a correct assumption. The entire Affiliation Law and Maintenance Law have been looked at. We had a seminar which was conducted with one of the leading matrimonial attorneys in town. It was well attended and it is the intention of the Ministry to actively pursue various amendments that we feel are necessary with these pieces of legislation, including that one.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeever Bush:** Can the Honourable Minister say what hours the Centre is open?

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

**Hon. Julianna O'Connor-Connolly:** On Monday from 11.00 AM to 2.00 PM; Tuesday, 12.00 to 2.00 PM; and

the same day 5.30 to 7.30 PM; Wednesday 12.30 to 1.30 PM; Thursday, 5.30 to 7.30 PM; Friday 12.00 to 1.00 PM; Saturday 10.00 to 11.00 AM.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I recall when the motion was brought to establish the Women's Office that one of the concerns expressed was providing a shelter for abused women to at least get away on a temporary basis. I wonder if the Minister can say whether or not they have been able to achieve that goal?

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

**Hon. Julianna O'Connor-Connolly:** Due to financial and fiscal constraints we have not been able to date to achieve that. I would, however, hasten to add that the Ministry has met on several occasions with a private party who has offered property. The current status of that proposal is that the private party is making a proposal to Government and we are not yet in receipt of that. In addition, in order to augment it the Ministry intends to put forward in the Estimates for the year 1999 sufficient funds to do the actual building provided we can get the property from the private individual. Failing that, then subject to adequate financing.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries the next question is 165 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 165

**No. 165: Mr. Roy Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning to state the Education Department's strategy to deal with the enrolment problems experienced at the Savannah school during the registration for the current school year.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The Education Department has monitored very carefully the enrolment at Savannah School to ensure that children were in the appropriate catchment area for that school. Additionally, the Department was in close communication with the Principal over the summer to make sure that there was appropriate space for the incoming students and the location of the Year 1 students has been moved from their old location into a new facility to accommodate that influx of students.

A limit was placed on students transferring into the Savannah School classes outside of Year 1 because the classes in that area were already close to being full, or full. Any students who could not be placed in Savannah were placed either at Bodden Town Primary or at

George Town Primary, depending upon which one was more convenient to the parents. To date all students who have registered to be enrolled in our schools have been placed.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say what new facility the Year 1 students have been placed in?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** It was the former library. It was redone – carpeted, tiled, whatever.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say, since that library has been utilised as a new facility for Year 1 students, what is being done now to provide the school with library facilities?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The library has been moved to the former Year 4 classroom.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Does this now mean that the Year 4 class has less space than they had formerly?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** What was done was to move the classes around. The larger classes got the larger spaces, the smaller classes got the smaller spaces. But they all fit into it.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the Honourable Minister say, seeing that the Savannah community is becoming one of the fastest growing areas, if we can expect new classrooms to be built next year?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The long-term answer to these problems is a new primary school. Hopefully we can get clearance this year on it, and begin to put things together so it can be ready in August. If things are drawn out, however, the time is extremely short and that is really the ideal situation.

Also, we could build additional space in Savannah—and if we do not get the school we will have to build additional space in Savannah and also we should have the extra facilities at Red Bay. So, I think between the three we should be able to cover the catchment areas, but the answer is a new school.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Can the Minister state how long it has been since his Ministry and/or the Education Department have come to the conclusion that a new school for that area needs to be built?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, it has been about a year or so. As the Honourable Member I'm sure remembers, we did produce a rough costing of that and obviously it will be in the Budget. What I would be asking for, sir, is that provided the House is happy with the costing and the building of that school, if I can get an indication this year to move ahead, we could then deal with the plans, because that will take a while. I am sure we can find funds to move on with the plans—which I think instructions have been given on them, but it takes a while to get through the process to where we actually start to build.

So I would hope that if the House is happy with that in November and can give an indication, we could then go out to tender, subject to the Financial Secretary accepting that procedure. And I believe, sir, if we put the time limit tight on it, we can get the extra school built this year.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. The Minister certainly hasn't lost his touch. Can the Minister state if a location has been identified for this new primary school?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, we are now investigating land that the Crown owns. And one of those pieces is land that was bought up in the Spotts, or Prospect area (sometime back) which is quite a large piece of land and would be sort of in the fast growing area. If that is the case and that is accepted by the House, sir, that



would simplify the speed at which we could move, because we would not have to acquire any further land, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Minister state if using projections that should be available, if there are any indications as to what the needs will be numbers-wise in that area, say five years from now?

The reason why I am asking the question is so that it can be clear: In planning a new primary school can the Minister state how far down-line is being looked at when it comes to the construction of a new facility?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** We are expecting an extra amount of about 100 per annum in that area and what is normally done is—I am just saying what I think will probably be done—it will be subject to the professionals; but by and large we would probably build a school that would take two classes and on a basis that it could be expanded, and then look at the smaller schools for further expansion when that is needed. Obviously one school with the present number of classes in the three schools would not take us to the five years, but normally they are built on the basis that we can expand say up to three classes, or if we are really pushed, I guess a four-class stream.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. The Minister has just opened the door for what I really wanted to get at and I trust that he will take what I am saying as it is intended.

Obviously since the Red Bay Primary was constructed, we are six years hence. For the last three to four years we have constantly battled with trying to fit incoming students into the existing schools. The Minister has stated that in looking to construct a new facility for that area there will also be a look at which other of the smaller schools can be expanded.

Having said that, I am asking the minister for an undertaking to look at the entire situation — and I am not only talking about the district of George Town, but elsewhere. Simply because if we continue to do what we are doing now, we will always be playing catch-up. We will never have facilities that are built the way we want them, because we keep having to add on arms and legs to different places.

So, perhaps with an overview of more than five years, and using the projections that they have at hand whenever they are going to do whatever construction they are going to do, please do it in such a way ... and I am certain at the end of the day it is not going to cost any more money. But I am asking the Minister to make sure that when that is being done, it is being done in the

proper way, rather than in a 'band-aid' fashion. And that is not being personal, but it has existed like that forever, from the time I remember. Let's try to get it done differently is really all I am asking to happen.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I understand what the Honourable Member is saying. To be frank, if the funds can be released what should be done, is a school should be built to take three classes and the hall and everything put in place now and that really is what I would be asking for to begin with. However, I should say, sir, it is possible if it has to be phased, that I would have to phase it, but we really are better off to build the school totally.

Now whether a school that size could be completed by August, I am not sure—and we do have a critical time for August. But I should say, if a school is built to take expansion, and it is planned right with a master plan, it should be far less of a problem than—as you said—when we do a band-aid situation.

Let me say this as well, Mr. Speaker: it is very hard to project number of births and number of people on immigration and this has been the problem. It was good for a while and all of a sudden the numbers went up. But, I will give the undertaking, sir, that whatever is done will have a master plan and by all means I would ask for the full funds on it this time. Thank you.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. The Minister will know that it could not end so nicely. I will have to ask the Minister now—bearing in mind what he just said—Can he give the reasons why the master plan for the Red Bay Primary School were not followed, since that school was constructed from 1992?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, with the Hall and the Admin. Block (which the Honourable Member knows funds have been approved for), those two will complete the Red Bay Primary School. And with the new school coming on line it should ease numbers there as well.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you, Mr. Speaker. With the greatest of respect my question was not answered. I am asking why it was not followed up to this time? Why is it only now that that is being done?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Is the answer because the money was not voted for it? The funds were not there? I am not certain what the Member is asking. I am trying to answer, but ...

**Mr. D Kurt Tibbetts:** I will be very clear, Mr. Speaker.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I think the Minister understands what I asked, but I am not looking for the answer 'because the money wasn't there' because I have never seen the money asked for and turned down. So, what I am saying is: If we are going to use that as an example—

Mr. Speaker, basically what I am saying is that the bodies that are in here do not matter. I am only pressing home the point that if we look at previous experiences please let us learn so that even if we have to phase things, that we have continuity-- we do not have things forgotten and other schemes come on line and twist and turn everything up as has been a perfect example – the Red Bay Primary. I am just wanting to make sure that the point is made.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I understand what the Honourable Member is saying. I inherited the school part-finished as the Honourable Member knows, and I would have liked to finish the Admin. [building] and the Hall, but... This coming Budget all Members will look at these priorities and I will put them forward, sir, definitely. I have always strived to get everything that is needed for the schools and I will continue to do that. I take the Member's point.

**The Speaker:** No further supplementaries? We will move on to Question No. 166 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 166

**No. 166: Mr. Roy Bodden** asked the Honourable Minister responsible for Agriculture, Environment Communications and Works what is Government's policy regarding the importation of grass sod into the Cayman Islands.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. Effective June 1996, Government placed restrictions on the importation of sod into the Cayman Islands. However, importation of grass in the form of grass-seed, sprigs or grass cuttings and grass plugs, free of growing media, is still allowed entry.

#### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, could the Minister say what led to this restriction?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. We were trying to prevent the importation of insects such... I would not want to go into that Mr. Speaker—but we were trying to prevent the importation of anything that would not be good for this country.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, with all due respect, there are a lot of things that are not good for the country that would not be brought in by sod. So I would like the Minister to answer the question, please.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. If we are talking about sod, then I guess we know exactly what I am talking about. And that is all I am trying to say. In other words, if he wants me to name it out, I would not want to see any poisonous snakes, I would not want to see any poisonous insects, period. And that is the sort of thing that I did not want to say because I do not want to alert the public as to any ... that something has happened or...

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker.

Can the Minister say whether this is a policy that is likely to continue and whether there have been any applications to have the policy changed to allow sod grass to be imported?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** It is my understanding that we have had some applications for the importation of sod. We have been trying to work closely with the local persons who are actually engaged in this sort of thing and we are trying to keep it on the Island, rather than going ahead with the importation of it.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Can the Minister state if there is any intention in the foreseeable future to vary this policy from how it has existed since June 1996?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. I am confident that Government will look at the policy and of course if seeing fit, we will definitely do whatever we need to do.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Can the Minister state what might make Government see it fit to change the policy?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, I did not say that Government would change it. I said that the policy could be looked at.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Mr. Speaker, I did not say that Government was going to change it. I asked 'what might make Government... change the policy?' sir.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** The only thing I can say, Mr. Speaker, is if something comes before Government, being the good Government that we are, we would definitely look at it. And if it is seen fit for us to change it, I am sure we will take that decision.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. The Minister must understand that I am not trying to persuade the Government one way or the other.

So, my next question is: If the Government saw fit in 1966 to prohibit the importation of sod – and given the reasons in answers to the supplementaries, and understanding that the answer actually goes a bit broader – What [then] could possibly change the Government's view from this position? Is there some method of importation which could guarantee the non-existence of these bugs and insects and other things? Or, is there any other reason?

I am not trying to tie the Minister down, but the question was raised out of concern. And really what we

are seeking is some reassurance that no pressure will be put to bear for that policy to change unless there are guarantees that the problems which caused the policy would not occur. So, we are trying to determine exactly what Government's position is -- and when the question was asked what might cause them to change their position, it was simply trying to determine if there was something new that no one else knew about.

### SUSPENSION OF STANDING ORDER 23 (7) & (8)

**The Speaker:** Before asking for an answer to that, I would appreciate a motion for the suspension of Standing Orders 23 (7) & (8) in order that Question time can go beyond the hour of 11 o'clock. Honourable Minister for Agriculture, Environment, Communications and Works? The Elected Member for North Side?

**Mrs. Edna Moyle:** Mr. Speaker, I so move, sir.

**The Speaker:** Do we have a seconder? The Third Elected Member for George Town.

The motion has been moved and seconded that Standing Orders 23(7) & (8) be suspended. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. STANDING ORDER 23 (7) & (8) BE SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 AM.**

**The Speaker:** Question time, continuing. The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. The question asked by the Member from George Town is a very good one and I will give him the assurance that the Department and my Ministry will be doing everything possible to make sure that we keep whatever we have in place now until we can be assured that we have no threat to the Cayman Islands. That is exactly what we have been doing and the threat as everybody in here knows is because we are fearful of things that could come in here that thank God, we have never had before. And we do not want them to come in here.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, in light of the fact that this type of grass is in high demand—and according to my understanding, a very lucrative source of income, can the Minister give an undertaking—as the person responsible for agriculture—that his department, or Ministry would try to encourage, or ascertain if any Caymanian entrepreneurs may be interested in producing this type of

grass so that it can be supplied locally if the conditions allow it, thus meeting a demand and at the same time eliminating a great risk?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, I give that undertaking. As I said earlier, we have been working along with local persons and, Yes, I would be supportive 100% of them doing it locally so that we would not have the threat which is the problem today.

**The Speaker:** Are there any further supplementaries? The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. In the answer the Honourable Minister mentioned that a restriction had been placed on the importation of sod in the Cayman Islands. I was advised recently that approval was given by Government for the importation of – should I say—fill? which I think carries the same risk. I wonder if the Minister can confirm whether or not this is a fact? If it is, why is it we can bring in fill, but not sod?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

(Inaudible comments)

**Hon. John B. McLean:** Mr. Speaker, I have to say that the question asked by the Member, while I appreciate his concern, is far out of the range of what I was originally asked.

**The Speaker:** I have to agree with that. That does not come out of the substantive answer. Could you rephrase it?

**Dr. Frank McField:** Mr. Speaker.

**The Speaker:** Do you have a follow up? The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, there is a question that will come dealing with this in any case.

**The Speaker:** Thank you. There are no further supplementaries? If there are no further supplementaries we will return to Question No. 163 standing in the name of the Elected Member for North Side.

### QUESTION 163

**No. 163: Mrs. Edna Moyle** asked the Hon. Minister for Agriculture, Environment, Communications and Works on what basis was the Water Authority's decision made to continue piped water to East End rather than to the district of North Side.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** On 17<sup>th</sup> June, 1997, the Water Authority Board of Directors, consisting of the following: Chairman: Hon W McKeeva Bush, OBE, JP; Members: Mr C Ebanks, Mr R Flowers, Mr T Hubell, Mr B Watler, Mr R Williams, Jr.; Secretary: Mr RMcTaggart Apologies: Mr Philip Hydes, Mr H Chisholm, Mr Watler, Mr J Wood.

[A decision was made] to continue the public water system from Frank Sound Road through the district of East end. This decision was taken on the following basis:

- The former Chairman confirmed to the Board that Government wanted public water supply throughout East End as soon as possible;
- The Authority had already prepared an engineering design for a large part of the project from 1991;
- East End has a very low annual rainfall and most ground water along the coastal areas is not suitable for potable purposes. The Board felt strongly that East Enders have suffered for the want of good water for many years.

The Authority had previously designed a stand-alone public water system for East End in 1991. However, the project was never built. Very early in the existence of the Authority, as far back as 1983, consideration had been given to construct piped water system in East end. Therefore, a considerable amount of engineering time had already been invested in the project.

An engineering design for North Side has not yet been done. Rainfall amounts and ground water conditions in North side are very similar to those in East End and it is therefore important that the Authority continue extending the public water supply into this district. The Authority's Ten Year Development Plan calls for the completion of a public water distribution system throughout the country by 2006 and includes the extension of the public water supply from Frank Sound through North Side after the East End extension is completed in mid-2000.

Mr. Speaker, today I want to say to the past president that I am so pleased to know that this project has actually begun; I give the [Elected Member for North Side] my assurance that North Side will also, under my guidance be done.

**The Speaker:** The Elected Member for North Side.

### SUPPLEMENTARIES

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I would like to thank the Honourable Minister for his in-depth answer even though I really was not interested as to who was chairman or members of the Water Authority at the time. But in his answer he says that rainfall amounts and ground water conditions in North Side are very similar to

those in East End – and I want it to be clearly understood that I do not object to water going to the district of East End. But my question is: Can the Honourable Minister say if a survey was done of the two districts – seeing that this project has only started in 1998 – to see what the return on the investment by the Water Authority would be in going to the district of East End rather than North Side, or North Side rather than East End?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, knowing the Water Authority and the professional way that it is actually handled, I am certain that before entering into anything, a survey is [always] carried out.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I wonder if the Honourable Minister would undertake to provide in writing the results from the Water Authority survey. My other supplementary is: Could the Honourable Minister give an estimated cost of this project and the estimated return? Certainly we should have that at hand.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. The information the Member for North Side has asked for, will be provided to her, and I will give it to her in writing.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I would like to thank the Honourable Minister for agreeing to provide me with that information.

My last supplementary is: Would the Honourable Minister say if this project will continue through the district of East End and around the Queen's Highway coming into the district of North Side, rather than coming to our district from the Frank Sound area?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, thank you. It is my understanding from the Authority that we are going to put piped water through North Side, through East End. And as far as the technical part is concerned, as to how they are going to do it, I would not be in a position to say if we are going to continue that way.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I would thank the Honourable Minister if he could provide me with that information also, because I think it would be much more feasible if they came through Frank Sound,

rather than coming around at the Queen's Highway where there are not too many houses to connect.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, I will definitely provide her with that information. The only thing I would like to say is that while her district is definitely one that has developed somewhat, we have to realise that the Queen's Highway is some place that is being developed and I think that it will have to be left to the professionals to know exactly how we should put the water through.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Mr. Speaker, I wonder if the Honourable Minister when he says that the district of North Side is somewhat developed, but we have to look forward to future development on the Queen's Highway... I agree 100%. But when I was told by the Water Authority that they wanted to go into the district of North Side because of customers like the Botanic Park and because of the Cayman Kai area--that is a very developed area--I do not think it is a matter of the district of North Side not being suitably ready for water. And I really find it hard when we say the district of North Side is not really developed.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, I give the Member for North Side the undertaking that whatever is possible to have water through that district will be done.

**The Speaker:** Are there any further supplementaries? The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Mr. Speaker, getting back to the substantive answer, and the Minister having said that the decision to move forward was made in June 17, 1997, can the Minister state at the time what was the Authority's decision with regards to how to finance this section of the extension programme?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, at that time as I pointed out, I was not the chairman of the board. I do not have that information, but if the Member so wishes, I would try my best to find out exactly how they did it.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Can the Minister say then if monies that were held by the Authority that were handed over to Government in December of 1997 were put aside in anticipation of being able to use some of

these funds either for the extension programme, or for any other facilities which the Water Authority needed in order to continue to serve the public efficiently?

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. That is quite possible. As I said, the fact remains I am sure that any other Authority when they have funds they have it set aside for various projects. The matter that the Member is speaking about with regard to the money being transferred to Government is a different issue.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you, Mr. Speaker. Different issue, or not, I think it is very important why I ask the question – and I will explain and then turn it into a question to the Minister.

If it is going to be the practice of Government at the eleventh hour at any given time of the year to make demands on any authority – but specifically in this instance the Water Authority – how then can they prudently plan their extension programme and any other facilities that they need, when they are not in a position at that point in time to know exactly how they are going to finance what they have to do?

My question surrounds the problem with not being able to plan for the future. It is my understanding that there are no clear cut policies regarding how funds are requested from these Authorities by Government and there are no exact terms by which the Authorities operate in this area.

So, I am saying, perhaps the Authority maybe looking forward again this year to [being] able to continue and end up with their kitty being dried again. Is this going to be the case? Perhaps I can wait until the legal advice has been given, and then I will continue the question. (Pause) I guess it's over.

I think the Minister understands what I am asking. What I am really trying to seek is some assurance that the Minister could give – now that he is the Chairman and the Minister responsible for the Water Authority – that this Authority be allowed to continue to plan prudently for its future development.

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

**Hon. John B. McLean:** From the minutes I saw of the last meeting that I attended, I would say that everything is planned properly. The only thing I can say is that it seems as if this is not really a question for me; it seems to be a finance question. The fact remains that each Authority has something laid down in their guidelines to say what should be contributed to Government. As far as I know, this has been followed by our good Financial Secretary.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I am not wanting to get into a confrontation this morning over that issue. But I want the Minister to know that I take issue with him in regard to all Authorities having something specific laid down. It is my understanding that this is not the case.

Now, if this is the case, perhaps the Minister could give that to me in writing, if I misunderstand what prevails. Or, let me put it better: Perhaps it is possible that is the case now. But it is my understanding that it wasn't the case when this happened at the end of the year in 1997 with all the Authorities. But, again, that is not an issue for us to argue about. And I understand that it is not the Minister's direct responsibility.

All I am really trying to ensure is that the Water Authority is allowed to do what it has to do, and not be ostracised from itself by Government determining what should be done with whatever funds they are able to put aside for their future development. That is all I am really saying. Simply because if the Authority within its own confines is allowed to plan its future, it must be able to perform better than if it has to continue on a borrowing situation which Government will in turn have to guarantee on most occasions. If Government is taking the money they want to use for that, then really and truly all Government is doing is side-stepping its own borrowing and guaranteeing it for somebody else.

Having made my point, I am asking the Minister if he will give an undertaking that the Authority which he is in charge of, is not caught in that trap from here on in.

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

**Hon. John B. McLean:** I would have to say that that would have to be decided by the Financial Secretary not me. I am prepared to do whatever I can with my Authority, and any Authority that falls under my Ministry, but when it comes down to that, I don't have any authority on that.

**The Speaker:** I think we are way outside the ambit of this question. I will not entertain any further questions on this. If you have any other supplementaries -- The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I just want to ask the Minister if it is a practice that prior to expansion, feasibility surveys are conducted so that the Water Authority may get a first hand view of the numbers of customers who will be needing the services and also what types of demands these customers will be making?

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

**Hon. John B. McLean:** In order for any business person to [apply] for financing, I am sure all of the projections

would have to be in place. As I pointed out, this matter was started a long time ago and I am sure that the Board of Directors at that time took every precaution to make sure that it was going to be feasible.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I will relieve the Minister by moving on.

My question now is, having explained the situation with East End and North Side, Can the Honourable Minister brief us as to what plans there are for Cayman Brac, if any?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works. I think we are going outside of this question, but if the Minister cares to answer that, he may.

**Hon. John B. McLean:** Mr. Speaker, you are quite right. It is completely outside of this. But the only thing I can say is that we are definitely looking at Cayman Brac the same as we are looking at Grand Cayman.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I respect what you are saying, and I am not trying to go too far. It is just that for the question about the other two districts, the frame . I was simply asking, knowing the Authority and how conscientious it is, if perhaps in its master plan it might have some timeframe for Cayman Brac. If that is considered unreasonable, then it doesn't have to be answered. But that was all I was asking.

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

**Hon. John B. McLean:** In no way do I consider the question unreasonable. As I said awhile ago, we will be doing everything possible to make sure that we have the same system we have throughout Grand Cayman in Cayman Brac.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Thank you, Mr. Speaker. I am just wondering whether the Minister can say if the Authority is working in its provision of water and sewerage according to the Ten-Year Development Plan for Water and Sewerage Infrastructure which addresses the anticipated water and sanitation needs of Grand Cayman and Cayman Brac and Little Cayman through to the year 2005?

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

**Hon. John B. McLean:** As the Member knows, when he was there certain things were put in place. I give him and the House the assurance that we have never tried to do anything to upset what has been put in place. I fully support what he is saying and that is exactly how it is.

**The Speaker:** If there are no further supplementaries that concludes Question Time for this morning. I think this is a convenient time to take the morning break. We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.30 AM

#### PROCEEDINGS RESUMED AT 12.05 PM

**The Speaker:** Please be seated. Proceedings are resumed. Item No.5 on today's Order Paper: Other Business, Private Members' Motions. Private Member's Motion No. 17/98, Proposed Ritz-Carlton, West Bay Road. Continuation of debate thereon. The Third Elected Member for West Bay, continuing.

### OTHER BUSINESS

#### PRIVATE MEMBERS' MOTIONS

##### PRIVATE MEMBER'S MOTION NO. 17/98

##### PROPOSED RITZ-CARLTON HOTEL WEST BAY ROAD

*(Continuation of debate thereon)*

**Mr. John D. Jefferson, Jr.:** Thank you. When we adjourned on Friday, I had basically given an introduction to my contribution. For the benefit of Members and the listening public, I would like to summarise what I had to say.

I read a letter from the developer, Mr. Michael Ryan, dated 8 September, which basically confirmed a meeting that he and his lawyer had with the Fourth Elected Member for George Town. That letter also confirmed that Member's support for the Ritz-Carlton resort project. As a matter of fact, the fourth Elected Member for George Town was so convinced that he invited Mr. Ryan to attend or accompany him on his TV show to enable him to convince the listening public—

**Dr. Frank McField:** On a point of order.

**The Speaker:** Let me hear your point of order.

#### POINT OF ORDER *(Misleading)*

**Dr. Frank McField:** The Member is misleading the House. The Member cannot say that I was going to allow Mr. Ryan to attend my TV show in order to convince the listening public.

**The Speaker:** Third Elected Member for West Bay. You have heard the Member's point of order. He is saying that you cannot prove that he was trying to convince him. Can you further elaborate on that?

**Mr. John D. Jefferson, Jr.:** In order to confirm that position, all I have to do, Mr. Speaker, with your permission is to read a paragraph in the letter I referred to from Mr. Michael Ryan (8 September). Basically what it says here is, "**Mr. McField, at the end of the meeting [that is, the meeting he had with Mr. Michael Ryan and Mr. Putterill with myself and Mr. Putterill extended an invitation to come as a guest on his television show, Public Eye, to discuss the project and to explain it to the public so that they could better understand and support the project in the same way as he then understood and supported it.]**"

**The Speaker:** Fourth Elected Member for George Town, I think that is very clear. That was at least Mr. Ryan's assumption. That is what he is quoting.

**Dr. Frank McField:** If that is Mr. Ryan's assumption, I don't believe that his assumption is any proof of anything. I am saying that that was not my position and that this cannot be seen as proof of any position and I would like the Member to withdraw that. Now, if he is saying that this is what Mr. Ryan has said, it is a different matter than if he is saying what he said when I asked that it be withdrawn which is, in fact, that my position was to invite Mr. Ryan to the TV show so that he could convince the general public that this project was good for the people of the Cayman Islands. Because it is implying somehow that I am using my TV show in order to convince people rather than using it as a forum for those persons who also want to express different opinions.

**The Speaker:** I think the Chair has been convinced that he has evidence for what he is saying. I think you will have an opportunity in your reply to set the record straight.

Please continue, Third Elected Member for West Bay.

*[The Third Elected Member for George Town rose]*

**The Speaker:** Third Elected Member for George Town.

**Mr. Linford A. Pierson:** In view of the fact that the Third Elected Member for West Bay is quoting extensively from this letter, and the importance of this letter to the debate, perhaps you could rule that he table this letter, or maybe he would volunteer to lay the letter on the Table of this House.

**The Speaker:** I would ask the Third Elected Member for West Bay, would you agree to table the letter?

**Mr. John D. Jefferson, Jr.:** I intended to Mr. Speaker.

**The Speaker:** Thank you, very much. Please continue with your debate.

**Mr. John D. Jefferson, Jr.:** I just have a little advice for the Fourth Elected Member for George Town: He had his say, he will have a chance to wind up to rebut anything that is said. At that stage he can correct whatever is necessary. But it is very plain from this letter that he was convinced of the benefits of the project and at that stage it had his entire support.

Subsequent to the meeting that the Fourth Elected Member for George Town had with the developer, he arranged for Mr. Michael Ryan and his lawyer to meet with the Members of the Backbench in order to give them an opportunity to raise questions and solicit from the developer any additional information they needed in order to also be convinced to support the project.

In that meeting, and I think there were six of us there including the Fourth Elected Member for George Town, we spent an hour, maybe two hours, with the developer and his lawyer. We asked [questions], expressed our concerns in regard to the project, and the conclusion that I reached, as well as those Members who were there, was that at that stage we felt comfortable in supporting the project.

As a matter of fact, at that stage I think the motion was drafted, moved and seconded. I am not sure if it was yet registered with the Legislative Assembly, but we also discussed the relevance of the motion in light of the fact that all parties there were convinced of the benefits of the project.

In the letter that I just read from, and the letter I quoted from on Friday, that is the letter of 8<sup>th</sup> September from Mr. Michael Ryan, it also mentioned that the Fourth Elected Member for George Town was so convinced about supporting the project, that he offered to bring a motion calling for Government to consider the lease extension we are now discussing here in the Legislative Assembly.

The reason for that is because the Fourth Elected Member for George Town had previously brought a motion for Government to look at the possibility of establishing a road fund from which we could address the issue of road repairs and construction in this country. I seconded that motion because I thought it was a good one and the Fourth Elected Member for George Town was eager to get on with the funding of this road funding.

He volunteered that he would bring a motion for Government to consider approving the lease extension—

**Dr. Frank McField:** Mr. Speaker, on a point of order.

**The Speaker:** Let me hear your point of order please.

#### POINT OF ORDER

**Dr. Frank McField:** Mr. Speaker, I am not so sure. I mean I know I will get a chance to state my position, but the Member well knows that what he is doing is--although I will have the possibility to speak what I consider to be



the truth-- what he is doing is misleading the House. The Member is speaking about my actions as if he believes that somehow he is capable of proving in fact these particular assumptions which he is making. There is a particular reason, Mr. Speaker—

**The Speaker:** Please come to your point of order. This is not—

**Dr. Frank McField:** Mr. Speaker, I am trying to explain to you my point of order, please. The point of order is that he is building a case that I am bringing this motion with improper motives, that I am deceiving; that I am being deceptive. It is quite clear that that is his case. Although I will get a chance to speak about this, I believe that this is a point of order.

**The Speaker:** You are expressing an opinion. That is not a point of order. I caution you, please have a point of order when you interrupt the speaker. As I said earlier, you will have ample opportunity. You will not be curtailed in saying what is within Standing Orders to say when you reply.

Third Elected Member for West Bay, please continue.

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

As I was saying, the Fourth Elected Member for George Town even volunteered if necessary that he would bring a motion, that is a Private Member's Motion—

**POINT OF ORDER**  
(Misleading)

*The Fourth Elected Member for George Town rose.*

**The Speaker:** Do you genuinely have a point of order? I cannot allow you.... Let me caution all Honourable Members. It is against Standing Orders and against the rules of Parliament to just move points of order continuously to interrupt the train of thought of the speaker. So please do not do it with that motive. If you have a definite point of order, please let me hear it.

**Dr. Frank McField:** My point of order, Mr. Speaker, is that the Member is misleading the House. The Member is saying things that I did, that I did not do and the Member must prove this. Otherwise that is my point of order. He has to prove that this is what I did.

**The Speaker:** That is what he is attempting to do, as I understand. As he elucidates he is attempting to prove it, if you will give him an opportunity.

Please continue, but I would ask you to get off of this as soon as you can. Let's get on with the debate on the substantive motion.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, what I am saying is important to this debate, because I, for one, have

taken a position based on facts and information that I have obtained on a personal basis. I am trying to show that even though the Fourth Elected Member for George Town brought the motion calling for rejection of the project, basically, the fact is, that deep down he is really convinced and supports the benefits of the project for these islands-- or else, he would not have said what has been confirmed in this letter from Mr. Ryan.

Anyway, I think the general public is convinced, as well as the elected representatives in this House that the position of the Fourth Elected Member for George Town is not what he said it is.

This project is designated as a five-star resort. I am not sure the Fourth Elected Member for George Town knows what that consists of, and with your permission, Mr. Speaker, I would like to elaborate on what that consists of so that elected representatives here can be convinced that what is being proposed is totally unacceptable.

I did request information, and I got it. I am prepared once I have read from the document to also lay it on the Table so that other Members can have access to that information. It says: "**This is a brief synopsis of the requirement for a five-star resort. A five-star resort in this market requires access to an excellent beach and preferably accesses to other water elements enhancing water sports opportunities.**

"**Multiple food and beverage facilities at a variety of levels. These should be located in different areas on the resort to provide guests with the maximum number of dining experiences to satisfy the demand for variety in a customer who traditionally has a longer average stay than other tourism groups.**

"**Multiple pool experiences with the same requirement for multiple locations as required by the food and beverage outlets described above. A large spa facility, preferably separated from the other aspects of the hotel.**

"**A golf element of a signature level within the resort accessible to guests on foot when desired. This element is also critical to attract the important group segment. Signature level for a five-star is a course designed and endorsed personally by one of the major names in golf course design, such as Greg Norman. Extensive manicured grounds and a general spaciousness.**

"**A large ballroom and breakout space as well as various other external function areas. Larger rooms, balconies, hallways, circulation areas, exercise areas, lounges, lobbies, club areas, etc. etc."**

When you take into consideration the requirements for a five-star resort, it is ridiculous to believe, as this motion calls for, that you can locate all of those facilities on five acres of property that was previously occupied by the old Holiday Inn Hotel. Mr. Speaker, with your permission, let me mention a few other things that are critical for a resort of this calibre.

It says here: "**Although the island of Grand Cayman has for many years possessed the necessary tourism potential and client demographics to justify a**

five-star resort facility, the nature of the landscape has made this more challenging than in other locations.

**“To understand the nature of this challenge, it is necessary to examine what a five-star resort is and what goes into making a successful one. A five-star resort (as the name implies) is more than a hotel. It is a resort with the additional services, features and amenities that are expected in a resort.**

**“To attract five-star resort clients, the entire ambience of the resort has to feel spacious, relaxed, uncluttered, and flowing. Every element—from the oversized balconies to the edging of the cart paths [that is the golf carts]—has to be seamless, coordinated and open. This requirement for space is also evident in the various amenity elements, such as the pool terraces, restaurants, spas, meeting rooms, lounges, club areas, parking, signature golf and other elements of the resort.**

**“Another critical element in the creation of a successful five-star resort is the inclusiveness of all the features. This inclusiveness relates to the coordination of the various features in such a fashion that a guest, once he arrives at the resort, feels that everything he may wish or require during his stay is contained in the resort.**

**“This does not mean that guests of these five-star resorts do not leave the grounds to visit other tourism attractions, they do as much, or more, than any other group of tourists and tend to spend more money when visiting these attractions. What is important is that the staying or leaving of the resort is a choice that the guest makes, not one that is forced onto them.”**

Mr. Speaker, what that means basically is that when you are talking about a five-star resort anything that the guest wants is there. We can't say leave out the golf course because he can play at Britannia or SafeHaven. No. It must be included as part of the resort package.

Another requirement for the group business which a resort of this calibre is in a position to attract, is the ability to separate a visiting group from the general hotel guest population, as well as provide activities that can be created exclusively for the group. The location of the golf course, clubhouse and the course are essential elements in satisfying this requirement. So, this resort will attract huge groups of businesses here along the lines of conventions.

It is saying that when the resort is in a position to accommodate those groups they must have the ability to separate them from the general hotel guests. There are so many other destinations competing for that type of business here. It is a type of business that I, personally, think we should go after and do everything we can to attract to these islands.

The thought of just giving the group permission to build on the old Holiday Inn site is totally unrealistic, or unacceptable. The project does not consist of a Ritz-Carlton Hotel. It consists of a resort which includes a ho-

tel and many more facilities and services than those normally offered by a hotel.

Mr. Speaker, with the great care that this developer has taken, and as demanded by Planning (and I will talk a bit about the Planning process) such great care has been extended in this project, as far as this development, that even with the 143 acres, in order to include all of these facilities, it is going to be tight. But they are so committed to protecting the environment across the street and taking into consideration requirements in regard to Planning approval that they were prepared to make those sacrifices in order to make this project a reality.

The project must be accepted as a whole to be considered a five-star resort. The question is not whether or not we are going to give them approval for a Ritz-Carlton Hotel. The question is: Are we, the Government of the Cayman Islands, convinced enough of the project to support the project? Or do we feel so strongly about it that we say no, we don't want this project so go elsewhere with it because we are not prepared to give you that commission?

Mr. Speaker, I don't hear that being echoed in these hallowed halls. Basically what I see is a lot of political, should I say, gesturing by certain Members because they see a few people sitting in the gallery who they want to cater to and impress.

As I said, the proposal is not for a hotel. It is for a resort that includes a hotel. So either we support and approve the idea of a resort, or we don't. I am not sure how many of us have done business, or put together a project, but it is like me going to Planning for approval to build my home, and Planning says, *‘Well, John, we like your outline, we like your plans. But, you can't put in the plumbing. Put a house out back.’* It's the same idea, Mr. Speaker. You can't pull certain facilities from the resort package and make it work. Either you do it, or you don't!

A question was raised in regard to the Planning process. An attempt (that's the way I interpret it) was made to give people the impression that this resort had not gone through the proper channels as far as Planning approval was concerned. An attempt was also made to give people the impression that certain exemptions or concessions were granted to this resort in regard to the approval process. Nothing could be further from the truth.

But the Planning process was done in stages. Mr. Speaker, with your permission I would like to read the approvals from Planning with the attached conditions. First of all, there is a letter dated 19 January, 1998 and it is to Humphreys Limited, PO Box 30687 SMB Grand Cayman. It says:

**“Dear Sirs: Subject: Proposed Hotel, Apartments, Spa, Golf Course, Golf Clubhouse, Thirteen (13) Lot sub-division, Pools (2), Excavation, Overpass, Tennis Courts (4), Bypass Road on Block 12C Parcels 11 & 215.**

**“At a meeting held on December 17, 1997, the above application was considered and it was resolved to grant Planning Permission for those structures situated west of the proposed bypass road, that**

is the beachfront hotel/condo complex, spa, overpass, cabana, two swimming pools subject to the following conditions: . . . ”

Permission was granted subject to certain conditions as follows:

“1. The applicant shall submit a revised site plan illustrating the following information at a minimum:

- Those structures situated west of the proposed bypass road only;
  - public rights-of-way to the sea (18 feet);
  - additional parking (15 spaces) in the vicinity of the spa building;
  - six (6) foot wide sidewalks along West Bay Road and one side of access road;
  - solid waste facilities in an area accessible to the DoEH;
  - storm drains in all parking areas;
  - size of parking spaces;
  - parking lot surface material;
  - proper location of SafeHaven Road;
  - directional arrows for driveways;
  - dual exit lanes at all major driveways;
  - proper 15 foot radii at all intersections;
  - road reserves linking lands to the north and south parcels.
2. The applicant shall submit a landscape plan which shall be subject to review an approval by the Director of Planning.
  3. You shall liaise with the Director, Water Authority and the Chief Fire Officer with respect to the Fire Brigades Law and Water Authority Act.
  4. Construction drawings for the proposed swimming pool shall be submitted to the Chief Building Control Officer, and to the Department of Environmental Health for approval, and an approved copy shall be submitted to the Planning Department prior to issuance of a letter of confirmation. The applicant shall submit a revised site plan illustrating the following information at a minimum.
  5. The applicant is required to obtain a Building Permit from the Chief Building Control Officer. Construction shall not commence prior to the issuance of a building permit.
  6. Unless specifically authorised otherwise in writing by the Central Planning Authority the Development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with. Additionally, once construction has started, conditions 8-15 shall be complied with before a Final Certificate of Occupancy can be issued.
  7. A 6-ft wide concrete sidewalk along the front property line, and a 4-ft minimum in width landscape strip along the inside edge of the sidewalk.

8. Construction of the driveway and drainage shall be in accordance with the Public Works Department standards.

9. The parking lot and driveway aisles surfaced with asphaltic concrete or equivalent and tire stops provided for each parking space which must be striped.”

Does this sound like any entity that was given a concession or exemptions? It was on January 19, 1998, that the letter of approval was given. Then on March 27, 1998, there is another letter from Planning to the same party in regard to planning approval. It says:

“Proposed canal excavation, Golf Clubhouse, Golf course, roads and sub-division on block 12C parcels 11 & 215. At a meeting held on March 18, 1998, your application was considered and it was resolved to grant Planning Permission for Golf Clubhouse, four (4) tennis courts, nine-hole golf course, eleven (11) lot sub-division, excavation for canals and bypass road subject to the following conditions.” It says here (and I will only read one):

“1. The submission of a final comprehensive environmental assessment report as outlined in the February 1998 document titled Environmental Criteria on Design Guidelines prepared by ATM Incorporated, the contents of the same shall be to the satisfaction of the Department of Environment and the Planning Department.” As part of the Planning process, this group has to submit a very detailed and intense environmental impact study.

Mr. Speaker, it would be like my coming to you saying I want permission to do so and so, and your saying, ‘Well, before you get it, what you need to do is an environmental impact study.’ These impact studies are very expensive, indeed. As business people, they are saying, ‘Okay, well, give us the approval in principle subject to submitting the impact study’ which is the way to do it. They are in the process now, once they move on to this stage where before they can do anything in that area they have to submit the environmental impact study. And they will pay for it.

The developers are not new at this business. As a matter of fact, they have done a similar development that consists of 600 acres in Costa Rica. Now, I am not sure... and, Mr. Speaker, you have travelled quite extensively, but it is my understanding that the environmental laws and conditions in Costa Rica are much more rigid than they are here in the Cayman Islands. I am reminded that Costa Rica is one of the leading ecotourism destinations in the world. This group was able to convince the authorities in that country to allow them to build a resort similar to the one they are proposing here for the Cayman Islands, but on a much larger scale.

Part of the Planning process or condition was that there would be no dredging in the North Sound. Not only that, in addition to no dredging they first had to leave 300 feet of mangrove between the coastline and their development as a buffer. In addition to that they are leaving another 200 feet of mangrove in the residential area. So that makes 500 feet. In addition to that, the development

will be so designed that pockets of mangrove will be left intact throughout the resort. Why? In order to leave the natural environment intact as much as possible.

I am quite sure that you remember, Mr. Speaker (I sure do), the problem we had in this country with mosquitoes. Since I was a boy, I have never had the courage to venture into the mangrove along Seven Mile Beach to look for crabs. Do you know why? Because of the experiences I had as a boy. When I took a stick and put on a crab, by the time I had my hand on him I was totally covered with mosquitoes. Now, much credit has been given to MRCU in regard to eradicating the mosquito problem in this country. But development has also assisted with this. As a part of the process they will remove the mosquito-infested area of the swamp or the mangrove in this area.

What happens? Every year the MRCU sprays pesticides in there to control the mosquito population in these areas. Do you know where that pesticide ends up once it rains? Right in the North Sound. And we talk about being concerned about the marine environment. What would happen is that they would remove that section and ensure that drainage into the North Sound of these pesticides becomes a thing of the past.

**The Speaker:** Are you reaching a point where it would be convenient to break?

**Mr. John D. Jefferson, Jr.:** Yes sir.

**The Speaker:** Proceedings are suspended until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 12.50 PM

#### PROCEEDINGS RESUMED AT 2.30 PM

**The Speaker:** Please be seated. The Third Elected Member for West Bay continuing the debate on Private Member's Motion No. 17/98.

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

For the benefit of the elected representatives of the House, and with your permission, I would like to table copies of the letters and other memos I have been quoting from.

**The Speaker:** So ordered.

**Mr. John D. Jefferson, Jr.:** When we took the lunch break I was dealing with the planning process for the development and I read extensively from two letters from the Planning Department granting approval of the project with certain conditions. One of those conditions was the submission of a detailed environmental impact study. This study will be done by a company by the name of Applied Technology and Management Incorporated (ATM). This company has extensive experience in providing services for some of the better resorts, not only in the United States and Canada, but also in the Caribbean.

The list among their clients, Hilton Head, South Carolina (and if you haven't been there, it is an exclusive resort of a very high standard, one that the state of South Carolina is very proud of); Savannah, Georgia; Jacksonville, Florida; Gainesville, Florida; West Palm Beach and Ft. Myers, Florida. They have also provided services for the countries of Anguilla, Barbados, Montserrat, St. Lucia, and also the United Nations Development Programme in the area of tourism development policies and studies. So the environmental impact study will be done by a firm that has a very high and good reputation in this area.

I also mentioned that the group, (i.e. the Ryan group) had been granted permission by the Costa Rican authorities to build a 600-acre resort in that country. My information is that that project is well underway, as far as its being approved. I also mentioned that the environmental laws in Costa Rica are much stricter than our laws here in the Cayman Islands. The group was able to comply with those laws because the authorities in that country were convinced that they knew what they were doing; they have a sensitivity for the environment and at the end of the day they will have a resort they can be proud of.

It is my information that so far, approximately \$24 million have been invested in the project, 6 miles of water pipeline have been put in place, 5 pumping stations, roads— in other words, the infrastructure has been put in place. Some 100 lots have been sold and some 24 houses are now under contract. People are in the process of moving into-- some 24 houses that are being completed.

They also boast of a Greg Norman 18 hole golf course that is under construction. The project consists of two separate hotels. They have all been approved. So we are dealing with a group that has the experience, the sensitivity and the know-how to put these projects, like the one they are proposing in Cayman, in place. The benefits from this project are enormous for the Cayman Islands.

In the meeting we had with the developer and his lawyer we expressed our concerns, we raised our questions, and as I mentioned before, all the concerns I had (and I would daresay the majority of the group) were dealt with to our satisfaction.

Let me now just elaborate on some of the benefits of this project. The project will include an estimated cost of \$225 million. That is exclusive of the fees and other revenue that will come to Government from stamp duty, et cetera. This will be a tremendous benefit to the construction industry.

I recall back in 1992 before the National Team won by a majority and took office that we had contractors in this country who were sitting on their hands. I recall even in my district of West Bay, and not only me, but other elected representatives, on a number of occasions had to assist on a personal basis so that at the end of the week these same contractors had some money to put food on their tables.

That is not the case today, but that was only six years ago. When we took over, there were over 1,000

Caymanians out of work. Do you know what the cry was back then? Let's get the economy moving; let's jumpstart the economy; let's get construction re-vitalised; let's find something by which we can provide employment for our people.

The construction contract for this project will be handled by local contractors. I daresay that even the subcontracts will all be handled locally—that is, subcontracts for the electrical, plumbing, et cetera. I brought a motion during this sitting requesting that all equipment, materials and services on Government contracts are guaranteed to be resourced locally as long as there is competitive quality and standard. We will see to it. . . and I don't think we need to see to it, because the developers we are talking about are so inclined; they will ensure that (as much as possible) services such as furnishings, cabinets, and that type of thing—many of which will be needed for this project—will be provided by local entities which are in a position to provide this service and will have a realistic opportunity of bidding for this service.

In our meeting with the developer, we expressed our concerns in regard to employment opportunities for Caymanians and as a result of our discussions it was agreed by the developer to make available for young Caymanians interested in going into the hospitality industry, 100 scholarships to attend the Cayman Islands Community College for training in the areas associated with the hospitality industry. In addition to this, further training, overseas, will be made available for Caymanians employed by this resort, who show interest and have the ability to go on.

I am aware that some years ago the Minister for Tourism with the support of Government launched a scholarship programme to encourage young Caymanians to go in the hospitality industry. I thought that was a good gesture. You are talking about \$25,000 per annum in scholarship fees to take care of all aspects of attending a university. According to my information, the programme is going very well, and every year a young Caymanian is awarded that scholarship to pursue a degree in the hospitality industry. But you tell me—and there are quite a few resort hotels along the Seven Mile Beach who have been in business for quite a while—you tell me how many of them have a scholarship programme in place for Caymanians.

The other thing I found very interesting, and this is an excuse that is always used in order to deprive our people in Cayman of an opportunity—lack of experience. As a matter of fact, the Ritz-Carlton group prefers that you don't have a whole lot of experience in the hospitality industry so that they can train you the way they want you to be trained.

I know what that is all about because I also run two businesses here in the Cayman Islands. If staff is coming from one of the other fast-food entities, the chances are that we won't employ that person. Do you know why? Because they get set in their ways by the experiences they have had with those establishments. It is very difficult to train them in the way you want them to go.

This group prefers that you come in, have a willingness to learn, and they train you the way they want you trained within their organisation.

The other thing we pushed for was—and I must give the First Elected Member for West Bay a lot of credit in this area... The hotel/resort [developer] has basically agreed that their minimum wage will be higher than it rates presently in the hospitality industry here in Grand Cayman and the Cayman Islands as a whole. If you do a survey out there now, the minimum wage they start you at in those existing hotel and condominium complexes is about \$3.50 an hour plus gratuities. We are hoping, (and basically we have approval in principle on this), that at this resort the minimum starting wage will be in the region of \$6.00 or \$7.00 per hour plus gratuities.

There is no wonder that some of those resorts and hotels are fighting against the Ritz-Carlton group coming in because when they come in and offer their staff the opportunities I am talking about and are able and willing to start those staff at a higher wage, the other hotels will have to follow suit or they will lose their best staff. They are not going to allow that to happen, so what happens? Persons employed in the hospitality industry as a whole, [will] benefit tremendously.

We have heard a lot recently about roads along Seven Mile Beach, alternate roads, bypass roads and this and that. One of the concessions that Government got from this group (because the bypass road will pass through their resort) was that the group will completely fund this corridor that passes through their development up to an extent of some \$5 million. In order to make sure it is of the highest quality, and it blends in well with their environment and ambience in that area, they have also volunteered and would prefer to do the construction themselves.

When the Holiday Inn decided that it made no economical sense whatsoever to keep its doors open (because of the amount of money they were spending on maintenance of the property), much negotiation took place once again by Government and the First Elected Member for West Bay, and supported by us; a liberal severance package for those employees was arrived at. I think the Law calls for one week for every year that you worked in severance. They were paid something like four weeks for each year. In addition to that, the group was convinced to set aside a fund in the amount of \$250,000 for 'X' employees of Holiday Inn over 55 years of age. They will receive a cheque on a monthly basis over a period of time while the new resort is being built.

We hear horror stories about Caymanian employees who have been working for 20 or 25 years at some establishments and for some reason or the other they are forced to leave the employment and those establishments don't even have the respect to say, *'Okay, for your 20 years of service, here is a gold pen that you can keep in remembrance and in recognition of the time you spent with us in our employment.'* This was totally unnecessary as far as this group was concerned, but it shows a genuine concern for humanity.

One of the other concessions we were able to arrive at with the group, is the concession for watersports and other services that will be needed by visitors of the hotel--that is for small Caymanian operators. This is an issue that I have fought for and feel very strongly about. Today, along Seven Mile Beach, every one of those major hotels has one player in place. What they do is gobble up all the business from these establishments.

To go even further than that, if your small operator walks through and tries to put some of his brochures on some of the stands provided for that purpose, they are taken and thrown into the garbage. There is no interest whatsoever; there is no concern to ensure that all Caymanians involved in that industry have a fair chance of making an honest, decent living. We have a lot of small operators in my district of West Bay. What will happen is that these people will be in a position where they and others can benefit personally from tourism in this country.

A lot of us are very selfish and take the position that as long as 'me and mine' have, forget about the rest! I have never taken that position. I realise-- and this has been one of the keys to our success here in the Cayman Islands-- that regardless of what level of society you find yourself on, you are able to make an honest, decent living in this country. Some of the little guys employed in the construction industry have better homes than you and I, Mr. Speaker. And that makes me feel good--that people have an opportunity to enjoy those benefits here in the Cayman Islands. But if we are short-sighted enough to think that only a few and only special interest groups have a right to make a living in this country, pretty soon we will go the same route as many of the other territories we call neighbours here in the Caribbean. So, it is only healthy and positive when our people benefit in these ways.

The thing that really annoys me is that we have a few Caymanians who are associated with these properties and they have no more care for their small Caymanian than I would have for I don't know what. They are so selfish. Everyone has a right to earn a decent living in this country.

As I understand it, we will earn something like \$6 million from the lease extension and it is important to understand that in this whole exercise there is only one piece of property that I understand is a new lease being drawn on, and that is something like a half acre of property. All the others are already under lease agreements and still have some 52 years to run. So we will get another \$6 million from the lease extension necessary for the Ritz-Carlton Grand Cayman Resort.

What is important is that every year, not only the MLAs, but our constituents come with shopping lists of what they want Government to provide for them. No Government can provide the services they need for their people without money. Some Members here say that they are not responsible for the money side, you take care of finding the money and make sure that it is done. But from this project the Government of the Cayman Islands and its people stand to earn in excess of \$108 million.

The thing to keep in mind... And I requested the information, but was unable to get it because it is all over the place... All of the major hotels we have along Seven Mile Beach were granted certain concessions when they decided to come into this country. Mr. Speaker, if I am not wrong, it is something like 2.5% or 4.5%--some ridiculous figure they are charged in regard to imports on their materials to construct. This resort was not given one concession of that nature. Government said, '*No. We welcome you, but you must pay your way.*' The group is prepared to pay its way on this project.

According to the Minister for Tourism (and I believe what he says) other territories when they have a group like this coming in, the shoe is on the other foot. Not what they can provide by way of services and revenue, et cetera, for Government, but as a condition of their coming in, Government is committed to providing certain infrastructure and services to accommodate the development. We are in the enviable position here in this country where we can dictate to developers what we want as a condition for them coming in. It speaks well for the Cayman Islands. All of this political meandering and jostling is just that--political!

Until recently-- and we are still concerned with that aspect-- the Cayman Islands, like other offshore financial centres are under a tremendous amount of pressure right now from the United Kingdom and its colleagues, the OECD and the European Union. Their objective is to discourage our activity as much as possible in our financial industry. We have been told in no uncertain terms to go ahead and encourage expansion in our tourism industry to offset any possible decline we may experience in our financial industry. So this project goes a long way in that direction.

The other advantage of this project is that it attracts to the Cayman Islands a different tourism clientele. As a part of this resort we will have some 20,000 square feet (I understand) of ballroom and convention space, convention centres and facilities. So rather than companies like Ford Motor Companies and others who hold on an annual basis conventions and seminars in places like Orlando and some of the other resort areas that have the facilities, they would be attracted to the Cayman Islands because we will be able to host that kind of activity here once this resort has been established.

I also understand that there is a certain clientele associated with Ritz-Carlton resorts who don't travel to any particular destination if there is no Ritz-Carlton Resort in that area. What they also do, as I understand, is to decide where they want to go. Let's say for example that you want to travel to the Caribbean. The next question would be, What Caribbean island has this type of resort? It doesn't matter to them if it is in Jamaica, Barbados, the Cayman Islands or wherever it is, they will go to the location or resort that has such a facility.

I know in places like Orlando this is big business. Conventions, business meetings, et cetera is big business. There is no reason why we here in the Cayman Islands should not be enjoying some of that business. When the late Hon. Jim Bodden was drawing up plans to

construct a new airport terminal for these islands, I remember the criticism he got. Some people said, *'What are we doing? We're losing our island flavour. We love the little thatch hut and its ambience.'* It's easy for them to say that when they live somewhere else. But here in the Cayman Islands we have to provide those facilities that are necessary for our expansion. Can you imagine today operating with the level that tourism is at in this country with that old airport terminal? Back in those days I think we had BWIA and LASCA flying in here, and I'm not sure about Air Jamaica. When we had one or two flights, we were trampling all over one another in that little space. We must have foresight.

What some representatives do not understand is that when you are in leadership you have to take some decisions which may sometimes prove to be very unpopular. But if you are convinced that it is in the best interests of the majority of the people in this country, then you go ahead and you stand by your guns. I am one of those representatives. I am convinced that this is a good project for this country; I am convinced that our people will benefit tremendously from it being established here, and I have no apologies for anyone.

It is necessary for us to maintain sustainable development in this country. Our people are used to a very high standard of living. Today—and I am glad that I am not in the market to do so—but today Caymanians are spending—and it blows my mind! Caymanians are building \$200,000 and \$300,000 homes! When I built mine back in 1975 it cost me \$30,000 and then I was scraping. But Caymanians have that ability. They earn the money. They want the very best. And who am I to say to my Caymanian who can afford it, *'Man, that is too much of an elaborate home for you.'* No, Mr. Speaker, if he can afford it, let him build it!

I am also convinced that that is one reason why when we hear of hurricanes coming in our direction like we experienced Gilbert in 1988, we didn't suffer the same type of tragedies and losses and damage like some of our Caribbean neighbours. Why? Because of the quality and standard of construction here in these islands. One thing I am proud of is that Caymanians want the very best.

The other thing Caymanians are doing, and they have the ability to do so, is they are driving expensive cars. Even with us the other day hiking the revenue in this area in order to slow down the importation of cars in this country, they are still coming in. And we are not talking about used cars, we are talking about brand new, expensive cars!

Caymanians today (in most cases) have the ability to go out there and find a decent paying job. One of the things that concerns me is that every year I try to attend the Cayman Islands High School graduation. And I see on average 250-300 young Caymanians coming out who have graduated. That is only the Cayman Islands High School. We have Triple C and the other private schools that are also graduating young Caymanians. When it comes to providing sufficient jobs for all of our people, the area easiest to do that in is the hospitality industry. We

boast of the financial industry, and we are glad to have it; but it employs limited numbers of Caymanians. Hotels? We are talking about 200 to 300 people minimum that they need.

One of the things we need to do in this country, and I do discipline Government for not doing so yet, is insist that we set up a proper school, to train young Caymanians in the hospitality industry. Make it attractive. I understand that such a programme was embarked upon in Bermuda and the results have been tremendous. Why can't we do that here in the Cayman Islands? Is it because it is too easy to obtain a work permit?

We need to have vision. We need to be in a position where we can envisage what the job requirements are for our young Caymanians. The hospitality industry is one of the best ways that we have available to us to ensure that jobs are available. We can't force anybody to take jobs, all we can do is provide the opportunities. If some Caymanians do not want to work, that is a different problem altogether. But the opportunities must be available for them to take advantage of by way of employment.

I would like to make a few comments in regard to the National Trust. I encouraged, I supported the establishment of such an entity in this country. I think they have a very vital role to play with regard to preservation. But I have to say this: I am one Member who is not prepared to let the National Trust, or any other entity that may be established here, stand in the way of progress. There must be a balance. They have gotten the support. Government provides money for them on an annual basis by way of staffing and the whole bit. We have vested quite a bit of our Crown property with the National Trust. And this is good. But they can't have it all.

It is, should I say, unrealistic, or misleading for anybody to make the National Trust or any other entity believe that there is any property we are discussing right now that Government is in a position to say, *'Well, okay, here, National Trust, you take it.'* All of the property we are talking about is already under lease agreements with the exception of maybe a half acre, something like that. So it is unrealistic for the National Trust or any elected representative of this House to make the National Trust or anyone else believe that there is an option on this property that we can vest it to the National Trust.

It is also my understanding that certain members of the National Trust have approached the developer and said that they are prepared to work with them on this project. The Third Elected Member for Bodden Town keeps talking about speaking out of both sides of your mouth, or with a forked tongue. You can't oppose a project and then on the other hand run behind the door or the corner and say, *'Don't worry about it. We know you're gonna get it and we still are prepared to work with you.'*

Mr. Speaker, before I close I would like to address a few of the comments that were made by the Third Elected Member for Bodden Town during his contribution. One of the issues he raised was a comparison of the Ritz-Carlton Resort Project with the Dr. Hortor Memorial Hospital. He went on to say that the National Team had objected to this hospital and he wonders now how they

can balance opposing that and at the same time support the Ritz-Carlton Resort. They are two different kettles of fish totally.

I was one of the Members who opposed the Dr. Hor- tor Memorial Hospital, and I recall the reason for it. It wasn't that we did not want to support a hospital for our people. That was not the issue: at the time we did support the idea. We told the Member who was in charge then, to [build] on the existing site—where we now have a brand new first class hospital in the process of being completed. The objection was that it was going to be on two sites—a split-site hospital which duplicated cost, duplicated services, and provided an inconvenience to our people. We didn't oppose for the sake of opposing: at the time it made sense!

I want to remind that Member (i.e. the Third Elected Member for Bodden Town), that he was one of those who supported our position because back then he was part of the National Team. And there is nothing wrong with that. I think he was sensible. He recognised the impossibilities of the project, and it couldn't work.

It is my understanding that this same Member asked the developer if he couldn't maybe put the project in Bodden Town or East End or some of the eastern districts. It appeared that if that were the case he would be in a position to support it. I recall, back in the 1996 or 1992 election campaign that one of the issues was Mr. Norberg Thompson attempting to get approval for a development in Bodden Town. I don't know all of the details, but I vividly recall that Member objecting to that project. Now, if he objected to that project which was much smaller than this one, do you mean he would support this one for Bodden Town?

**Mr. Roy Bodden:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order please.

**Mr. Roy Bodden:** Did the Member say that I asked the developer to put the project in Bodden Town because I was going to support it? Because I asked him if he considered any of the other three districts. I didn't tell him what my disposition was. But I indicated that it was my belief that since there was no environmental threat of destruction of mangroves that that offered a viable alternative to look at these three districts. I still have yet to disclose my position if he said he was going to site it in either of the three districts mentioned.

**The Speaker:** Maybe he has a valid point.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I didn't say that he said he would support it. I didn't say that. I said that the developer was asked by the Member, and it appeared that if it were put in one of those areas—

**The Speaker:** One of the three districts. Okay. Please continue.

**Mr. John D. Jefferson, Jr.:** Let me ask a very pointed question: Tell me— in what other district in this island could we locate such a project that wouldn't pose some destruction of mangrove? That is one of the difficulties we have had with projects of this magnitude. You cannot find a large enough plot of land to include all of the facilities necessary for a resort of this nature. So regardless what district this project was put into, it would incur some sacrifice to our mangrove.

I am concerned with the environment. But I am a very practical man. There must be a balance between the environment and development. I recall leaving these islands many times flying east. We have plenty, plenty more mangrove. As a matter of fact, it is an issue that we are going to have to address in this country. We cannot afford to attempt to mislead people. If development is to continue in this country we must take a position in regard to how much of our natural environment here which consists in large part of mangrove.

**The Speaker:** Would this be a convenient time to take the afternoon break? We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.30 PM

#### PROCEEDINGS RESUMED AT 4.09 PM

**The Speaker:** Please be seated. Debate continues on Private Member's Motion No. 17/98. The Third Elected Member for West Bay continuing.

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

I think I have said enough on this motion. I have made an attempt to not only inform the Members of the House but the listening public of the benefits of the Ritz-Carlton Grand Cayman Resort project. The conclusion I have come to is that it is not the project, but who benefits.

In this country there is a certain mentality that is maintained by certain establishments that only they must benefit. I heard the issue of the possibility of conflict of interest raised in regard to one of my young Caymanian lawyers. I recall back in 1988, when I was in the process of putting my business together, I needed legal services to draw up a lease agreement and other required legal services in connection with that business. I approached Mr. Orren Merren. First of all, he was a former schoolmate of mine at Triple C; a young Caymanian I have learned to respect over the years, and if I must say so myself, a very capable young lawyer. When it comes to lease agreements, contracts or any documentation of that nature, from my experience he is one of the best around. It is unfortunate that he happens to be the brother-in-law of the Minister for Education, but how can we hold that against him? I mean, as long as the Minister is in office he must be deprived of making a decent living in this country? He is a very capable young man.

I am wondering if the issue of this conflict of interest is not pushed by some of the other establishments providing such services in this country, who believe—



**Mr. Roy Bodden:** Mr. Speaker, on a point of order.

**POINT OF ORDER**  
(*Imputing improper motive*)

**The Speaker:** Let me hear your point of order please.

**Mr. Roy Bodden:** Since I, the Third Elected Member for Bodden Town, raised the matter of a conflict of interest, the Member now speaking is saying that he wonders if it is not pushed by some of the other establishments, imputing that I am a lobbyist or a spokesperson for some other establishment and that my motive in raising the point of order is not pure. Mr. Speaker, the Member speaking should be cautioned.

**The Speaker:** That is not a point of order in a sense. But I would ask you to be careful how you talk because this is a very small country and—

**Mr. Roy Bodden:** Mr. Speaker, the Member is imputing improper motives because I raised the conflict of interest. He is saying that he wonders if the whole question of the conflict of interest is not pushed by some other establishment, meaning that I am the mouthpiece and lobbyist for some other establishment.

**The Speaker:** But he did not call your name, and I cannot assume that he is referring to you. So I will just ask him to be very cautious and do not insinuate anything to anyone, please. Continue.

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

Let me reword what I was going to say: There are certain establishments in this country--also in the legal profession--who believe that all big business passing through this country, must first go through them.

The issue of the establishment is a very real one in this country. When I was in the process of establishing my own business, I can also recall thanking God for people like Mr. Lawrence Thompson, Sr., who took both Mr. Orren Merren and me and said, "I respect you young Caymanians, I am going to do everything I can within my power to see that you have an opportunity to make a success." That kind of mentality in this country is very scarce indeed.

The Ritz-Carlton Resort will be very good for Cayman. It will bring new business to Cayman that at present we are not in a position to attract here, because of the facilities that will be made available for these persons. We are talking about a totally different clientele being attracted to these islands. As I understand it, the Ritz-Carlton Resort visitor normally stays longer, spends more money and that is the type of visitor we want to continue to attract in this country.

I heard a joke the other day. Some of the persons we attract here, and I don't think it is the fault of the Minister for Tourism, or the Department, but I remember that we had a very cheap outfit that used to come in here on a weekly basis. I think they used their cabinets

for storing ice because they were not aware that they had to put that in the little refrigerator provided by the condo. This visitor is normally your business person. They have money to spend, they don't mind spending it. It is a visitor that our Caribbean neighbours are doing all that is within their means to attract.

Sometimes we believe that we are the only destination that is involved in the tourism industry. But let me tell you that, from experience, places like our neighbour Jamaica are doing quite well in regard to tourism. We must always keep that in mind. The Ritz-Carlton Resort will offer excellent employment opportunities for our Caymanians. As I understand it, many of the employees of the Holiday Inn, those who are still capable of working, will be given first preference for employment at the new resort.

Mr. Speaker, I oppose this motion. I am convinced that neither the mover, nor the seconder, have deep, strong, feelings about this issue as far as opposing it—

**Mr. Roy Bodden:** You better quit while you're ahead!

**Mr. John D. Jefferson, Jr.:** I believe that the right thing to do is to support such a project for these islands. So, thank you, Mr. Speaker, for your patience and indulgence. I look forward to the vote being taken on this issue and also to making the public know where we really stand.

**The Speaker:** The floor is open to debate. The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Thank you, Mr. Speaker.

These islands were once referred to as 'the Islands that time forgot.' None of us would wish to return to those days when we made our living by going to sea and remitting the funds to these islands; a time when mosquitoes were so plentiful that even travelling to school in the morning we had our little smoke pan, and we used the Shamrock branches (which we know are soft) to beat the mosquitoes off of us; a time when cattle were laid out in the pasture land dead from suffocation by mosquitoes. We have to give much credit to the late Dr. Marco Giglioli for his work in controlling those mosquitoes.

We have spent much time and effort to develop our tourism industry to a point where it contributes so significantly to the business and people of our country that without it we could easily be almost back to that time we talked about, the islands that time forgot. When we hear about the contribution of tourism, when we count these dollars and make these boastful remarks that in 1991 the contribution of the tourism industry to the Cayman Islands was CI \$182 million; that by 1994 that figure had risen to CI \$275 million; and that according to the compendium of statistics produced by the Economic and Statistics Office in 1996 the contribution was CI \$331 million. Now when we mention these numbers, sometimes it is easy not to understand the magnitude of what

those figures really mean. But if you can think about any particular business in the Cayman Islands that does not benefit from tourism, I would like to hear. If you think about the size of the supermarkets in this country, you tell me if they would survive without tourism, you tell me if they could survive on the basis of 35,000. And you tell me if the duty free stores could survive in this country without tourism, and the number of employees that are providing service in the supermarkets, the duty free stores, you tell me if the 200 plus restaurants would survive if tourism was not part of the pillar of our economy.

When we think of the contribution of tourism and what it brings to our country, ask the bankers what the contribution is to their respective businesses; ask the construction industry what the benefit is to their livelihood and the number of people who work in those industries; ask the number of retail stores throughout the Cayman Islands what is the benefit of tourism to their respective businesses, or any other business in this country. There are these linkages, Mr. Speaker, between the financial industry, the construction industry, the wholesale and retail operators. Ask CUC if they would be making the amount of money they are earning if the tourism industry were not present in this country; ask Cable & Wireless if their bottom line would be what it is, and whether they could employ the number of persons they are employing.

#### MOMENT OF INTERRUPTION—4.30 PM

**The Speaker:** May I interrupt you for one minute? We have reached the hour of 4.30. Would you move the suspension [of Standing Order 10(2)]?

#### SUSPENSION OF STANDING ORDER 10(2)

**Hon. Thomas C. Jefferson:** I am pleased to move the suspension [of Standing Orders] to allow this House to continue to deal with this particular Private Member's Motion.

**The Speaker:** The question is that this House will continue until 8.00 PM. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 10(2) SUSPENDED TO ENABLE THE HOUSE TO CONTINUE UNTIL 8.00 PM.**

**The Speaker:** Please continue, Honourable Minister responsible for Tourism, Commerce and Transport. I apologise for the interruption.

**Hon. Thomas C. Jefferson:** That is perfectly all right, Mr. Speaker. We have to abide by what Standing Orders are, and I appreciate your interruption.

Let us ask the taxi drivers how important the tourism industry is to this country, or the tour operators, or the omni bus drivers, or the gas stations throughout this island, or even the people providing landscaping service. Ask them whether the benefits of tourism are significant, whether these \$331 million that I talk about are reaching them, and the trickle-down effect of all this investment and services.

Mr. Speaker, let me say that the services delivered in the Cayman Islands are indeed high. And everyone working in the tourism industry who provides service to those who visit—we do an exit survey at the airport and ask questions of visitors. I can tell you, Mr. Speaker, Honourable Members, and members of the public, that the results of those surveys are something that most countries in the world would like to see. Those visitors' responses are (generally the largest percentage of the response overall) that the service provided in the Cayman Islands (whether we are talking about accommodation or water sports or taxi drivers or duty free stores, whatever it may be) is excellent to good.

The stability in this country is based on all of us working together to ensure that future generations have the same opportunity, or better, than we have today. This country is what it is by working closely with the international developers and persons who are from other countries-- [persons] who provide specialist skills which are not yet available in the Cayman Islands. Not just so for tourism; it is also like that in every sector you look in—construction industry, financial industry, even in the agricultural side of things. Mr. Speaker, we will talk a bit more about the economics, but someone once said that (with greatest respect to everyone in the room) politicians tell the people what they want to hear, and leaders tell the people what they need to know.

I will, to the best of my ability try to cut through the confusing web that has been woven, and speak as clearly as I can so that the public will hopefully have a better understanding of the benefits of the Ritz-Carlton project and the cost to society as well. Sometimes when we pose questions it tends to focus all of our minds, and so I will use that methodology in some cases with what I am about to say.

What type of hotel does the Government's tourism policy recommend that the Government seek to attract? Mr. Speaker, and Honourable Members, on page 30 of that document which was approved by this Honourable House states, and I quote: "**All new accommodation development must be appropriate to upscale visitor expectations. Only four- or five-star or better new hotel resort development will be permitted.**"

So, the National Team -- which some Member referred to -- Government, is following the recommendation of that policy accepted by this Honourable House. These recommendations in my view, and in the Government's, are in the best interests of the Caymanian people. We are a small country and tourism should, as it is, be targeted to allow this country to reap the maximum benefits from it as we possibly can.

A former Member of Executive Council responsible for Tourism once said, while talking about who we should be trying to attract as visitors to the Cayman Islands, said "Cayman is not for everybody." What I think he was indirectly saying is that the Cayman Islands should not use the mass tourism approach where everybody comes, creates a great strain on the society and the infrastructure with minimum benefits to our people. Another former Member of Executive Council responsible for Tourism called them 'peanut-butter and jelly visitors,' still talking about this mass-tourism approach.

Let me come to the next question that I think may bring some clarity. What is a five-star hotel? The Triple A in the United States provides such ratings of hotels that qualify for two-star straight up to five-star. They call it five-diamond. 'A rose by any other name is still a rose.' What this document says, is that five-diamond, or five-star property facilities and operations, exemplify an impeccable standard of excellence while exceeding guest expectations in hospitality and service. These renown properties are both striking and luxurious, offering many extra amenities.

This document also says that when we are talking about a hotel resort of a five-star category and providing full service it reads, "Geared to vacation travellers, it is a destination offering varied food and beverage outlets, speciality shops, meeting or conference facilities, entertainment and extensive recreational facilities plus special interests such as golf, tennis, skiing, fishing, and water sports. Assorted social and recreational programmes are typically offered in season and a variety of package plans are usually available including the meal plans incorporated into the rates. Larger resorts may offer a variety of guest accommodations."

It goes on to talk about the exterior and the grounds of a five-star hotel, the roadside. What is the comment? "It must appear outstanding." The parking: ample lighted, paved, parking areas. The appeal: stunning and impressive architecture in harmony with the surroundings preserving the historical nature of the property. The furnishings and décor in the general public areas: outstanding quality furnishings and décor, extremely well-coordinated and elegant in harmony with the theme of the project, spacious, fresh and inviting; provides a luxurious feeling in appearance.

I could go in detail and read every item on the list, but I don't believe I should do that. The general lobby and registration area: comfortable, spacious in size, or consistent with the historical nature. Registration area: superb quality front desk, such as solid wood or marble, located away from main traffic areas. A variety of fine art, abundance of live plants and fresh floral arrangements. Identifiable concierge desk. Separate cocktails and bar. Live or recorded background music in the restaurant.

And the recreational facilities? Ability to transfer lounge staff to restaurants and charge food and beverages to room, weather-appropriate pool with attendant on duty, extra towels available on site, ample superior quality pool furniture, whirlpool and sauna. Profession-

ally staffed health club with wide variety of state-of-the-art equipment.

In the meeting areas, a wide variety of meeting rooms and function space with professional staff. State-of-the-art audio equipment, outstanding soundproofing, upscale gift shops with wide selection, a variety of upscale shops such as beauty salons, clothing, et cetera.

In the guest rooms: décor and ambience, luxurious furnishing and décor reflect current industry trend, extremely well coordinated and elegant in harmony with the theme of the project. Outstanding floor space, quiet units with easily accessible controls. Variety of bed sizes available with a variety of king or queen size beds. Comfortable conversational and TV viewing arrangements. Superior quality and decorative lamps and lighting enhancing the overall room décor. Superior quality mattresses and box springs. And it goes on.

Voice mail, multiple phones, Chanel-directory and television programme guide in an enhanced folder. Data ports for computer connections (laptop). Selection of glassware. Robes in the room. One-hour pressing. In the bathrooms for the guests superior quality ceramic tile, granite or marble flooring--I am just selecting a few to read from-- large marble or high grade vanity, either skirted or enclosed.

Telephone: Accepted 24 hours either at property or through a central reservation system. Answerphone: (guest service) answer phone promptly with friendly greeting.

I think just a selection of a few items would indicate to the public the quality of the Ritz-Carlton being proposed, and the Ritz-Carlton is a resort hotel. I have read that section that deals with a full service at a resort hotel that it is a destination offering varied food and beverage outlets, speciality shops, meeting or conference facilities, entertainment and extensive recreational facilities for special interests such as golf, tennis, skiing, fishing and watersports. So that is the type of project we are talking about as a five-star hotel.

What benefits does the Ritz-Carlton bring to the Cayman Islands? The investment in the Cayman Islands by the Ritz-Carlton owners for the lease extension, land transfer, and construction costs of the first phase of this project is estimated to be more than C\$200 million. I ask this question: Can we risk losing this investment? And may I add that the second phase of this project will cause the total investment in the Cayman Islands to be C\$350 million.

Another benefit: The Ritz-Carlton chain has the best record of training staff and has offered to my Ministry and the Ministry of Education their assistance in training our people in the many jobs available in the tourism industry. This was one of the early discussions with Mr. Ryan—not the present Mr. Ryan we know, but the father.

**"This letter is in relation to the training and scholarship initiatives that have been started by the Ritz-Carlton Grand Cayman resort. I would like to begin by thanking you for your support and guidance during the critical early planning stages."** (This

letter is addressed to the Minister for Tourism.) **"With your help, I believe we have been able to create a better development than there has ever been in the Cayman Islands. During the conversations we have had, you have stressed the desire of your Ministry and the Government as a whole to ensure that Cayman Islanders receive the maximum benefit from any development that was planned for the island and that you felt that training was an essential ingredient to make sure this happened. It is our policy to develop and promote to the greatest extent possible the opportunities for the local population to benefit from the new project that we develop.**

**"Primary among these benefits is the opportunity for local people to have the best chance possible at the new jobs that are created by a development such as the Ritz-Carlton Grand Cayman Resort. In order for this to work, the local people regardless of their economic circumstances, must be given the time and training necessary so that they are prepared to compete on an even footing for any job they might have the desire to apply for.**

**"As a result of this policy, we have initiated a scholarship programme to allow interested Caymanians to attend the tourism programme at the Community College. We have pledged up to 100 scholarships and will be happy to expand this number if the demand requires it.**

**"To further improve the level of qualification for local Caymanians, we are working with Ritz-Carlton's head office [which is in Atlanta, Georgia] to provide a number of spaces for the top graduates to move on to the United States for additional training at Ritz-Carlton's Headquarters. It may also be possible that qualified Cayman Islanders will receive the opportunity of additional postings and training at other Ritz-Carlton facilities around the globe enabling them to bring those skills back home to Grand Cayman and, by example, to raise the level of service provided to guests across the board.**

**"We hope that this is just the first step of many in helping to encourage the excellence of the Caymanian people and to foster a jointly beneficial relationship which will grow and extend over the years."** Those were the words of Mr. Michael Ryan.

Another benefit: the Cayman Islands' image as a quality tourism destination will be much improved by the addition of a Ritz-Carlton. Our advertising and marketing of the Cayman Islands will be moved to a higher level by the thousands of Ritz-Carlton customers who would be recommended by their promotion and reservation system to visit our islands. These customers are exactly the wealthy visitors we wish to come to the Cayman Islands and who are future investors in this country. The other benefit of this type of visitor is that their travel continues even when there is a recession in the United States or whatever country they call home.

I served for two years of my life as Chairman of the Caribbean Tourism Organisation. At a recent board meeting, and executive committee meeting in New York,

I had a number of chief ministers, and ministers of tourism who came to talk to me about this Ritz-Carlton project. Their words to me were encouraging. They brought to my attention that in the Caribbean there is no island at the moment (that we are aware of) that has a Ritz-Carlton, a Hyatt, a Westin and a Marriott. And I believe, as I have gone out front to say back in November of last year, that the Cayman Islands would be better off having a project like the Ritz-Carlton.

Another benefit: The Ritz-Carlton will add approximately 366 rooms (they call them keys) to our tourism plant. That is significant because at the moment they will be replacing 300 rooms lost by the closing of the Holiday Inn and the Grand Pavilion.

I believe that the future of tourism is at stake here, as well as a reduction of our ability to earn money in the Cayman Islands now and in the future. Where will we obtain the money from to build roads, to provide the public services that our departments do, to provide money for rehabilitation centres, to provide money for education, to provide money for health services? Where will we get it from? We need to correct this reduction in rooms.

The tourism accommodation tax which will be paid annually by the Ritz-Carlton, depending on whether it is 80% occupied or 100% occupied is estimated to be between \$5.8 and \$7.3 million. Can we afford not to collect this money? Will our children and theirs in the future really see this decision to not accept this money as sensible?

Another specific item, the Ritz-Carlton, will give up the land for the Harquail extension. It will build and pay for the road and will also build and pay for the bridge. I believe it is correct to say that during my time in Government the benefits negotiated by this Government with the Ritz-Carlton owners for the people of these islands is the best I have seen.

This Private Member's Motion attempts to reduce the size of the land available to the Ritz-Carlton project. In Government's view it will cause the investment to become neither feasible nor viable and the owners may take the decision to cancel the project. What do we have from this investor?

We have an investor who has obtained other investors including the Ritz-Carlton Corporation to come together and propose a project, namely, the Ritz-Carlton Resort Hotel as a package to the Government. The investor has negotiated with the Cayman Islands Government in good faith. And I repeat, the Government has secured the best benefit for our people that I have ever seen in my years in Government.

Now, in the middle of that process to move this project forward, this Honourable House is asked to step in and reject certain land usage of the 134 acres and to put the project into a public forum. This is an approach that creates uncertainty in the minds of developers now and in the future. Let me say that a developer such as this one, who is seeking to develop a Ritz-Carlton has already spent significant sums of money preparing the

project and assisting the former employees of the Holiday Inn as an earlier speaker referred to almost in detail.

What signal are we sending to the foreign investor in this country? I don't recall us ever doing this before. What confidence will a developer have when he comes to the Cayman Islands to talk to the Government about any particular project? What confidence will he have that when he sits down with the Government and the Government negotiates with him and they sign off more or less on the process that this is not the end of it, that there is still uncertainty because--remember what happened with the Ritz-Carlton project. I have never been an alarmist, but I believe that this message we are sending is a dangerous message.

We have developed this country in such a way that international developers and investors have confidence when they talk about political stability in the country, when they talk about the Government—not just us, all the others who have gone before—they had confidence that when the Government signed off on a particular project (I didn't say it was final, I said the negotiation was signed off) that we don't go in the middle of the stream and interrupt that process and create uncertainty. Is that approach in the best interest of our people now or in the future? Personally, I don't think it is.

I believe that the stability we talk about in the Cayman Islands, a great part of that confidence about the stability, is the way in which the Government has operated all these years. The economy of this country, where does this money come from to develop the Cayman Islands? How many people in the Cayman Islands, who are Caymanian (whether born or status holders) have the money to develop this country going forward? How many people? Very few. Very, very few.

When you start sending these kinds of signals, I get concerned about the approach they are using here with the Private Member's Motion.

When we talk about this lease, this lease was signed. . . . Let me step back a little bit and make these additional comments on that point. Will the decision not to accept this investment leave a lasting scar on the reputation of the Cayman Islands towards foreign investors?

In my view, if we lose this investment caused by this approach it will to the best of my understanding. . . . And I have been around Government for a little while; I have done negotiations before. I have spent 21 years of my life working in the Civil Service. I spent ten years of my life as the Financial Secretary of this country. I have negotiated narcotics agreements with others, Mutual Legal Assistance Treaty among others of recent times.

**Dr. Frank McField:** Mr. Speaker, on a point of clarification.

**The Speaker:** *[Addressing the Hon. Minister]* Would you give way? Let me hear your point.

**Dr. Frank McField:** I would like to find out if the Minister is saying that this discussion is taking place as a re-

sult of the Private Member's Motion or as a result of the Governor (Vesting of Lands) Law?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** What I am saying is that this process where you move a Private Member's Motion—and that Private Member's Motion in essence reduces the size of the property available to Ritz-Carlton to develop a five-star hotel—is going to damage that particular project. That is what I am saying. It may damage it to such an extent that the developer decides that he is not going to do the project after he has sat down and negotiated with the Government and the Government in my view has reached the best negotiated position beneficial to the people of the Cayman Islands, that is what I am saying. I am saying that it will send the wrong signal, and I am saying that it is going to leave a scar on the reputation of Government—not just this Government, any future Government.

It may even go as far as to be interpreted. . . . because perception is a funny thing. How people perceive what you are doing is sometimes different from what you think you are doing. It may even be that the international investors will think they are no longer welcome here. Please remember that the four- and five-star hotels maintain the high occupancies in this country. High occupancy means money being spent in this country, people of this country benefiting individually and business-wise.

Let me now look closely at the lease which was signed on April 1950 for 99 years by the late Benson Greenall and the late Sir John Huggins, then Governor of Jamaica. I think an important point to note--because I heard a comment about one man coming into the Cayman Islands and getting this kind of arrangement--is that this lease we are talking about, that one man started the private sector development along Seven Mile Beach in partnership with the Government. That one man, as most of us will know, was the late Benson Greenall.

This lease that is running for 99 years from 1950 will be in effect until 2049. The entire lease deals with 606 acres. It does provide in paragraph 2(e) of the lease that it can be assigned with the consent of the Government. And it goes on to say, "which shall not be unreasonably withheld." That consent shall not be unreasonably withheld. These assignments have taken place, that is why we are dealing with the project today where the lease is in someone else's hand.

From today until April 2049 the holder of the lease under paragraph (c) which states: "**The Lessee shall have the right, but shall not be obligated to build and maintain upon this land. In addition to the said hotel houses, shops, cafes, cabanas, offices, banking and commercial houses, shipping and airline agencies, theatres, night clubs, country clubs, bathing establishments, golf courses, polo grounds, race courses, sports grounds, [and even] airfields...**" would you believe? "**and all other erections as may be**

necessary or desirable in connection with the said hotel or with the development of the land as a tourist resort. . .” So they have the right to do all this stuff they are asking to do at the moment.

They have the legal right under the lease to use the land right now to build a golf course, hotel houses, shops and cafés, to name some of the items. We are knowledgeable enough to know that they need Planning approval too.

I spoke about the benefits and initially I said there is the cost to society. I am going to pose a few questions here. What are we, as a country, saying about the mangrove? What are we saying about the 134 acres on which the Ritz-Carlton project will be built? Bearing in mind (and I found this in a document from the Department of Environment) that Grand Cayman is 76.4 square miles and has approximately 42 square miles of mangrove swamp, (in other words, more than half of Grand Cayman is mangrove swamp). What mangrove in Grand Cayman is virgin and fully functional in all of its ecosystem? I am not a scientist. I will not try to provide all of the answers, but I think that is a relevant question to ask.

When the mangrove is dyked off by MRCU to allow salt water to run through it, is it still functional in all its environmental characteristics? And what type of mangrove performs the major protection to Grand Cayman? I understand it is the red mangrove, the black mangrove, and the white mangrove. It is the red mangrove that forms the storm buffer to the island.

And before I get off the rails here, because I am not a scientist, I have a copy of a document done by the Ministry of Overseas Development in the United Kingdom. The title is “The Cayman Islands Natural Resources Study—Part 4A, Results of investigation into the marine biology.” Three persons carried out this study. These are their initials, JEJ, JEG Raimont, APM Lockwood, NE Hull, and G Swain. Please allow me to read what I think are the relevant parts of this report.

**“The red mangrove fringe is a strip varying in width from 10 to 300 metres. This constitutes the boarder of North Sound. It comprises the red mangrove which slowly merges into the mixed community of black, white and red mangroves which is usually backed by extensive orchards of the black mangrove. The importance of this coastal strip of red mangrove is three-fold: 1) It plays an essential role in coastline protection; 2) it forms an integral part of any tropical coastal ecosystem; 3) it has considerable amenity and scenic value.”** Then they begin to talk about the coastline protection.

**“Topographically, Cayman is very low and flat with few elevations exceeding 12 metres—the average elevation being of the order of 3.5 metres above mean sea level. This potentially makes the island liable to flooding and inundation by the sea. However, this is avoided except in extreme storm conditions due to the fringing reef, beach ridges, and mangrove. The tangled root system of the red mangrove serves to absorb and disburse wave energy**

**both in calm and storm conditions. Although this natural breakwater would not be totally effective against a storm or hurricane surge, it serves very well to prevent high seas causing flooding and erosion. Consequently, should this strip of mangrove be removed, it would become necessary to construct an artificial seawall in its place.”** And they go on to talk about the seawall.

**“The biological importance is that this was derived from coastal mangrove contributes to the flow of energy within the fish ecosystem. The major importance of mangrove in such provision of nutritive material to inshore waters is illustrated by the fact that it has been estimated that two-thirds of the world’s fish population depend on mangroves either directly or indirectly for survival.**

**It has already been demonstrated that the North Sound seems to support a lower floral and fauna population than similar areas elsewhere in the Caribbean. This is almost certainly due at least in part to lower nutrient value in North Sound itself.**

**Any substantial further reduction in nutrient level occasioned by removing of a single most important nutrient source could further reduce productivity and just possibly influence the standing stock both in the North Sound and its associated reef. The complex root system of the mangrove fringe provides shelter for a considerable number of species, both resident and transitory. Many species, particularly fish, rely on this zone for at least part of their life cycle and the roots offer a site for the settlement of lobsters and oysters. During the natural resource survey various reef fish including snapper, grouper, barracuda and grunt were seen as both juvenile and adult among the red mangrove root system.”**

And it goes on, Mr. Speaker in this report. It makes a recommendation: **“Proposal to Retain the Red Mangrove Fringe.” “It is strongly recommended that the majority of the red mangrove fringe bordering North Sound be maintained.”**

As I understand it, when you are moving from the North Sound into the mangrove, the first three that you come in contact with are the red mangrove, followed by the black mangrove, followed by the white mangrove, and after that you get terrestrial vegetation. If this report is recommending that we retain the red mangrove and the developer is retaining the buffer, which is this 300 number, it would seem to me that it at least matches what this report recommends, done by specialists, I would say. I don’t know any different so I would call them specialists.

But I believe that it is in the best interest of the Cayman Islands and its people to ensure that wetlands in this country—that we don’t fight over every little strip of land, but rather that we come together and find a solution to preserve the quantity of mangrove that needs to be preserved in order for us to say to our children, and they to theirs, that ‘this portion of land in the Cayman Islands we have preserved for our children and theirs – and the fish

population and the lobsters and the birds, the oysters and everything else.'

I saw a map this morning of Grand Cayman. The legend on this map indicates to me that the area we are talking about, the buffer area— which the developer is maintaining— because a five-star hotel, one of the key areas also is the landscaping and the preservation of that landscaping in order to cause the project to fit appropriately in the entire scheme... When we look at the mangrove and related swamp, and the colour scheme of it, we see that it is mainly red mangrove and black mangrove and that the report by the specialists says that we should retain the buffer and the developer is doing just that.

Government has to take decisions sometimes that are always going to have some amount of division within the community. The fact that you are a leader chosen by this House and the people of this country, you cannot agree in every situation that this project should go forward; that this work permit should be denied by the Immigration Board...It comes to you on an appeal and because the board did not rule in favour of it that we should take a decision to stick with the board or not stick with the board.

All of those decisions have a way of being unpopular. I believe one Member said concerning the labour force, *'We are concerned by the number of people on work permits, but, for God's sake, don't touch mine. I need my domestic helper, and I need all the people who work for me.'* And if you listen out there in the community, that is exactly what a lot of people are saying, *'Look, I can't get Caymanians, you have to leave this work permit with me.'*

And when we talk about training, do you think that is going to be an easy task? It's easy to talk about it. But if anybody believes that the Minister for Tourism, or the Minister of Education, or any other Minister can do this by themselves, they are only fooling themselves. If you don't work with the industry; if you don't have a proper training programme; if you are not comprehensive in your design with the education department, the tourism side of Government and the private sector who know what the need is, they will participate in that need and they will provide the hands-on attachments that are needed in the industry. The academics that you learned in school as we know are theory; generally we learn more theory than we often apply in a business sense, a social sense, or any other sense.

So I believe that the Government. . . I didn't hear anybody clapping when the Government took the decision to cause Booby Pond and Little Cayman to be a Ramsar site. I didn't hear anybody clapping then. I didn't hear anybody clapping when the Government decided to vest in the National Trust the lands in the East End area, North side/Frank Sound area.

Mr. Speaker, if we are going to fight and use this approach like the Private Member's Motion I am speaking to, I believe that we are in for worse days than we are today. I believe sincerely that those persons who think totally environmental, and some of us who think there

needs to be a balance, we have to weigh the damage to society by the project, we have to weigh the benefits of the project to society and we have to take a decision about the future direction of this country.

I support the National Trust. I don't have a problem with them at all. Sometimes we get angry with each other debating a subject and then we walk out of this House and carry it with us, and I hate you for the rest of my life because you did this to me, and you said this about me. Basically all it is is a subject on which I have my views and you have yours.

**Mr. McKeeva Bush:** Hear, hear!

**Hon. Thomas C. Jefferson:** And once the decision is taken in here on the subject I have done my duty to the people of this country, and that is where I leave it. I don't walk around carrying malice for people.

But I would say that rather than fighting over 34 acres and coming back to the point that more than half of Grand Cayman. . . or even if it's half, is swamp, are you telling me that you can't develop any portion of it for the future development of this country? Are you telling me that every time we talk about projects infringing on the swamp that we are going to get in a great big row over it and talk-shows and everything else over it? What are we accomplishing?

Are we saying *'Save all the swamp and let our people go to the devil?'* Is that what we are saying? Are we saying that 134 acres of swamp which the scientists say, *'Leave the buffer, that is the important ingredient, leave the buffer!'* and the developer is saying, *'I agree, I will leave it!'*—Are we then saying that we are going to fight over the rest of it because my opinion is more scientific than yours?

This is not about a scientific opinion, this is about what is in the best interests of the people of this country. And there is a need to tell the people what they should know, not just to tell them everything they want to hear. And you can split hairs over any issue. And popularity will drive people to do all sorts of things.

The way I look at the project is what is important. I weigh the benefits, I weigh the damage to the environment, I try to minimise the damage to the environment, and I take the decision that it is in the best interest of this country going forward. We are talking about 2008? Is this going to end then? What about when you get to the year 3000?

We need to start thinking longer term. If you send this kind of signal, where a developer put a package together you got the major hotel chain in this country throwing their \$25 million on the table saying, *'I'm in'* and you come to this process? Over 134 acres?

My comment, Mr. Speaker, is: Why is it that we don't reach an agreement to deal with the wetlands in the Little Sound/Duck Pond area. Do you know how many acres are up there? Over 8,800 acres. And most of it is virgin mangrove.

I wonder if it is really a mangrove issue, or whether it is a political issue. And I hear people talking

about the project. This is a democratic society. Everybody has his opinion. Everybody must be allowed to have his opinion. That doesn't mean that their opinion is correct. It doesn't also mean that my opinion is correct, but I have my opinion, and I have the right to put it forward. I believe that I am qualified to speak when it comes to development in this country.

We will have our time, Mr. Speaker, to deal with these wetlands. I want to see. . . I spoke to this several years back, because the movement in those days was that the Government must take this land and create a buffer in addition to the additional hundreds of acres. If you research the *Hansards*, I spoke to it then, and I still speak to it today. I am committed to preserving all of it if we want to. But we are going to have to pay for it. You can't take people's land and not compensate them for it. And I will never be a person who casts a vote to take anybody's land without proper compensation. Wetlands or drylands it doesn't matter.

Every Honourable Member, I believe, means this country well. We just have to be careful how we approach it, and what we say when we speak to it. I am not castigating anyone. That is not my intention. But the economic survival of this country is, to my mind, at stake in both areas. It is not just the tourism area, it is also the financial industry.

When we think about what is in the wind—when we hear about the United Kingdom; when we hear about the initiatives of the OECD; when we hear about the European Union and what they are proposing; when we hear about the G7 countries and their initiatives; let us not ruin ourselves from within. There are too many people out there trying to cramp our style because we are too prosperous. They envy the fact that the Cayman Islands has a per capita income of over \$27,000!

*[interjections and applause by Members]*

**Hon. Thomas C. Jefferson:** So go listen to those kinds of characters and see where it leads!

I think even the Bible says (and I might be paraphrasing it) that 'you really cannot be a prophet in your own country.' You always get somebody from the outside to be the 'prophet.' And everything he knows, he comes here and asks you the question, and you tell him what the answer is! So now, he's the prophet! He has all this expertise! I never believed in it before, and I don't believe in it now!

I am talking about the expertise within your own country. Let's make sure that we use it. Let's make sure not to go out there and get this consultant who in most cases knows nothing about us, but you want to listen to his advice. I am talking about the crossroad. I am not an alarmist. I am talking about the crossroad that I see for the financial industry and the signal we are sending in tourism on this particular motion. That's what I am talking about!

Mr. Speaker, I will make this comment again. I believe that I know as much, if not more, than many of the people in this country about the Government and the develop-

ment of this country: where we come from and where I believe we are headed. And we have done all of this together. We haven't isolated anybody in the past, we haven't caused any loss of confidence, we haven't disrupted any process of negotiations with the Government, we haven't caused anyone to [wonder] 'What are they trying to do to me?' They milk all this money out of the cow and have agreed to it, and here we come now with another proposal where we are going to limit the land that is available to a five-star operation.

Some Member remarked earlier "It's not just a hotel; it's a resort." It is a five-star resort and it must have, in order to qualify for the five-star, all of these ingredients otherwise you don't get that designation by Triple A or anyone else who does it. Let me say that my belief is that the Ritz-Carlton is but another step towards sustainable economic development which generally speaking is one of the key items in our survival.

I realise that not everybody in this House will agree with what I say. And far [be it] from me to use any scare tactic. I was making my comment on the basis that I was here when this development started. I was here when Lynden Pindling made the remarks in the early 1970s in the Bahamas. I was here when the samsonite suitcases came down with all the files. I was here when the cash came along too. I was here when we only had three banks in the Cayman Islands. Where did we come from? How did we get there? By sending the right signals. By creating the environment in this country that attracted investment.

Honourable Members, let us not depart from it. I know we have seen a lot of activity. We look around the Caribbean and at one time Barbados was the Great Britain of the Caribbean with all of its hoo-ha, money and image. Jamaica was one of the well-respected countries in this hemisphere. Trinidad was one of the countries with perhaps the most money in this Caribbean as a country. Many of us who have been there have seen the pitch lake—we have seen the oil fields. Today are they in a prosperous position and providing for generations in the future to have opportunities to find jobs? Maybe we have overdone it.

But you know, you have to provide, like the old people say 'for the rainy day.' The rainy day gonna come. And you have to ensure that there is enough employment to take care of your people. It is like a motor car: When you stop and you leave it too long, when you go to crank it up it doesn't start any more. When you stop development, when you give signals that you are going to slow down development... I saw that happen! I have seen it happen! I know that the recessions in the United States, Europe and elsewhere, they say that when they have a cold we get pneumonia. I believe it's true.

When you haven't prepared your country to deal with that recession, when you have taken steps to bring it upon yourself, that can happen too. All these initiatives that I have been talking about, part of it. . . do you ever notice how they single out the Cayman Islands? Every time they open their mouths-- Cayman Islands! Cayman



Islands because we are the fifth largest banking centre in the world! We are the top of the heap! And some people would say, 'This little dot on the map? How could be?' It is because we have created the environment of doing business in this country because we have delivered the service professionally to the persons who have come to the Cayman Islands to do business—in the financial industry, the tourism industry.

When you think about what is going on around us... and for those of us who have been paying close attention we see the competitor oiling his engine. We see the Bahamas that attracted the Atlantis Hotel . . . Do you know how much money they spent just to make sure that they provided what the developer wanted to spend? Somewhere in the order of \$20 million.

We see, as we watch from time to time this little bit happen, the next little bit happen, and the next little bit happen. The relations between Cuba and the United States is slowly being eroded. Tell me when did you see Cuba on the television until now? Tell me when did you hear about US reporters going to Cuba until now? Tell me when you have seen or heard about the amount of money that is moving into Cuba -- Varadero Beach in particular? And the superclubs and the others—the Europeans and the Canadians and the four, and five-star hotels being developed there. Tell me whether they are going to be competitors or not.

Let us not go to sleep. Let us not become complacent. Let us not bury our heads in the sand. One day— just like the day we woke up and turned on the television or listened to the radio— you remember how the Berlin Wall came down? You didn't expect it, did you? It happened though, it happened! That day we are going to be in hot water—I say HOT water!—to attract investment from the United States and other countries—because the rate of return in Cuba (and I have some knowledge of cost benefit analysis on a project)... will be more attractive than it is here in the Cayman Islands.

If we do not secure and prepare for that day, especially when a five-star hotel comes along which is in line with everything we are doing, all the people we are trying to attract to the Cayman Islands, and the introduction of that customer is the customer that has money to buy condominiums, and to invest in this country.

So it seems to me that we should not take any action that causes us not to have this project. Particularly since the scientist said—let me call him a scientist rather than a specialist -- you should preserve the storm buffer of red mangrove and the three hundred whatever it is, and the developer is saying that he is in agreement to do that. What are we fighting over? The terrestrial vegetation?

I see a lot of coconut trees and other trees growing all around the place. Are we going to fight over that? Are we going to really fight over 134 acres? When the wetlands, which I think most scientists say are key to the rainfall in Cayman... Why do we not take the decision that Government (not just this side, that side too) will protect from now until eternity [8,800] acres of wetlands—most of it virgin -- realising that when we take that deci-

sion we have to compensate the landowner. But we fight over these little things rather than looking at the big picture and saying 'Well, we can be defensive' Why not be proactive and say the concerns of the community--if we are listening carefully--are that the wetlands in this country must be preserved. Let us take the decision to preserve the 8,800 acres. Then when we look at a map of the Cayman Islands we know that this area is untouchable.

As I said before, provided we are in agreement to compensate the owners, they will have my vote. I believe that is a more sensible approach than fighting over 134 acres along Seven Mile Beach where the buffer which the scientists say should be protected, is agreed to by the developer and has been left.

Mr. Speaker, I believe it is time for me to close. I will do so by saying to all Honourable Members and the listening public that Government does have a commitment to protect—for generations to come—the wetlands, because they are certainly a significant part of Grand Cayman. I will sit on that note.

**The Speaker:** Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause) I am not going to wait much longer, so if any other Member wishes to speak please make an attempt.

The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I know that you had set a time for taking the break, but given the fact that the Minister has just spoken and there is some information that a few of us would like to elicit from him, perhaps, if you don't mind, we could take a short break now and get that information; then we can proceed.

**The Speaker:** If that is the wish of the House that is fine with me. We shall suspend for 15 minutes. But let us try to keep it within the 15 minutes.

#### PROCEEDINGS SUSPENDED AT 6.00 PM

#### PROCEEDINGS RESUMED AT 6.43 PM

**The Speaker:** Please be seated. Debate continues on Private Member's Motion No. 17/98. Does any other Member wish to speak? (Pause) The First Elected Member for George Town.

### AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 17/98

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

I rise to propose some amendments. In accordance with the provisions of Standing Order 25(1) and (2), I, the First Elected Member for George Town, seek to move an amendment to Private Member's Motion No. 17/98 entitled Proposed Ritz Carlton Hotel – West Bay Road.

As you are quite aware, the normal time has not passed. I crave your indulgence to allow us to suspend

the necessary Standing Orders so that I may move ahead.

**The Speaker:** You may proceed.

**Mr. D Kurt Tibbetts:** The amendments read as follows:

**“By deleting the second, third and fourth resolve sections of the Motion and by substituting therefor the following:**

***“BE IT FURTHER RESOLVED that the entities be granted permission to construct a hotel on Block 12C, Parcel 11, as well as that portion of Block 12C, Parcel 215, which is required to allow completion of the approved plans for the Ritz Carlton Hotel, (i.e., the portion of Block 12C, Parcel 215, which lies between the proposed by-pass road and the existing West Bay Road);***

***“AND BE IT FURTHER RESOLVED THAT that portion of Block 12C, Parcel 215, be combined with Parcel 216 and Parcel 11 to allow for the entire hotel to be sited on one parcel;***

***“AND BE IT FURTHER RESOLVED THAT Government re-negotiate with the entities the terms of the extended lease for the new combined parcel;***

***“AND BE IT FURTHER RESOLVED THAT Government also negotiate with the entities the possibility of the existing lease on the remaining portion of Block 12C, Parcel 215, reverting to the Crown;***

***“AND BE IT FURTHER RESOLVED THAT the terms of reference for all of these negotiations be established and agreed upon by a majority of the Members of the Legislative Assembly.”***

**The Speaker:** Seconder?

**Mr. Roy Boddén:** I beg to second the motion.

**The Speaker:** The amendment has been duly moved and seconded. The question is that Private Member's Motion No. 17/98 be amended. Does the proposer wish to speak to it? The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you.

First of all, let me explain the reasoning behind these proposed amendments. And let me make it very clear that the proposed amendments are in no way intended to either take away or pervert the intention of the original motion and/or the mover or seconder.

What has really happened is that the original motion as it has come, was raised and brought to this House out

of certain concerns. This having happened, Mr. Speaker, there are some of us who are not as quick to gather information and get around to talk to people and hear concerns raised, and this is actually after the fact. Now, I will go down the various proposed amendments and I will do the best that I can to explain the reasoning behind these proposed amendments.

If we look at the proposed project for the entire facilities which are being proposed for the Ritz-Carlton Hotel to be allowed to be built, we realise that there is some difficulty with all of these facilities being accommodated on the approximately five acres which encompass parcel 11, the site of the former Holiday Inn. So if we take it step by step and we intend to try to make some reasonable compromise that would allow the project to go ahead, then I think that issue needs to be addressed. Thus the reason for the first resolve section which is asking for the portion of the parcel 215 which is needed to complete all of the facilities to be taken off and allowed to be combined with parcel 11. The reason we have added parcel 216 is simply because that little strip of land would encompass part and parcel of what is required to complete the facilities.

If we wanted to take the hard-line and say that we should allow just the hotel and its facilities, and we were even to go to the point where we said, let us not allow the combination of condominiums to be built on the two wings that are proposed to be built on the beach side, it is obvious from the plans that the five acres could nowhere near accommodate all of the other facilities, the central facilities and the conference centre. So, basically, what we are saying is that if we are going to give the project a reasonable chance we, first of all, need to address that issue and that is the reasoning behind the first resolve section.

Mr. Speaker, there are many ways to look at the project and as one former speaker said, everyone will have his opinion. I guess it is for us all to air those opinions and if it is possible come up with something reasonable which will make sense economically and might also serve the best interest of the country down the line.

The next resolve section which allows for the combination is being proposed simply because the view is that if all three parcels, that is parcel 11 and the portion required from parcel 215 and the .68 acre parcel 216 are all combined then you will have one parcel and your entire hotel project and we could separate the other proposal from this.

The third resolve section as it reads: **“AND BE IT FURTHER RESOLVED THAT Government re-negotiate with the entities the terms of the extended lease for the new combined parcel;** If you try to put forward a balanced argument and if we take the proposed condominiums, I guess it is realistic to say that the condominiums might not attract the buyers they might attract if the lease that remains is all that is left there. I think that is a big part of the developer's reasoning for the request for the extension which is where all of this emanated from in the Legislative Assembly. I think that if we want to allow these condominiums to be bought and sold

then if we go that far with it we might need to be looking at the extension of the lease. Having said that, there are some very serious arguments and thoughts which need to be put forward which I really haven't heard aired by either side.

Mention was made of the original lease, which if memory serves me right, for the entire 606 acres was £100 per year. That was done in 1950. At that time I really wasn't around yet. [Inaudible remarks] (Yes, I'm that young!) I believe that at that time, based on how the land was looked at, £100 per year probably seemed to be a reasonable arrangement to go into.

I need to make this point here, Mr. Speaker. In 1950 whoever knew about it was quite content for that 606 acres to be leased for 99 years at £100 per year. Just shy of 50 years later, about half of the lease being gone, we look at the value today. I am sure that as usual, hindsight is 20/20 vision, but I am sure many of us are saying '*If we knew then what we know now, perhaps we would have tried to make a different arrangement.*' That is why I can't really agree with what is being proposed for the extension of the lease. And that is why we are asking for those terms to be renegotiated.

Now two things have to happen here. Let me address the first one. The Minister for Tourism has said that Government has done what it thought was the best deal possible, given the circumstances in the negotiations. What we are looking at is \$6 million to Government in two instalments and a commitment of \$5 million or whatever the cost is to construct the bypass road which will go through the property on parcel 215. Just looking at it, that might seem to be a reasonable negotiation. But I hold the view that if we are going to extend that lease to 99 years again, we are going to be looking 50 years from now--just like the first 50 years have passed, with other people (than ourselves) being involved and looking at it.

Let us use the two positions: In 1950, £100 per year was fine. In 1998 for a smaller portion, but for a tremendously huge value compared to that value in 1950, we are talking \$6 million and the cost of a section of a road. I contend that 50 years from now our children and more likely our grandchildren (possibly great grandchildren) will be looking at it in the same light that we are looking at the original lease and wondering if someone could not have seen into the future and made a better arrangement.

The reason we want to renegotiate is because we would like to see something where the benefits are on a continual basis, meaning no lump sums involved. But without being specific, some type of arrangement where when future generations are in our position they see something that is continuous (more in the line of the original lease arrangement but certainly much more realistic), meaning probably looking at an annual fee based on certain prerequisites.

I am not going to be too specific about this because I don't profess to know all about the project, certainly I did not have access to a lot of information that the Government had access to. But it is my belief that looking along those lines would be much more meaningful if it is de-

ecided that the sacrifice should be made. Hence the request to renegotiate.

It has been mentioned on a couple of occasions, and perhaps now is as good as any time for me to mention it. I understand how our Government works. I understand what responsibilities Executive Council has, what responsibilities we regular Members have. And notwithstanding the fact that there has been a certain way of doing business that the Government is known for, notwithstanding the fact that in previous times that is the way business was done, I really have to look the Government squarely in the eye and say that perhaps we would not be where we are today with this project, had the Government taken the time out to apprise people of exactly what was going on.

When the documents were tabled, they were simply tabled-- and I won't even bother to get the *Hansards* because what was said may as well not have been said. What that has caused is, as information keeps dribbling out, you get various sectors in the community raising their own alarm. Everybody goes trying to get some information, people do the best they can to get information, and what you find is people like us feeling like we didn't get a fair shot at being representatives of the people. It certainly cannot be the view today that Government was elected to govern and what the Government decides is well done. Whether that was the intention or not, that is the way it has come across to us.

If the motion were not moved, everything would have gone the way the Government has proposed, the time would have expired, the proposed lease arrangements would have gone ahead and that would have been the end of it. You would have had a bitter public, as many of them are now, but it would all have been over and when people came to the rest of us what would we tell them except the truth. Then we appear to be impotent. We appear not to matter. But, of course, we hear, '*But I voted for you. What are you telling me? You're talking foolishness.*' Regardless of what the Government says I believe that from that point of view the situation was totally mishandled. In another forum I would describe it more aptly, but I am not allowed to use those words in here so I have to say it was mishandled.

Having said that, I believe that regardless of how they expound from here on in about the benefits of the project that it is incumbent upon Government to recognise the way this was done, and if nothing more, to allow the representatives of the people to participate in certain areas so that we, as representatives, who are held responsible by the people can act out that responsibility. This did not take place this time.

If it were a few years ago, and I am not just bringing politics into play here, I am saying it the way I know it, what you would have had is of the 15 elected representatives, 12 of them would have been meeting regularly about this project, totally informed about the project, coming to a decision about the project and that would have been that. You might have had three of us out on the wing trying to grab, but three don't really matter. That did

not happen this time because there were no 12 to get together.

The first I heard any word about this project was when this bunch of documents was tabled on the last day of the last sitting in June, whatever date that was. I think it is a crying shame that Government would decide to treat the situation like this, regardless of how hard it seemed, as they are saying now, that they worked to get the best deal possible for the country.

I wonder, sometimes, how it feels to continually make the same mistake. Supposedly of a certain calibre of intelligence being told about it over and over in different ways, sometimes nicely, sometimes with a bit of acrimony, sometimes actually with tempers flaring, but it never fails—tomorrow the same thing is going to happen.

And then after the hue and the cry they wonder why people are like this. And you know what? I will tell you. Regardless of how well intended it was, when the Minister for Tourism gets up, and I take his word for it, totally genuine, and talks about how worrisome it is about the message that is being sent internationally by the original motion, I want to ask him and his colleagues what does he expect when there is an uninformed legislature who knows nothing about what you all know. You cannot assume that because we look diligent and smart that we know what you know. You don't take the time out to say, *'Hey, listen fellows, this is how this is. This is why we believe this should fly.'* And it's a game of cat and mouse. Might not be the intention, but it certainly appears to be that way-- it comes across that way. So to say that the wrong message is being sent (and I am serious here), I want to know who is to blame. Is it the person bringing the motion?

Now, if you all had come and said, *'This is it. We are spreading it out on the table. This is the way it is. This is what they want, this is what we feel is best, these are the compromises we have to make. We know the people are going to say this, but we are thinking of doing it like this'* and *ya, ya, ya*, and you got a motion like this and you got everyone getting cantankerous then I can understand somebody saying that. But the missing link is that that was not done. So now, after the fact, they come to sell the project.

Let me tell you what has gone wrong with that. With the best of reasoning, with the greatest mind, with the best orator (because we could lend you the Third Elected Member for Bodden Town if it were just to do that) already because of perception the minds of the people have been poisoned. To come now to make redress and to say all the things that are being said, when, in fact, the reasonable people in this country might well have listened with keen ears, a lot of them are unfortunately not going to want to hear it now. And that is just the way the human being is. Enough said about that for now.

As we go down the resolve sections of the motion, the second to the last resolve section reads: **"AND BE IT FURTHER RESOLVED THAT Government also negotiate with the entities the possibility of the existing lease on the remaining portion of Block 12C, Parcel 215, reverting to the Crown"**. I know that when Gov-

ernment read that one they said, *'He is not only big, but he's mad.'* I will explain that to the best of my ability too.

It has been touted that this is not a hotel this is a resort, and there are certain prerequisites to be met if it is going to be a five-star resort. Cool! Understood! It has also been said that because there is the retention of the 300 foot buffer zone on the North Sound end of the project, that that satisfies the environmental concerns because the Minister for Tourism also read from a document from the Department of the Environment about the red mangroves. My understanding from what he read is that he was proving a point about the red mangroves. While he addressed the issue of the 300 foot buffer zone being retained, and that being environmentally conscious, there are a few issues which no one has spoken about which I am going to talk about, hence this resolve section.

First of all, if the document he read from was taken and used to argue against what the project is calling for, you could read from a section (and it is not very long) which says (and I hope I pronounce some of these things correctly): **"To ensure appropriate hydraulic conditions for resofora [that's the red mangroves] it is recommended that at least part of the mixed community of red, black, and white mangroves behind the red mangrove fringe be retained also since this zone is very variable in width around the sound [the 'sound' meaning the North Sound] it is recommended that a minimum belt of mangrove 300 metres deep be retained. [That is 1,000 feet.]"**

So while I know legally they can only be called upon to retain the 300 foot buffer zone, if you are going to look at these recommendations and pay credence to them, then we also have to say if that is what you have to retain, and by roughly trying to measure it there seems to be between eight hundred and nine hundred feet (800-900 ft) of that type of area there, then, first of all, all of that needs to be retained. I am just following this document.

Now the second one is the one that is ticklish. But when we look at the second part of the project between the proposed bypass and the North Sound, there are waterways, there are individual family lots, there is a nine hole golf course, and there are several areas for the villas, as they are termed. I think it was somewhere in the Planning approval that it was discussed about fill for the project.

I believe a combination of sources was outlined whereby the project was going to get some 550,000 cubic yards of fill. Three hundred thousand cubic yards of that, if I am correct (It certainly was no less), were to be obtained from Caymarl.

Now, Caymarl's only source of fill is dredging. If I remember correctly, the last renewal and permission granted for Caymarl (which was not a new permission, but just a renewal of an existing permission) was for some 274,000 cubic yards of fill to be dredged. And they are dredging that now. I am not 100% sure of the process, but I assume they are also selling that now. I am

pretty confident that they are not stockpiling that to almost meet that need.

Caymarl is not important to the argument here, it just so happens this is what transpired. There were some other sources too. But I have never seen a project of that nature where when asked what is needed in the line of fill (outside of what they were going to create from within the project), give an accurate answer. I have never seen it yet. And I don't, at this point in time, wish to even begin to believe that we will get an accurate answer from this one. That is not meaning that people are ill-intended, it just means that's the way life is. How much is this car going to cost? Well, around \$6,000. By the time you add this and that you pay \$8,500. That kind of thing.

This project, to me, although it is a slight assumption at this time-- but I don't think I am far off-- this project means dredging.

**Mr. Roy Bodden:** True! True! True!

**Mr. D. Kurt Tibbetts:** Anybody who wants to counter this with fact can do so. But from where I stand, that is what the whole picture is telling me—that this part of the project, from between the bypass road to the North Sound is going to require dredging.

Do you see how these things work? When you get to a certain point you find that certain things are required. But you have crossed the line and you can't say no then. We really don't know that. Just like the Minister for Tourism would say, 'I'm not an alarmist either.' But I believe there is merit to what I am saying now. I honestly believe that.

We have had several debates about dredging in the North Sound. Several of us on this side (including myself), have taken the position that we are not going to participate in any decision-making process to allow any more dredging in the North Sound until there is a proper impact study done-- one which is objective, professional, and which gives us something to work from rather than what our gut tells us-- because many times our gut will tell us what we want to hear at that given time.

So there is a problem with the project in that light. That is why we are asking:

**“AND BE IT FURTHER RESOLVED THAT Government also negotiate with the entities the possibility of the existing lease on the remaining portion of Block 12C, Parcel 215, reverting to the Crown”.**

Mr. Speaker, I mentioned a few reasons why we are investigating that possibility. I know that the counter to that is going to be what has been said before-- that the resort will not be a five-star resort until they have the golf course. When I look at the brief synopsis of the requirements for a five-star resort, I believe that they can adequately be met with what we are proposing for them to be allowed to do, except a golf element.

So, admittedly, there is a problem. Right now at this time I must admit that I don't have the answer to that problem. But what I do know is that to solve that problem, is creating some other problems. I think we need to talk about that to decide which problem is the lesser

problem, and which one we need to satisfy. If the Government notices, the resolve section says, that they negotiate the possibility.

I also understand that negotiating the possibility of the existing lease means that you have to create a value for that lease on the remaining portion of parcel 215. And most certainly you will have to take all the figures and shift them around because they are going to be placed differently from what is proposed to us now. We don't have a problem with that.

But the contention here is that while it may look good at this time to be talking about \$6 million and a built road, if we really look for the future (as the Minister for Tourism has said) of our children, the price that we are paying – is it the right price? I must admit that he brought some sound economic arguments to the table. And I am not actually out of focus with many of them, but his job at that time was to sell the project. I won't address all of those areas right now because that will come later.

Look at what is going to happen when we make certain decisions. We must be aware of those things and not get caught when it has to happen and smile and say, 'Well, can't do anything about it now.' We want to think about it before we get to that point.

The last resolve section reads: **“AND BE IT FURTHER RESOLVED THAT the terms of reference for all of these negotiations be established and agreed upon by a majority of the Members of the Legislative Assembly.”** That is to allow all of us to throw our cards on the table to be in the same vein as the Minister for Tourism talked about, to work together to try to bring about the best result. I want the Government to understand that (and I am serious now) I don't have any deals to cut with anyone. I don't have to deal with that kind of stuff. I have a responsibility as one of the 15 representatives of the people of this country. I have a responsibility to hear what people's views are; I also have a responsibility to listen to whatever the Government is saying that makes sense. I don't have a problem with that. But my ultimate responsibility is to do, given any circumstance, what I believe with the soundest judgment, to be in the best interests of the people of this country.

You will hear lots about this one, that one, and the next one! Yeah, you have to listen to all that! But when it comes down to the wire (just as I said), all of us had to do the same thing. While it is not a requirement, legally I believe that if the representations of the people are to be listened to, then each and every Member of this Legislative Assembly should have the right to give input into the end result of this project.

I am concentrating on the Minister for Tourism (because he just spoke, so I remember what he said better). He said, quite rightly, that in instances like this we need to work together. I don't have a problem doing that. But Government must understand that it has to give us that opportunity. And they have not given us that opportunity thus far. They haven't!

I will tell the Government something else. I understand some of the tremendous economic benefits that can be derived by this project becoming a reality. I un-

derstand that. But we have to temper all of those things with the understanding and the wishes of the people of the country. I am not suggesting that while the Government takes a position—with all the good will in the world for the country—that it means that if ‘Mr. Righteous me’ says they are talking foolishness they must listen to me and not do what they have to do.

I am not saying that, but I firmly believe that there are enough vibes out there asking for a re-think. Some people have problems with any extension of the lease, some have problems with anything being done. Some people have problems with ‘touching’ any of the mangroves, some don’t have any problem at all. It is our responsibility to take all of those concerns in to look at the reality of the entire situation, respecting the fact that there are benefits. And the Minister has actually pointed out some real benefits; I quite readily agree to that.

**Mr. Roy Bodden:** Not too much!

**Mr. D. Kurt Tibbetts:** No, not too much. I know that! But at the same time, even while trying to balance his argument, the Minister and I both know that he has his job to do and I respect that.

But I think the Government needs to understand that the other representatives have their jobs to do also. And no one, meaning no one, needs to get to the point where in a situation like this we have to be tearing at each other’s throats. That is not going to get us anywhere. The Minister has said quite rightly that he believes that each and every one of us means well for the country. But tempered along with that, and what must accompany that, is the ability to balance all the pros and cons and not just take a position because you feel obligated to take a position. That is another serious one.

I will close my opening arguments by saying to the Government that the entire intention of these amendments is a simple attempt to arrive at a reasonable solution which will allow the project as far as possible, but at the same time will allow the vast majority of the people of this country to see themselves in a situation where what is being done is also with their interests, and the interests of future generations, at heart.

Mr. Speaker, that is not all, but I think that is sufficient at this point in time to hear what the Government has to say about the proposals and I am sure other Members who are not on the Government Bench will also bring arguments forward.

Again: We believe that as far as possible this is to our ability the best possible compromise where we can satisfy all ends. Both sides of the coin have arguments. There are very few times anymore where it is just black and white—there’s a lot of grey. Maybe all of us are partially responsible for muddying those waters, but regardless, that’s what exists.

So we will wait to hear what other arguments are thrown forward, and while we respect the fact that perhaps the amendments are not worded perfectly, and perhaps others may have other ideas, we are certainly not averse to mending these amendments if we can come to

some arrangement where we can move forward and deal with the project in a sensible fashion, Thank you.

**The Speaker:** The floor is open to debate on the amendments to Private Member’s Motion No. 17/98. Does any other Member wish to speak to the amendments to the motion? (pause) Does any other Member wish to speak? (pause) Does any other Member wish to speak to the amendments to the motion? (pause)

**Mr. Roy Bodden:** Mr. Speaker.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Under Standing Order 38 I respectfully beg to move that the question be now put.

**The Speaker:** The question is that the amendment to Private Member’s Motion No. 17/98 be accepted. Those in favour please say Aye. Those against, No.

**AYES and NOES.**

**The Speaker:** I would say the Noes have it.

**AMENDMENT TO PRIVATE MEMBER’S MOTION NO. 17/98 FAILED.**

**The Speaker:** We go back to the debate on Private Member’s Motion No. 17/98. Does any other Member wish to speak to that? (pause) The floor is open to the substantive motion. The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Mr. Speaker, this Government never, ever . . . I really thought that we had a little thing going there. But they never cease to amaze me. The Minister responsible for the subject is not here. So, from the lawyer’s point of view that is the first excuse—the Government had nobody to reply. But I have known on occasions when to them it mattered – when the Leader of Government Business, himself, if he had to reply for all of them, he would certainly do so. But I know what happened—

**Hon. Truman M. Bodden:** Mr. Speaker, I would just like to take a point of order here. The reason that motion was put to the vote was because the seconder moved a closure motion and it went to the vote. And therefore, it is misleading to try to blame either the Minister for Agriculture, or myself that the motion failed. When you move a closure motion, you should know you have the votes to carry it.

**Mr. Roy Bodden:** Mr. Speaker, on a point of order. He doesn’t have a point of order. You gave ample time, sir, you called on Honourable Members, once, twice, three times. It was after that, that I got up to move the closure motion. The Government had ample time to reply and my colleague, the First Elected Member for George Town, is right.

**The Speaker:** The question is that the closure motion was put, the amendment failed. Let’s please get on with the debate.

**Mr. D Kurt Tibbetts:** Mr. Speaker, sir, with the greatest of respect . . . and we are not losing it. Don't worry about it. The Minister for Education just got up on what he called a point of order. Would you please rule? He either has one, or he does not.

**The Speaker:** That was a point of elucidation. It was not a point of order. I followed the standing rules of procedure. That's it. Go ahead.

**Mr. D Kurt Tibbetts:** Regardless of what the Minister says, I have known on many occasions when he would have been quite prepared, if he could have, to reply five times for himself and the other four. The Government had ample time to reply to this motion. All they are doing now is hoping and praying that it will hurry up and finish so they can get on to do what they want to do.

The motion for the amendments is over, but they are relevant to the debate which is now going to follow. And the few minutes left this evening to deal with the motion itself, I promise you, sir, and them, that I am not going to waste my time to deal with it in anything that is sensible because right now I run a serious risk. So, I am going to try to get light for a few minutes. But tomorrow is another day, and so is Wednesday!

We are now in a position where we have to compare the fact that we brought these amendments to try to be reasonable and the fact that they have failed. And we go back to the original motion.

Now, to compare what we did with the amendments and the original motion is not what I think the whole thing is all about. But in regard to specific dealings, and specific ways of handling the affairs of the country with this project up to the point where we are now, leaves a lot of questions to be asked. Of course, I am not going to give them the privilege this evening of having tomorrow to try to get the answers by asking those questions, because never can you try to be reasonable... And I am not asking for everything to go my way all the time... but never can you try to be reasonable with these people and you even get half an ounce of 'give.'

I am going to tell the Government something: Because they knew that they had the numbers with this one, they once again have totally disregarded the concerns of the people who elect them and others. Time will tell. Frankly speaking, I am almost tempted to say that it doesn't matter to me, but it does, because I am not here for the joyride.

Mr. Speaker, when you really look at it, sometimes you want to say some choice things, but you resist the temptation. But this Government is a tempting Government, I will tell you that. To believe that something as important as this—and let's go through exactly what has happened publicly in regard to this project with the Government trying to justify their decision.

The documents were tabled on the last day of the June meeting. I am told--to be exact, July 17--a few minutes after 6.00 PM, they were presented by the Minister for Agriculture. As I said before, I didn't even check *the Hansards* to see what was said because it was really not worth it—nothing was said! So, they gave us a whole pile of documents-- the first time we are hearing about the project officially from the Government. Time passes. The Fourth Elected Member for George Town brings the motion, which was seconded by the Third Elected Member for Bodden Town, and regardless of

the content of the motion, and/or the amendments we tried to put forward, what has happened thus far is again the Minister for Agriculture in his supposed reply for the Government to the motion . . . I guess as the Minister for Education so aptly put it, he did his best. [*Members' laughter*]

Nevertheless, having done his best to reply for Government, the Minister for Tourism comes along and tries to give us a good balanced argument. He does his best to sell the project, but, of course, in my view it was too little too late.

Now, the only thing I can promise them is that on Wednesday morning when I come here, sir, I am going to ask some questions that are funny little questions. I will not be out of order, sir, don't worry about that. But I am issuing fair warning to the Minister for Education, especially, to take home his Standing Orders as well as he thinks he knows them, put

them in one of those big old bags he has. Carry them home and read them carefully because for the sake of my country the truth is going to be known. And I think the Minister knows by now that I don't often get up to say anything that I can't back up. Perhaps I will start with some questions to him rather than some statements. Maybe he will get a chance to refute them.

As is obvious, Mr. Speaker, I am just killing time. And I think it is probably appropriate right now to close—because I am not going to lose my chance—but I am not going to waste the time tonight on it. So, if the good Minister and his Government are willing, perhaps we can take the adjournment until Wednesday morning. If not, I will continue as long as they wish.

**The Speaker:** I will entertain a motion for the adjournment.

## ADJOURNMENT

**Hon. Truman M. Boddin:** Mr. Speaker, I move the adjournment of this Honourable House until Wednesday at 10.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM on Wednesday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 7.50 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 30 SEPTEMBER, 1998.**

**WEDNESDAY  
30 SEPTEMBER, 1998  
10.20 AM**

*[Prayers read by the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**The Speaker:** I have received apologies for late attendance from the Honourable Minister responsible for Tourism, Commerce and Transport. He will be arriving later in this sitting.

Item 3, Questions to Honourable Members/Ministers. Question 167 standing in the name of the Second Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 167**

**No. 167: Miss Heather Bodden** asked the Honourable Minister for Agriculture, Environment, Communications and Works to provide: (a) a list of roads that were identified for repairs during the recent road works tour throughout the district of Bodden Town; and (b) to say what roads have been repaired to date.

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

**Hon. John B. McLean:** (a) Roads that were identified for repair are as follows:

- Cowpen Lane - realignment
- Elizabeth Street
- Belford Estates
- Old Yard Lane
- Road off Northward Road (Stuart Connolly)
- Beach Bay Road
- Orchid Avenue
- Butterfly Circle – drainage
- Eden Crescent
- Birch Tree Crescent
- Road to Kent Rankine/Marshall Levy subdivisions.

Roads repaired to date in 1998 are as follows:

- Elizabeth Street – baseworks completed in one section of subdivision
- Road to Kent Rankine/Marshall Levy subdivision—complete
- Road off main road (Cleveland Carter)—complete.

**SUPPLEMENTARIES**

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** I would like to thank the Honourable Minister for providing these answers. I would just ask him to add Lemon Road to that list of roads that are identified.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say what other roadwork tours have taken place?

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

**Hon. John B. McLean:** We have circulated from the Ministry memos inviting road visits but unfortunately the timeframe was pretty bad because I think a lot of people were off the island but the fact remains that we have just circulated another letter and we are trying to do it before we go into budget for next year.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if any roads which were repaired were not on the list of those identified for repairs?

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

**Hon. John B. McLean:** That could be possible because we have been doing a lot of repairs, especially on the shoulders of the roads, especially in the area of Bodden Town.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if it is still Government's policy to repair only those roads which have been gazetted as public roads?

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

**Hon. John B. McLean:** As the Member well knows, when a Member from a constituency calls and requests that we do some work, we have always tried to accommodate those persons living on the road. So I say that that policy should remain in place.



**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say if on this visit the Bodden Town representatives identified the main road from Pease Bay through Breakers onto the intersection of Frank Sound as a road that required urgent repair?

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

**Hon. John B. McLean:** I would say yes to that because definitely we have looked at that road many times, and as a matter of fact we have done as much as we could through maintenance to try to keep especially the shoulders of it going. And as soon as funds are available, definitely.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I thank the Honourable Minister for that reply, but I think that the Government needs to make a decision to deal with that road as a priority. With the heavy equipment and heavy trucks travelling that road it is now in a deplorable condition and whatever it needs to take, whether it means bringing supplementary funds to this Parliament I believe it is now a priority.

**The Speaker:** If there are no further supplementaries we will move on to question 168, standing in the name of the Third Elected Member for George Town.

### QUESTION 168

**No. 168: Mr. Linford A. Pierson** asked the Honourable Minister for Agriculture, Environment, Communications and Works. to state Government's policy regarding the importation and/or breeding of dangerous attack dogs such as the Pit Bulls and Rotweillers.

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

**Hon. John B. McLean:** Breeds of dogs, which are considered to be dangerous, are prohibited from entry into the Cayman Islands. There are no measures currently in place to prevent the breeding of those dogs that already exist in the Islands.

#### Background

1. Several breeds of dogs have been identified as dangerous and have been prohibited from entry. These breeds are: Mallanois, Japanese Tosa, Fila Brasileiro, Rotweiller, Chinese Shar-Pei, [and let me say, Mr. Speaker, that if some of these names are not pronounced the way they should be, I am sorry about that, but I have to read what's here] Dogo Argentino, Pit Bull Terrier, Staffordshire Terrier, Japanese Akita and all members of the Mastiff breed, including the Neapolitan Mastiff, the Bull Mastiff and the English Mastiff.

2. Many of these have been bred over the years as fighting dogs and, as such, have an innate aggressiveness that can make them unpredictable. These dogs can inflict serious injury.

3. Two breeds, the Japanese Akita and the Chinese Shar-Pei have recently been added to the list.

4. All applications for the importation of these breeds are immediately refused.

5. The Ministry, through the Department of Agriculture, is considering mandatory spaying and neutering of those dangerous breeds of dogs that are already in the Islands in order to prevent further breeding.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you. I have two or three supplementaries on this question. The first one is in regard to the question that no measures are currently in place to prevent the breeding of those dogs that already exist in the Islands. Can the Honourable Minister say whether any appropriate measures are being considered?

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

**Hon. John B. McLean:** Definitely we have looked at several things and, yes, we will be bringing amendments to deal with it.

**The Speaker:** Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

My second supplementary has to do with protection of the public, and I wonder if the Honourable Minister can say what action, if any, is being taken by the police to patrol public beaches and/or other public areas to ensure that the public is protected from these animals.

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

**Hon. John B. McLean:** Thank you, Mr. Speaker.

Definitely the Department of Agriculture has been working closely with the police and especially when we have reports of dogs that are roaming in various areas. We have tried our best, we have put traps and we have been out there and tried our best to control it.

**The Speaker:** Third Elected Member for George Town.

**Mr. Linford A. Pierson:** On that particular answer, Mr. Speaker, I wonder if the Honourable Minister is in a position to say (other than sort of the curative side of it) if any preventative measures are being taken on sort of a regu-

lar patrol of these areas rather than the police going there after an injury has occurred?

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

**Hon. John B. McLean:** I think it was last year's budget where we appropriated funds for a truck which we use to pick up dogs such as this. And, yes, the Department has been doing as much as it can to patrol areas, and when we see dogs, we collect them.

**The Speaker:** Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Can the Honourable Minister say what action is being taken by Government to attempt to eliminate these dangerous animals from the Cayman Islands?

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

**Hon. John B. McLean:** As I pointed out in the original [answer], we are taking all measures to try to prevent the breeding. We have been collecting dogs when we find them in the wild and we are trying to work along with the Humane Society to ensure that we have this problem eradicated.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker.

Can the Honourable Minister say what the Government's policy is towards those dogs and their owners to which complaints have been laid of the dogs biting persons and particularly minors?

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

**Hon. John B. McLean:** Thank you, Mr. Speaker.

Whenever there's a case like that it is referred to the police and it's a police matter.

**The Speaker:** If there are no further supplementaries, we will move on to question 169, standing in the name of the Second Elected Member for Bodden Town.

#### QUESTION 169

**No. 169: Miss Heather Bodden** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation how effective was the first ever Social Services Department's summer programme, under the guidance of the Community Development Unit, which was held from 3rd - 14th August in the district of Bodden Town.

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

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker.

For the information of the Honourable House, this Social Services summer programme was undertaken previous to the one starting in Bodden Town -- this is actually the first one in Bodden Town.

The summer programme in Bodden Town was very effective. It catered to approximately 86 young people between the ages of five to fourteen years in a safe, structured and caring environment.

#### SUPPLEMENTARIES

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Thank you, Mr. Speaker.

I think this was an excellent programme put in place over the summer for the children of Bodden Town. Can the Honourable Minister say if this programme will be repeated next year?

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

**Hon. Anthony S. Eden:** God willing, yes, Mr. Speaker.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** In connection with the last question as to whether a programme will be done in Bodden Town next year, Can the Honourable Minister say whether the ones that were held in West Bay and other districts will also have the benefit of this continuing programme?

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

**Hon. Anthony S. Eden:** Yes, it will be extended to all of the districts.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister share with the House the objectives of this programme? And also, can the Honourable Minister say whether this programme is such that follow-ups need to be designed or is it strictly a programme designed and implemented in the summer?

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

**Hon. Anthony S. Eden:** Just to give an idea of some of the things that occurred at the camps: Each day began with devotions and the national song. There were arts and crafts, music, drama, indoor and outdoor games, field trips to the beach, Pedro Castle, the caves, Turtle Farm, the Museum. [Representatives from] the Depart-

ment of Tourism spoke on tourism and its importance to Cayman. Luncheon snacks were provided daily. Emphasis was placed on activities where children and parents could see the benefits of the children's efforts in areas such as social skills and interpersonal behaviour.

Traditionally, the churches and other community groups arrange their Vacation Bible School in the month of July. Social Services decided to extend this into August. And from this we are seeing the need to provide classes and other information on parenting. Thank you.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say if an invitation was extended to the two smaller eastern districts to participate in this summer programme? Or were there individual programmes for each district?

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

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker.

Efforts were made by the Community Development Officer in East End and North Side to engage some community members into helping to run a camp, but this did not prove to be successful. However, there were six children from North Side that did attend the camp at East End and as we have promised, God willing, next year we will have a specific Community Development Officer for North Side who will deal with this and make sure that North Side has what all the other districts have.

**The Speaker:** If there are no further supplementaries, we will move to question number 170, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 170

**No. 170: Mr. Roy Bodden** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation which entity will bear the cost of the extension of the construction contract on the new George Town Hospital.

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

**Hon. Anthony S. Eden:** The cost of the extension of the construction contract will be borne by the contingency fund that was set up in the contract at the start of the construction to cover such eventualities. If it is determined that any or all of the extension was as a result of the contractor's actions, the cost will be borne by the contractor.

### SUPPLEMENTARY

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker.

Can the Honourable Minister say how much money is in this contingency fund?

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

**Hon. Anthony S. Eden:** A decision was taken earlier on to increase that contingency from 2.5[%] to 10% which means that that contingency for this would be approximately \$2.88 million.

**The Speaker:** If there are no further supplementaries that concludes Question Time for this morning. Item 4 on today's Order Paper is: Other Business, Private Members' Motions. Private Member's Motion No. 17/98 Proposed Ritz-Carlton Project on West Bay Road. Debate continuing thereon. The First Elected Member for George Town, continuing.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 17/98

#### PROPOSED RITZ-CARLTON PROJECT ON WEST BAY ROAD

*(Continuation of debate thereon)*

**Mr. D Kurt Tibbetts:** Thank you.

Before I start this morning with my contribution, with your permission I would just like to read a letter to the Editor of the *Caymanian Compass* in today's newspaper which I think is very relevant to the debate.

**The Speaker:** Go ahead.

**Mr. D Kurt Tibbetts:** The letter is entitled: "The Importance of Wetlands." And the reader writes:

"Please allow me space in your newspaper to remind His Excellency the Governor, and the people of the Cayman Islands, of a few remarks Mr. Owen made in his Earth Day Message published in your paper on Friday, 24 April, 1998.

"The Wetlands are the ecological heart of Grand Cayman. The nutrients the mangroves produce form the base of a complex food chain. The entire living system of the North Sound in Grand Cayman is inextricably linked to the mangroves and would collapse if they were destroyed. The North Sound itself plays a vital role in our tourism industry. It is a key tourism attraction, offering Stingray City, the coral reefs and a wide variety of marine life. It is important that the Central Mangrove is at the heart of our environmental policy." Just to repeat that sentence, "It is important that the Central Mangrove is at the heart of our environmental policy." The Governor goes on.

**“The long-term protection of the mangroves is a fundamental requirement for the well being of future generations in the Cayman Islands. We can not expect the conservation of this resource to be the sole responsibility of any one person, body or institution. The National Trust and the Department of the Environment have led the way, however, it is up to each one of us individually and collectively as a nation, to ensure the protection of this most valuable resource.**

**“We must endeavour to create an awareness of the importance of the wetlands and play our part in ensuring that the laws and regulations enacted to protect them are upheld.**

**“This week and for the years to come, I urge all residents to become involved with their District National Trust or other groups whose concern is the protection of our islands. By doing so we will become more aware of how we should look after our environment.”**

The writer then poses some questions.

**“I ask Mr. Owen these questions: Five months after Earth Day 1998 are the mangroves still worth protecting? Are the mangroves still a vital resource? Is it still important for each of us to become more aware of how we should look after our environment? Is the long-term protection of the mangroves still fundamental for the well-being of future generations in the Cayman Islands?”** The writer goes on to say—

**“All I and many others want is for an independent Environmental Impact Study to be carried out before developments which will destroy large areas of mangrove such as the Ritz-Carlton project, be allowed to go ahead. If we don't know what the consequences of these developments will be, how can informed decisions be made? Why should future generations pay for our stupidity?”**

Mr. Speaker, I chose to ask your permission to read that letter because I think that those sentiments are widespread throughout the Cayman Islands. I firmly believe that as we continue allowing development to take place in certain parts of the Cayman Islands, the concerns heighten because the damage increases.

If we look at some of the contents of that letter and compare them to the Government's position with this development we are talking about now (the Ritz-Carlton development), to be fair to all concerned, it is quite easy to understand the quandary. What we are basically faced with is the enticing situation of allowing certain large scale development to take place and the huge question mark as to whether the economic benefits in the long term outweigh the environmental price we pay.

One of the problems we really face if we take ourselves back and try to be objective is, when certain things happen with our environment and parts are destroyed ( I am no real expert, but I think by reading and hearing I have a good enough grasp to talk generally about it), there is nothing that man can do to replace what is lost. Planting trees back in certain areas does not restore what has been taken away; hence, the genuine concern by many of the people in this country. And what has happened is, because it appears that there is almost a bla-

tant disregard sometimes for the safety of the environment, then people believe that in order for them to have any impact they too have to go overboard in the opposite direction to draw anyone's attention.

In this specific instance it is obvious to me that the Government--and simply because I have not had any communication in depth with them regarding the project--it seems to me that Government has not weighed the balance the way it should have. If it had, then, certainly its duty was to explain to the people of the country that it understood what prices were being paid, but that it summed up after doing its due diligence, that the benefits outweighed the price.

As I mentioned earlier, the Minister for Tourism in his contribution to the debate sold the Government's argument that it was more beneficial to allow the project to take place than not to. Again, as I said on Monday evening when I was talking about this, in my opinion it is too little too late when it comes to explaining the Government's position to the people.

Now, when we look at the way arrangements have been made with this project, one has to wonder seriously whether the Government was as objective as it should have been in its negotiations. I believe that what the country supposedly is going to get from a dollar point of view-- having allowed the project--is no where near what it should be getting if the powers that be have decided that the price is worth it.

I just want to draw a few references in regard to what the project will entail, the income from the project, and what Government is getting. For the extension of the lease on the three properties mentioned to carry the lease to 99 years again, starting from scratch, the Government is getting \$6 million and the cost of the construction of the bypass road through parcel 215. The figure quoted for that is roughly \$5 million depending upon what they find once construction of that road begins.

The other argument is that there are a lot of other indirect benefits, namely: stamp duty, land transfer tax, customs import duties, et cetera. But to me, in any line of negotiation those indirect benefits need not come into play to be counted as benefits for the country. The fact is, we don't have any direct taxation and our regime, as it is called, and our recurrent revenue are based on import duties, land transfer tax and such the like. So, to me, that doesn't come into play.

If we take the actual hotel which will be built and used out of the picture, we have for the developers three direct sources of income which are as follows: There are 72 condominiums, which are to be sold. The anticipated revenue from those condominiums is \$201 million. There are a number of villas which when completed are to be sold; the anticipated revenue to the developers of those villas is approximately \$510 million. There are 11 individual (I call them) house lots which are anticipated to give the developers \$22 million-- that is, these lots are to be sold at \$2 million a piece. So the revenue from these three sources is \$733 million. That does not include the hotel which will be operational all the time. And these fig-

ures are from a spreadsheet that was passed out with the big bundle so I am not making anything up.

The comparison I wish to draw when we talk about re-negotiating a new lease and extending it to 99 years is, we are taking 148 acres of Crown land which the vast majority of is still under a head lease and has close to 50 years left on the lease (I am just rounding off). Basically, the country is being asked to increase that lease to another 50 years. So, notwithstanding that a lease exists, the reason this whole thing is in the Legislative Assembly is to seek approval for another 50 years for that property. I cannot begin to imagine the revenue from the hotel and its operations. I don't know all of the details on that. I could wager a guess which I might come to eventually, depending on if I think I should stick my neck out that far. But I do know of this \$733 million.

Again, the argument is going to be spouted out about the indirect benefits to the country by way of stamp duty, customs import duty, and such the like. But, again, I contend that these indirect revenues to the country are not and should not be any part of the negotiations. Everyone who does business in this country—including our own people—pay those same prices. So there is nothing different in that development from anything else.

If I import a car, I pay my duty. If I purchase a piece of property I pay my land transfer tax. [*Inaudible interjection*] Mr. Speaker, the point being made to me, is that if the project does not happen we won't have those indirect benefits. My answer to that is simple: If we were to say that if I didn't build my house the country wouldn't get stamp duty on that, . . . that's fine too. But you see, Cayman is not what it used to be and while there is competition elsewhere and we have to be very careful, I cannot whenever any development comes in, say, 'Okay, we better allow that development because if we don't allow that development the indirect revenue won't happen.' Can't do it like that. Others have come and gone and the same land that was to be used for something was used for something else. And the country got those benefits from that.

I am not suggesting, realistically, that there are not benefits to be derived from the project. But I am building a case here where I believe that the Government, if the sacrifices have to be made, should find itself in a position to derive more benefits than what is being put forward to us.

Moving on, and just going back to that extension of the lease, we have three players as far as I am concerned in this whole affair. We have the Governor acting on behalf of the country, who is basically the caretaker of the property, because that is Crown Land. We have the developers who are coming in with a plan to do business to create real estate and to create a development which, I give them the benefit of the doubt, they want to be a nice development. They want to be proud of it, but they want to make money. There is nothing wrong with that. That is what it is all about.

They are saying that they want to be as sensitive and as conscious of the concerns as possible. The other (third) players in the game are the operators of the pro-

posed hotel. Basically, what they have done is to surround the entire development and point it back to the requirements of the hotel. So what has happened is . . . And they are smart! I am not saying there is anything wrong. But this is what has happened. They have staged and created a type of development to utilise to its maximum the property involved to derive the best financial benefits that can be derived reasonably; and they have centred it around a hotel.

What they are saying is, '*Gentlemen, for this project to fly, this hotel needs a golf course. It is concentrating on having a convention centre. It is an all-inclusive situation in order for it to be a five-star hotel. So outside of the hotel rooms we need access to a certain number of other rooms (the apartments and villas) so that when we have large conventions, in order to attract these people we have to be able to accommodate them.*' I am not blaming them for putting forward that proposal.

But the position it puts Government in (from where I stand right now, and what has been said to me, this is the only way I can see it) the Government is saying, '*Listen, we are in a spot here. We hear what the people are saying. We respect the way they are thinking but we really need this project. So we are going to have to disregard what they are saying because if we try to deal with these people in any way to satisfy the concerns of the people they are going to say the whole project is dead. And we need the project so badly. And the benefits we see in the project are so tremendous that we are going to have to go with it.*' They would not say it like that, but I believe that the way I just said it is fair comment.

So, if we come to the case--and believe me I am trying to be as realistic and fair as I possibly can--where the position I just described is what the Government thinks is its position, then my contention is that they are selling us short.

The Minister for Tourism mentioned in his debate about the central wetlands and the fact that he is all supportive of Government making sure that those wetlands are not developed because they are so important to the environment and the ecosystem and all of that. But for as long as we have been talking about it and while everybody says they support doing it, there has been no meaningful attempt on the part of Government to show that they wish to see something done about it and it is going to take the Government to spearhead the action. You know that. *I hope none of them say 'nothing' before its time, because time has long passed.*

So, trying to look at the whole situation: I believe coming back to this lease and its extension, that allowing this development--and they are also going to bring the case that the development is not viable without the lease extension because what has to be sold cannot be sold because people are not going to buy something that they can only keep for 49 years, or whatever. I also understand that. But, Mr. Speaker, if we look at the three players in the game that I just talked about, the developers are going to be looking at, when the project is completed, gross sales of \$733 million. They are also going to have a

five-star hotel fully operational, certainly anticipated to operate at a decent profit throughout the years to come.

What we are saying to them is that for all of this, they have 50 years of the lease left. But this is our turf you are going to be developing. For the extra 50 years that you want from us, with all that you are doing (and I will round it off) \$11 million into the kitty is worth it. I don't buy that! This argument that 'your hand is in the lion's mouth, and you have to be careful' and all of that-- not me! I am not saying that we must not try to be rational and reasonable, but I am saying that we are not getting what we should be getting if we have to go this route.

I want to say on the one hand that we simply say to them, if we are that concerned about the mangroves and our environment, *'Look, we don't propose to extend this lease. Do what you can do with it for the first 50 years. If it don't work, tough.'* But then, if I stand and be realistic, looking at the entire situation, I draw myself back and say, *'Okay, if we extend that lease, what prices are going to be paid, and what benefit is it going to be to the country now and in the future?'*

The argument continues whereby we have the spin-offs into the country by the operation of the hotel, the people buying these condos, people coming to the island, the taxi drivers, the restaurants--all of those things. I am not denying that for one minute. But I take the view that you cannot build a case like that and camouflage the situation by saying it is for those reasons why we must be very happy to deal with the lease in this fashion.

I also do not buy the argument that if the project is not allowed to take place these benefits will suddenly not be there. That in my view is not the way we should look at it simply because if it was only a matter of the economic matters to be considered, then why don't we just call investors in and every bit of Crown land we have, seek whomever we want or can find, and say, *'Listen, we want you to develop this thing so that we can get everything going so that we can heat up the economy and everybody can feel happy for a while.'* Can't do it like that!

I am not saying that Government is saying that. But I am saying that that is why I don't buy the argument with this individual situation. Mr. Speaker, if we have to do what the Government is saying, and the Government is satisfied that it is in the best interest of the country, all factors being considered, then I am saying that the lease must benefit the people of this country. Not a matter of getting more money now. I am not suggesting that. I am suggesting that the lease must benefit the people of this country on a continual basis in the same way that the developers, the hotel operators and [all others] are supposing to benefit. That is what I contend.

It will easily be said too, and I think I can see some of the minds churning there, *'Yeah, you can say that now.'* I think that is what they are saying. *'You can say that now. You weren't there having to do it.'* I know that. But there you go again, Mr. Speaker. Not taking anything away from them, but many of us did not even have the benefit of discussing it. So that one doesn't mean anything to me either. That wasn't my fault.

Mr. Speaker, moving on to the benefits: There have been arguments to and fro about deferral of payments. On the spreadsheets we were provided, there is a total deferred fee of just over \$10 million. In a nutshell, what that means is that fees that would have been paid straight away at the time they should have been paid, will be deferred for, I think, three years. The total anticipated amount of those fees is just over \$10 million. The one time that I had occasion to speak with the developer, I was told that was the norm in negotiations such as these. That is a pile of crap! It doesn't go like that! But I can't blame the developer because like other developers he is going to come in and put his case forward and see the best deal he can strike to get what he wants to get. So they are out of the picture.

Mr. Speaker, what I really have to laugh about-- and it is not a joke... What I want Government to answer me is: We are in such a ticklish position that we have to offer these deferrals to try to get the project going--along with all the problems we are talking about. But we are happy to do this. But the garbage trucks are working until midnight trying to collect garbage because they do not have enough trucks and no money to buy them with. Of course, there is another argument that will come. That is, that we are going to defer these things to get this project going because all of the indirect benefits will put the country into such a state of being that they will be able to buy the garbage trucks and whatever else.

[Sighs]. Mr. Speaker, it doesn't end there. We are talking precedent now. It is my understanding that in order to cover their trail there are two other projects that are going to be treated in the same fashion with deferred payments. Where does it end? When the bigger one comes along, what do we say to them? Do you know what we say to them? *'How many years do you want, three or five?'* That is what we are going to say to them. We won't be able to say anything else.

Mr. Speaker, that cannot be in the best interest of this country! And they cannot tell me either that whether that project goes or not, hinges on these deferrals. Uh-uh! If you are looking at--without the hotel--nearly \$753 million worth of project income, and you are talking about \$10 million which is not one time either, that is over a period of time, and you are going to have to defer that, otherwise they will say they are going somewhere else? Uh-uh. Tell somebody else--not me!

And as I said before, Mr. Speaker, the other worrisome part of that is that you have one deferral being talked about now... there are two that are being talked about as I understand it. I can't swear to that because I don't have anything in writing, but I am sure that it won't be long before we know whether or not that is the case.

It is nothing against the people doing this thing, it is just the way we are doing business; we are setting ourselves up. Every time we have budget, because of the increase in our recurrent expenditure, and because the source of our recurrent revenue is almost saturated--and we can't do much more with it otherwise we are going to seem to be I-don't-know-what. Every year we can't just up the rates. Every year we can't tell people they are pay-

ing this much more for their licence. You can't do it like that-- although we are doing just as bad by waiting five years and upping it 100%. But that's another story!

I do not believe that the Government has to find itself in that position. I see many other compromising situations that will occur by way of precedent that we are going to regret by doing this. That is what I see. Of course I know the position is *'We've already struck this deal. So don't come telling us now we must change it.'* I hear that. But I am telling them that, God sparing my life, that I will live to remind them about this. And I know it is not too late for them to do better.

Mr. Speaker, the Government expects reasonable thinking. It does not wish to have to contend with arguments that it believes will scare away investors. I stand here today saying to Government that I understand and accept that way of thinking. But the Government must understand its responsibility if it doesn't want to contend with that. It must stop inviting that to happen. It will be said that because I have taken an opposing position that is a fine line for me to say. But I know that deep down when Government thinks about it, it understands exactly what I am talking about—although I don't expect this to be admitted.

What the Government has done, intentionally or not, is by mishandling the way the situation has been dealt with, they have caused the people of the country in large numbers to have a sour taste about this project that need not have happened. That is my view. And it makes me wonder why it was handled like this. It makes me wonder why they didn't want to talk about it before hand. This was no court case that was sub judice. This is the country's business which each and every one has a right to know about—not after the fact. What sense does it make for me to tell you, sir, that I am taking you for a ride, if you don't know where you are going, and when I land you in the place I'll say *'see you later'*? That makes no sense. And that is what they did. That is exactly what they did.

But, getting back to this business about why no one wanted to talk about it—and I have to take that position that they didn't want to talk about it because they didn't. It makes me wonder if there are reasons.

You know, Mr. Speaker, I have said this over and often: *Perception becomes reality all too often.* And I also say this: If I know that you know something, and there is good reason why I believe that I should know it also, and you find yourself in a position where you don't think you should tell me, the way God made us is that I am going to suspect that there is something wrong, why you don't want me to know—even if there is nothing wrong. And then, when you start to be suspicious it is said that you have a wicked mind. If that is the case, then the majority of people in this world have wicked minds. And I hope that that is not so.

And if the situation were vice versa, they would feel the same way. It is cat and mouse in here all the time; I know that. But throw that aside. That is frivolity. This is serious business because this is the country's business. Inasmuch as they hope to say years from now all the fighting and arguing that these people were giving them

about this project, the project has been wonderful. It has shown a brand new light to the country. That is not the point.

Again, to draw a funny comparison. You and I, Mr. Speaker, are in the same business. And because I have certain advantages I am unscrupulous and I stand all over you to get above you and to be more than you are and to have more than you have. It is ludicrous for me to think that I am going to make you believe that I am doing that so that when I get to the top I can hand you out something that you can be all right too. That does not make any sense whatsoever!

But, Mr. Speaker, having said all of that , . . . if you feel it is convenient, sir. That is fine.

**The Speaker:** We shall now suspend for fifteen minutes.

### PROCEEDINGS SUSPENDED AT 11.30 AM

### PROCEEDINGS RESUMED AT 12.10 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 17/98, the First Elected Member for George Town, continuing.

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

When we took the break I was skirting the politics involved with this project. And to just talk about this for a little bit, I want to draw everyone's attention to a situation in regard to some amendments to some regulations.

From the *Hansard* of 5 November, 1997, when the 1997 Development Plan was tabled, accompanying that was Government Motion No. 12/97, Draft Development and Planning (Amendment) (No. 3) Regulations, 1997. The Minister for Planning tabled these regulations and after reading his 'Whereas' and 'Resolve' sections he had a very short contribution. With your permission, sir, I will quote. He said (and he is now referring to these draft amendment regulations) **"Mr. Speaker, this is complementary, as it says, to the Development Plan. It is an integral part of it. What I have said in relation to that, sir, applies to this, and what other Members as well have said on the other motion obviously does apply to this. I chose to put it in two motions; it really could have been put in one. Thank you, sir."** [*Official Hansard Report, 1997 Vol. II, p. 522*] End of story.

I am straying a bit, Mr. Speaker, but if you will bear with me you will see the relevance of what I am saying. Recently there was a Private Member's Motion brought seeking to amend some of these amended regulations regarding density for people who owned lots prior to these regulations coming into force, and the Government accepted those amendments because I think the case had been proven that it was the right thing to do.

Just so we understand clearly, the way the regulations were brought and tabled and passed through; politically it was well timed. And, obviously, as happens from time to time (And I bear responsibility for that too. I am not shirking that) Members go along with proposed legis-

lation trusting that the Government bringing the legislation has done due diligence and everything to make sure that it is right.

But there is a little section in those regulations which, after doing a little bit of checking and research, I find that this amendment is tailor made. And it makes me wonder. It really makes me wonder. Even when something may be right, if it is not done right, how can one accept it to be right? I will show you an example.

The Leader of Government Business, for whatever reason, basically told this Legislative Assembly that just like the Development Plan 1997, everything was cool with these amendments. So, in the Development and Planning (Amendment) (No.3) Regulations, 1997, section 3, subsection (2) reads as follows: **“Regulation 7 of the principal Regulations is further amended by the addition immediately following sub-regulation (2) with the following new sub-regulation: 2(a) Sub-regulation (2) does not apply to any building registered as, or as part of, a strata title under the Strata Titles Registration Law (1996 Revision), or which has been leased or subleased for a period exceeding thirty-one years, which is an integral part of an hotel development of not less than one hundred rooms in an Hotel/Tourism zone, and which is to be used on a continuous and ongoing basis as part of the hotel development and the occupants of which have access to the facilities of the hotel development. A building to which this sub-regulation applies shall have a maximum permitted height of sixty-five feet to the soffits of the eaves or five storeys whichever is less.”** When I first read it, it was Greek, so I do not expect people just hearing it for the first time to understand exactly what it means. But others have quickly explained it much better than I could.

This application for Planning permission for the Ritz-Carlton project, as it is called, had an objection. And there were legal arguments put forward which were related to what I just read. I won't bother to go into all of those details because they are not the point. But after those legal arguments were submitted to the Central Planning Authority, there are two pieces of correspondence from which, with your permission, I would like to quote small sections to explain the point.

There is a letter on 7<sup>th</sup> September, or rather the first one was 2<sup>nd</sup> September and was addressed to the Chairman of the Central Planning Authority, “RE: Condominium at Ritz-Carlton, part of West Bar Beach south, block 12C Parcel 11.” The section I wish to read says, **“The objector seems to be unaware that under The Development and Planning (Amendment) (No. 3), Regulations 1997 [which is what I just quoted from] approved by the Legislative Assembly on 5<sup>th</sup> November, 1997 [where I quoted the Hansard] sub-regulation 7 (2)(a) [now sub-regulation 7 (3) of the Development and Planning Regulations (1998 Revision)] was inserted to provide that the prohibition under sub-regulation 7 (2) against apartments exceeding three storeys did not apply in certain circumstances. Sub-regulation 7(3) provides that sub-regulation 7(2), that is the prohibition on apartments exceeding three storeys does not**

**apply to any building registered or as part of a strata title which is an integral part of a hotel development of not less than 100 rooms in a hotel/tourism zone and which is to be used on a continuous and ongoing basis as part of the hotel development and the occupants of which have access to all hotel facilities.”**

The picture is getting a little bit clearer. In a letter of September 7<sup>th</sup> to the Chairman of the Central Planning Authority, re: the same condominiums at Ritz-Carlton, the third paragraph of the letter reads: **“However, on the 5<sup>th</sup> day of November, 1997 the Legislative Assembly approved The Development and Planning (Amendment) (No. 3), Regulations, 1997, which removed the sub-regulation 7(2) prohibition against apartments exceeding three storeys in certain circumstances. In particular, under new sub-regulation 7(3) of The Development and Planning Regulations (1998 Revision) the prohibition under sub-regulation 7(2) against apartments exceeding three storeys does not apply to any building registered as or part of a strata title which is an integral part of a hotel development of not less than 100 rooms in a hotel/tourism zone and which is to be used on a continuous and ongoing basis as part of the hotel development and the occupants of which have access to all hotel facilities.”**

Now, let me put that in my language. What has happened is that when this development was originally put forward, what the developers wanted to be able to do, the Planning Regulations did not allow to be done. So, when they were making these amendments, bearing in mind this specific project, here comes sub-regulation 7 being [an] amendment with a new insert.

In plain terms, there are two sets of condominiums to be built on the seaside, which is parcel 11. The plans call for two five-storey towers which will house those condominiums which are to be sold. The way the regulations were prior to that, you could only build and sell condominiums in that zoning up to three storeys. Now this regulation allows condominiums to be built and sold in five storey buildings which is what is needed.

What that means is that if they built these two five-storey towers with the regulations as they were, they would be able to have 48 condominiums being able to be sold, and the other 24 units would have to be held part of the hotel development. That is what that means. This new amendment allows for the entire 72 units to be called condominiums and to be sold once they are an integral part of the hotel operation, meaning they will be rented within the operation of the hotel.

You see, Mr. Speaker, the point of that is . . . I am not going to stand up here and argue that it is wrong to allow that to happen. But all the other hotel developments that have taken place prior to this were not able to do that and since then I have heard of other hotels wanting to be able to do this same thing.

My point is this: This is legislation for this country. It is obvious that this amendment was made specifically because of that project. When the amendments were tabled that was not mentioned. My opinion is that it was not mentioned because if it could go through, and everything



go on with nobody noticing it, easy time, no explanations. That is what I consider to be wrong. If I were to be nasty and cynical I would wonder what other legislation specifically tailored for other situations has passed through. Of course, they are going to say it is our responsibility to read it. I know.

**Mr. Roy Bodden:** Devious!

**Mr. D. Kurt Tibbetts:** But take that out of the equation and I think my point is made.

That is a supposedly small instance. But the significance of that is the way the Government operates. I know you, Mr. Speaker, and I know any well-thinking person with no thought in his mind but to do what is right, even if it were considered that the project is good for the country and if we have to make some amendments to our legislation or our regulations to accommodate the wants and desires of the project, let's do it. But tell us about it! Come and explain it to us. Say, *'Gentlemen, this is what this is for.'*

The reason, I contend, why it wasn't explained is because they didn't explain anything so they couldn't explain this. To explain this, they would have had to tell us the whole thing. And, Mr. Speaker, it would take the Good Lord to tell me that that is the right way to do it. I don't want to dwell on this one too long. But I believe that the point has been made.

And do you know what I like? One of these letters which was sent—and which I have read before—says that this thing was “inserted”. That simply means that it was put there to suit the project whether they meant to say that or not. Do you see why, no matter how good it is, it looks bad? At this time I am going to resist the temptation to follow up on that specific point. But it is, again, obvious to me that some parts of the Government at least, seem to believe that we ‘lesser’ beings are not capable of grasping such situations so it is best to shove it all through

**Mr. Roy Bodden:** True! And it is that underestimation that is going to ruin them!

**Mr. D. Kurt Tibbetts:** —and when it is all over everything will be kosher.

You know, Mr. Speaker, we are talking about the politics of the situation. That is what I resist the temptation to do right now.

**Mr. Roy Bodden:** You should do that 'cause that's important.

**Mr. D. Kurt Tibbetts:** Talking about the politics of the situation, and I am as serious as I can be, I did not come into this place to cut deals, or to swing this, or to swing that with nobody!

**Mr. Roy Bodden:** Hear, hear!

**Mr. D Kurt Tibbetts:** But I am capable of reasoning anything out if given the opportunity. What I despise, detest, abhor (and any other word that is similar to that), is anyone taking my existence and saying that it doesn't matter because I am here with a responsibility.

And I am coming back to one other little argument again, Mr. Speaker. I am going to show you (this is my humble opinion) what I consider devious. We did not pick this up and turn the tables around; we could not have picked it up because we didn't know about the project; we didn't know the details of the project; we could not have known out of innocence that this was what it was for. It doesn't mean that if somebody had come and explained this to us, that we were going to say no, no, no, you know. It doesn't mean anything like that. But what it gives rise to is the suspicion that I was talking about earlier on, even if it's unwarranted. And then you hear that all we do is live, connive and contrive to get into arguments with the Government. But we must! Or we go home like dogs, wagging our tails behind us—and *I ain't doin' that!*

The argument in this Honourable House surrounds the question of the extension of the lease. There are some people who do not believe that we should extend that lease because the damage caused by the development to take place is going to be a price too high to pay. There are others who do not see it that way and who believe that the supposed financial rewards of the project to the country outweigh all of those factors and we should move ahead with it. I am a reasonable person. But when we find little things along the way that are clear indications that everything is being helped along and skewed in a certain direction, how can we reasonably sit down and look at the pros and cons and say it is handled properly?

If I decide that I am going at you, I will do so with whatever means I have available to me. If somebody has enough sense to stop me and says, *'Listen, hold on. I know how you feel. But can we stop and think about this and reason it out first?'* That usually is the best way. But the Government is either incapable of doing that, it doesn't want to do that, or it has reasons why it cannot do that. Therein lies the suspicion.

I remember several months back—and this is as true as I stand here approximately 12.40 PM, today, 30<sup>th</sup> September—I was in a certain place and a young man I have known for many years, but whom I hadn't seen a long time, said to me, “Kurt, come here. I want to tell you something.” So I asked, “How are you doing? Good to see you.” We talked a little bit, and he said, “There is something I don't understand and it has been nagging me, nagging me, nagging me.” After we talked a bit and (and I cannot quote him verbatim, but I can promise you I am not going to add anything to what was said), he said to me, “Why is it that some piece of land out by Safe-Haven that belongs to the Government is so important?” He first of all asked me if Government had any land out there. I said I thought so, but I wasn't 100% sure, but that I would find out. And he proceeded to tell me about a conversation that he had heard.

**Mr. Roy Bodden:** Tell him between whom...

**Mr. D. Kurt Tibbetts:** In the location where he works, which was the Holiday Inn, he said that he didn't hear the entire conversation because it wasn't like he was listening, he was doing his job. He's a bartender. He was busy serving. But there were some important people around the bar, some Government officials. And he couldn't help but hear them saying that this piece of land they couldn't do anything with it because it was a very valuable piece of land.

I came to find out, after I had checked it out, that this piece of land is a piece of land owned by the Crown and it butts and binds parcel 215, which is the large piece of property in question in this development. I am not very good at directions, but this is a ten-acre parcel that was part and parcel of the Planning approval conditions for the SafeHaven project whereby they reclaimed the property and they handed it over to Government. In fact, a lot of the local operators in the North Sound now dock up alongside of that piece of property. He said to me . . . and I had to leave him like that. In fact, I have never gone back to him to say anything about it, because the truth is I have never seen him since. But he was talking about these politicians who were at the table talking about this thing.

Now, Mr. Speaker, I am going to tell you the reason why I am bringing that up. Heaven forbid that I try to bend anything to suit me in the line of argument!

In their efforts to try to somehow massage the minds of the conservationists, and with all the putting together of the project, what they have said for the North Sound, as the Minister for Tourism has said, is they are leaving the 300 foot buffer zone adjacent to the North Sound because those mangroves are very important. The project does not call for any avenue into the North Sound.

And I am going to tell you what else I know. Initially when they were talking to the Planning Department, they had plans to go through the North Sound, but when they found out about the possibility of the arguments and when they found out that, by law, actually 300 feet of the mangroves was to be retained . . . you, too, sir, were on the Planning Authority, and I am sure you know that quite well. They actually said, *'Okay, scrap that idea. Not try to look an avenue out.'*

The way the project is right now, you know, is that section where the golf courses and the waterways are is totally landlocked. But I want anyone to tell me that somebody is going to buy a house lot for \$2 million. Just a lot now for \$2 million--have that kind of money--can smell the North Sound right alongside and not have access to be able to jump in a boat and go for a ride-- or go sightseeing or whatever when they please. Nobody can convince me of that.

So you see, while there is a certain amount of assumption on my part, it is not an unreasonable assumption. I want it recorded in the *Hansards* today. Why I am bringing that point up is that if this thing flies, when this thing is all over we will know how valuable that Government piece of property is. Logically, they cannot go through SafeHaven and cut a canal through the SafeHaven property into the canal by SafeHaven unless they

are going to buy a certain portion of the SafeHaven project which is not for \$1 either. We will see how valuable that is. But they must—and they are going to—seek access to the North Sound.

That is not devious either, you know. I am not saying anything bad about that, because the developer wants what he can get the best way he knows how. And when he is selling these villas and these house lots, believe me, he is going to have a way to get access to the North Sound otherwise he is in trouble with sales. I can guarantee that. But the point I am making about the whole thing is by chance to hear this conversation and now I understand why this piece of land is so valuable.

This is my question: How can you broker on behalf of a people if you're a lawyer and you don't have instructions? If you are a real estate agent and you don't have anything like instructions from anybody, they don't tell you what they want, or if they are selling they don't tell you how much they want for it? How can the Government, elected as they might be, put a package like this together and not inform anyone about it until the deal is done? Trust one must have. But, blind trust? No more!

The line of argument that I am bringing here today is not even to try and simply say that the whole thing is bad, that there is no merit to sitting down and looking at it; but to simply say that while the Government is an elected Government, if we even look at it morally, they do not have the right to deal with the situation like they have without some type of consultation.

I remember a while back adding some numbers up. And I am not being disrespectful to anyone, but I can promise them that if they look at the numbers that they represent, they are less than the numbers that we represent. And whoever else from the Backbench who may have been privy to those dealings, for whatever reason, is not who I am talking about. But I am saying that the people did not have fair opportunity to give input. And not everybody is going to agree, but the people didn't have a fair opportunity to give input for Government to come back and say, *'All right. I hear your case, but now here is ours. Please sit down and listen to us, just like you expect us to listen to you.'*

It has to be wrong! But the politics of the situation with those two examples does not end there.

**The Speaker:** Would this be a convenient time to suspend for lunch? We shall suspend until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 12.50 PM

#### PROCEEDINGS RESUMED AT 2.39 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate on Private Member's Motion No. 17/98 continues. The First Elected Member for George Town.

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

When we took the luncheon break I was talking a little bit about the politics of the situation with this proposed project. I had mentioned a couple of examples to

show in my mind where things were not being handled properly.

There is another little instance I am hearing about which I believe to be true and I think warrants mentioning. I remember not too long ago hearing of a situation where the lawyers for some investors in the country had asked that the requirements be waived whereby the investors had to advertise in the local newspaper to allow the possibility of Caymanian participation in a certain project. My understanding is that when the Trade and Business Licensing Board was made aware of this request every one of them, barring none, thought that it was unbecoming to even think that this requirement should be waived not to allow the possibility for Caymanian participation.

As we all know, sir, there is that principle which is applied which says, *If foreign investors come to the country to invest in order for them to get a Local (Companies) Control licence they have to advertise to allow Caymanians the chance to participate in the specific venture in case any Caymanian is able to participate financially and should that Caymanian see the wisdom of the investment.* I think that principle is an ongoing one, which has been there for quite some time because it is viewed as an inherent right of a Caymanian to do so.

So, I heard about an instance not too long ago when the situation was raised, and this board which issues those licences, all of the members were taken aback. But then, Mr. Speaker, having heard that, I get to understand that the local lawyers representing the developers of the Ritz-Carlton project wrote to the Government asking the Government to waive this same prerequisite. In other words, asking that the developers not have to advertise to see if any local person(s), or group(s) wished to participate in the project. I need not say who the local lawyers are, and who the members of the Trade and Business Licensing Board are. So, you start to wonder how genuine the situation is.

Believe me, Mr. Speaker, I am going to try to do my best, sir. But when I think about situations like that, I really, really have to wonder why it is that whatever we are doing, we have to deal with it in this manner. It is no wonder people work on the presumption that anything being done that involves Government dealing with other entities means somebody is getting something. It is no wonder that people think that. And believe me, sir, I am not here with any wish to cast aspersions. I am not. And I am not saying that to try to be a goody-goody guy. I can be as I please, I know you know that. But I am trying to be straight down the line to try to see if somewhere, somehow, we can do things right.

Working on the assumption that this is true, and as I have talked about other instances, I want to pose the question: How can we, as a fast-developing little nation expect to weather the storm when we consciously or unconsciously, purposely or inadvertently, are our own worst enemies? How can we expect to stand up and make the statements that to move us forward into the 21<sup>st</sup> Century we have to work together? Together for whom? For whom it suits? It cannot work like that. It cannot!

One might say that to deal with the situation along these lines is straying from what we are talking about. But it is not! The truth is, this is what it is all about. If everyone was satisfied and happy that everyone was acting in the best interest of all concerned, we wouldn't have half the problems. But, do you know what? While I went to the bank today to do some business I heard two people laughing, and I heard one say to the other "The only good change is the change in your pocket." I'm still not quite sure what they meant, but it rings a funny little bell in my head when I think about it.

Mr. Speaker, the ground rules are now being laid. The people in this country, whether rightly or wrongly so, no longer have loyalty to someone just because of who that person is. People are looking for performance. The people of the country want to know that the people they put here not only act in their best interest, but are seen to be communicating with them in order to bring about the best decisions possible.

Now lest it be misunderstood that I am complaining because I am not in the middle of the fray, it's nothing like that. I have always learned to stay in my little corner. The marbles that are mine, are mine. I am even very careful if a good friend comes to offer me a special marble. Before it was all right, but not so any more. Many times, nowadays you get offered a marble, and you think it is in good faith, and by the time you are finished you hear fifty reasons why you took the marble.

The moral to that story is simply this: Even when everything is totally correct, it must also *appear* to be correct. Don't take any chances. They could tell me a million stories, a lot of chances have been taken with this project.

I would like now to quickly put an overview into the situation of the original motion and the amendments that were brought forward. This, too, bears relevance in my mind because it will paint the picture of what we are dealing with.

The amendments that were brought, first of all were solely intended to get the Government thinking along the lines of *'listen, perhaps we need to re-think our position. Perhaps we need to re-enter the negotiations. Perhaps we might be able to get a situation where the people of the country are more satisfied'* bearing in mind you still want the end result of allowing this hotel to be done.

There are some arguments about the original motion, these amendments. The politics of that situation would expect that perhaps the mover of the original motion could well find reason to be mad because of the amendments, but that was never the intention. To me it was obvious the Government had numbers to ensure that the motion was not going to pass and I simply tried to do what I thought was right at the time to see if we could hold the brakes and allow for some type of situation that is more palatable.

There is also the situation-- something in Erskine May, I can't explain it and I am not about to, because that is not what is important--which causes a problem because the seconder of the original motion also seconded the amendments. Regardless of what that problem is, if

there is a problem, regardless of whatever the technicality is with that, the people of this country are not worried about that. They are worried about getting a result of this situation that is satisfactory.

So, any line of argument that is brought along that level really doesn't matter to me because that will not detract from the situation. Both this original motion that is being debated now, and the amendments, had similar intentions. One came after the other simply because other things came to light. You hear people talking, you hear views being aired and you try to see if you can find a situation that is palatable to all concerned. That is the gist of that.

If, at the end of the day, any faction within Government wishes to make a case for that, they can feel free to do so. I know what my intentions were, I know what the seconder intended. That will not change. Any forum that is used to try to make that different from what it is, another forum will occur to straighten that out. I have mentioned before that I like to deliver things in little dribbles. I am not telling it all at one time, believe you me.

Getting back to where the whole focus is on the original motion which is the extension of the lease and the destruction of the mangroves. A banker told me very recently, he said, "You know, you have to listen to every corner, but you have to be realistic." And he went on to explain. I understood what he was saying and I am not far away from those sentiments.

But let us look at what is to come. And this is where a lot of people are not putting the picture together properly. Right now we are having a tooth-and-nail battle over a specific project. But I will bet you that it won't be long before we are faced with a project of a much larger magnitude, which, while the project when completed won't constitute the same ingredients--namely hotels and this type of stuff--there will be a lot of development and the landmass that will have to be dealt with to be able to physically complete the project is a lot more than what we are dealing with now. What do we say to those people when they come?

Do we get the same situation over and over again? Let no one fool any one of us; that one isn't the end of all of it either. There will be more, as I am sure there are more in the pipeline right now. The point is, I am not going to jump into another line of argument right now about who we are developing for: not that there isn't merit to that, but that is not what I am talking about. What I am concerned about is that for the next several years, once everything is going smoothly, we will be having to deal with similar situations or with wider ramifications than this one, on a continual basis. While this is not the first one, this type of thing is just as the lawyers talk about English Law, and how the judges decide on sentences--by precedent.

So, whatever we do now is going to definitely play an important part in how we have to deal with the next one. That is not to say that we shouldn't learn as we go along, but I am only saying that if we handle one situation in a certain way it gives us less strength to deal with the

next situation in a different fashion. And who is going to draw the line?

When some people say that the so-called extreme conservationists are a pain in the you-know-where, I understand them. But what a lot of people do not understand about those people is that the same way a lot of people view them they have to view the majority of the people who don't care about anything else but the fuel that certain types of development inject into the engine called the economy.

As I said before, I am a realist. I know that one doesn't work without the other. I understand that. I live it. I have children too that I have to support. I know how it is. But the merit in the way those people think and act is, they are the--should I say, people who cause the other side of the coin to, hopefully, stop and think.

So, one cannot say that the people who talk about the environment and saving the mangrove, and the problems that certain types of development cause with the ecosystems, the damage to the reef and all that-- one cannot say that those people do not serve a valuable purpose. They do. I venture to say that without them many others with the best intentions would never think of it until way too late as is almost the case now.

Of course, it is difficult for the person who doesn't look into it very deeply to look at real value for money on the one hand that you can see and know what is going to happen, and see something else that has existed forever, has been taken for granted forever, and understand why you mustn't make anything happen to it. I know that is a bit difficult. And that is what we are faced with today.

Lest there be anyone who thinks that I am simply making a case to look good, I went into the North Sound last night. I had a little battle on my hands, but I got home with seven snappers, by about 10 o'clock and had them cleaned; but it is becoming a harder and harder battle every time I go. And if anybody wants to tell me that being able to do that doesn't matter--if all of that falls away it doesn't matter, we have a serious, serious problem.

As simple as that is, no amount of money can equate to that to me. Do you know what they will tell me? Why don't you go out on the waterfront when you want a piece of fish? You're too cheap. Why don't you go and spend \$15 if you want a meal of fish? That is not the point. I go there because I enjoy it. That is one of the few perks that I enjoy in my homeland that is natural. It gives me peace of mind. It gives me the will to come back tomorrow and fight the battle again, plus the little competition between me and those fellows under the water to see how many get away and how many I get.

That is inbred in the people of this country. And who doesn't think that that type of stuff is important any more either didn't get on the boat, or got off too soon, but they are certainly not on the boat any more. That is only me. But that has much wider reaching ramifications.

There are many tourist-related activities in the North Sound and the argument that spews out now is, if you take from the North Sound Estates right down to Barkers, most of it is gone anyhow, so you have to just say that that's dead. But there is something else I want people to

remember: The quicker the rest of that goes the way it has gone before, is the quicker we will see the demise of what we knew as the North Sound. Not only that, the quicker they start getting up into the other sacred area that as of now people are considering untouchable? -- Even in your lifetime, sir (no disrespect to the age difference), it is possible to have some wonderful project up in there.

The developer, and quite rightly so, doesn't have to be conscious of water clarity. He doesn't have to be conscious of what is in the water. When he is developing he just wants to have water. When he sells his development he doesn't promise 40 lobsters underneath the dock, or the ability to go and catch fish. He promises that you will have a nice dock, a nice seawall where you can tie up your boat and you will have access to go and use your boat to your enjoyment. That is what he promises. But it doesn't end there. And that is what we have to be conscious of.

Because I cannot be scientific, I am trying to put it in ordinary terms. But that is what we have to be conscious of. We have to find a way to allow that developer to do what he wants to do within reason. But for us to ensure that we can guarantee the natural beauty of the environment to remain. That is our job.

Now, I am not telling you that it is an easy job. But the way a lot of us look at it is, because in the recent past we haven't had these things happening to us overnight, we figure that this little one won't hurt. Let's let this one go, because we need this one now. And then we worry about the next one when it comes. And when the next one comes along, you say the same thing not thinking for a minute that sooner or later no more will come along because you won't have anything else to offer anybody.

You say, *'Well, I won't have to worry about that because that won't be in my lifetime.'* Possibly so. So where is the preaching about the children? Not because it might not happen in our lifetime does not mean that we do not have the same responsibility. That is no excuse.

Mr. Speaker, getting back to the dollars and cents: let me set the record straight where I stand. I understand about the twin pillars of the economy. I understand that we have children coming out of school every year and we have to keep the economy sustained to the point where it can absorb those children into the work force to have meaningful lives in society. I also understand that we have to create a certain ambience, a certain *laissez faire* situation that attracts investors to the country. I understand all of that

But interested developers who want to invest in this country cannot be held responsible for what I am talking about here because it is our responsibility; we are the green light not them. So the argument being talked about now really has nothing to do with the developer because the definition of him is universal. Everywhere you go, you know what you are dealing with. It doesn't mean that it is bad, it just means that the way he has to think to make his money work for him is a certain way and that's what you must expect—no more, no less. That's a given.

I guess like all politicians you could call the developers a necessary evil too. But this is our country. And we must be able to balance what the Third Elected Member for Bodden Town referred to as sustainable development ensuring that what we have as natural attractions in this country must remain. They are tied in. We can say how much tourism we need, and how many hotels we need to make sure to keep the economy going. But while it just goes bit by bit, the day we don't have those natural attractions is the day we will not have the choices about which hotels we are going to allow to come here. That is the day we have to worry about Cuba and the other places.

So, Mr. Speaker, to sum up, in my view there are two situations at hand. We have to decide, and it seems like the Government has already decided, that whatever land that has to be altered is going to be done. It gives rise to worry about what is going to happen down line with other projects and how we are going to handle them.

If the North Sound could talk, I am sure it would be crying now, asking for help. But, if the Government has already decided that that is the way it is going to be and they have the numbers to play it out, and they have the courage not to listen to the people, however few some of them seem to believe that number is, then I take another step further and say to them that if you, the Government, have decided to go that route and you have decided that that is in the best interest of the country to the best of your thinking, then the Government has still failed to negotiate a sensible lease arrangement with the developers that is to the real benefit of this country.

And so that that can be abundantly clear, I am not talking about the \$6 million plus a road, I am not suggesting it should be \$12 million plus two roads. I am suggesting that because this land belongs to the people of this country the benefits that are to be derived from allowing others to use this land for any given period of time, those benefits must be spread out so that all the people in this country during the time others are using that property must benefit from it.

To take \$6 million and a road, and call it George, is, as far as I am concerned, giving it away. And there are different ways and means of looking at it. Left to me, they could keep the \$6 million, my arrangement, if it has to be that, is going to be on an ongoing basis. And who's to tell that it might not suit these people? Perhaps, and I don't know, the Government might say they tried that, if they did they didn't try hard enough because regardless of what is said, the moment we seem to not be negotiating from a point of strength, we are lost. I believe that is what happened because certain individuals saw certain benefits within the confines of that specific situation and immediately, as it appeared that way, then the other side knew they had the advantage.

The Government can decide what it wants to do, or how it wants to do it. This much I have to say: this little bit of stuff in this yellow pad is a lot of stuff. But, not having to remind you, sir, but I only drop things in dribbles so it is timely done. If the Government refuses to even make an attempt to put this situation into a more palatable one for

the people of this country, then I not only contend, but I condemn them for their failure.

I can afford to talk like that because, I don't know about anything till it comes here. So they can tell me *I don't know what they went through*. I don't care right now, because they didn't want me to know. So whatever they went through, and however great a deal they think they came up with, it does not meet my benchmark.

As is obvious from the way the situation has gone on from the outset, there is no sense in me trying to reason with them anymore. I just hope and pray that enough of their constituents get to them. Because you see, Mr. Speaker, even now, I promise you and them, even now I can be reasonable. But at this point in time I have nothing to be reasonable about. I do not know how anything was done except hearing some little blah-blah business talking and saying, *'Boy, y'know how hard that was?'* I don't know how hard it was. I don't care! To me, I can't see how hard it could have been when you have your own country and your own people, and because of a circumstance that is external, although you want to add up the benefits of allowing that external circumstance into your country you have to decide which is more important. And don't give me this pious-Joe business about the people don't understand it, but I have to do this to make sure they live. Don't cut that with me, I have sense! It doesn't work like that, and it is not like that. That is just the easiest way for them who believe they don't understand and don't have the ability to understand to say *'Yeah, you do what you gotta do.'* Na! Our people are not like that anymore. They understand.

As I said before, people are no longer judged on who they are but they are judged on their performance. And with this project, regardless of what they might think of me and who wants to come back afterwards--because they can come now but there will be other times, I promise them--I don't care what they want to do. I speak the truth as I see it. But if I had to judge one out of ten, they have three that have been lucky with this one.

Regardless of what good [Government] says that will do for this country, it has gone about it in the wrong fashion; the people have not been allowed knowledge of it beforehand; this has caused the people to form their own opinions for which they cannot be blamed. I will not be the one held responsible for trying to change the people's minds, because it is they who put it like that. I didn't have anything to do with it.

After the end result of the motion is done I will wait to see, God spares life, what is done and how it is done. And my memory is good. And there are even a few things that I didn't say here today that I also know about but I will know if it happens that way and I can promise them, whether they think there is relief on the horizon now there won't be any for them once I know that those things happen like that.

Those are not threatening words, Mr. Speaker, those are simply stating my position. I do not believe that we can run a country handling important situations like that. And it has continually happened and it always appears there is something to hide. And if there is nothing

to hide they must change their style. I don't want to bring up the budget and all that now, but they know what I am talking about. It took almost a world war to get them to even try to do that right because the hand that holds the power feels it must not be touched. The difference in all of that is that the hand that holds the power today is only fed blood by the people. When the people cut that flow off, the hand withers.

Thank you.

**The Speaker:** Before I call on another Member to speak, would you like to take the afternoon break? Proceedings are suspended for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3.29 PM

#### PROCEEDINGS RESUMED AT 4.05 PM

**The Speaker:** Proceedings are resumed. Third Elected Member for George.

**Mr. Linford A Pierson:** Thank you Mr. Speaker.

Private Member's Motion No. 17/89 – Proposed Ritz Carlton Hotel is a very sensitive issue. There are two sides to every coin and I will try as best as I can to present a balanced argument to my debate. I have always been one who respects the rights of others and that is why when other Members are speaking I do not jump up and interrupt them or interfere with their trend of thought but out of respect, unless I can prove that they are seriously out of order, I allow them to exercise their democratic right.

In the words of British Prime Minister Mr. Tony Blair, *I certainly would rather be popular than unpopular. But, I would rather be unpopular than be wrong.*

Before dealing with Private Member's Motion No. 17/98, I wish to comment on a number of statements that were made by one or two of the previous speakers. It is not my intention to get personal and to start naming individuals as I respect them for their various points of view. So, Mr. Speaker, you will not hear me getting personal with any individuals but I will try to confine my comments to the merits and demerits of this motion. However, there were a number of implied statements made about members of the Backbench who may not find it possible to support this motion.

Suggestions were made that if they did not support the motion then they were supportive of the National Team Government. Mr. Speaker, I will not comment on that very much because I will treat that statement with the simplicity that it deserves. I am reminded of the sage commentary made by Harold Macmillan, the former British Prime Minister, who said, **"I have never found in a long experience of politics that criticism is ever inhibited by ignorance."** I have heard much said here on this motion and I understand that it is a very emotional issue. I trust, as was mentioned earlier, that I will be able to bring to bear a balanced position on this.

Mr. Speaker, I have been involved in politics since 1980 and in that time I have won three elections and lost

two. So, I know what it is to lose an election. Any threats that I am jeopardising my position for the year 2000 or whatever, are not going to have an intimidating effect on me. I think people that know me know that I speak my conscience and I do not need anybody to influence me. I think I am intelligent enough to make up my own mind and to decide what position I should take that I feel is in the best interest of my people. It does not always mean that that position is going to be acceptable by all and sundry but it does mean that before I reach a position I think very seriously of the pros and the cons, not only of winning the next election, but on the beneficial effects it will have on my people.

Mr. Speaker, there are very few people in these islands, if any, that are not aware of the tribulations and trials that I suffered in the last election. There is no doubt at all that I ran as a member of the Democratic Alliance. So there is no doubt where I stood but I am not sure that all of my honourable colleagues can say that they did not receive help from the National Team Government.

Mr. Speaker, I have never in my years in this House attempted to be all things to all men because it is only an individual without any direction that can ever attempt to be all things to all men. You sometimes have to take a position, regardless of whether that position is popular or not.

If at the end of my debate my position is different from any of my colleagues, I would trust that they would be gracious enough and indeed intelligent enough to understand that we all have a right to our various opinions. Neither am I the type of representative that shifts with every wind that blows. I am reminded of a remark made by the First Elected member for West Bay when he said you either have to be fish or fowl, you can't be both.

Mr. Speaker, I have tried to be a person in my personal life, as well as in my political life, of integrity my word is my bond. My history in politics will show that I have not been afraid of standing alone on any issue if I feel that I am doing right. This motion, Mr. Speaker, like a lot of sensitive motions that I have had to deal with on both sides of this House, as a backbencher as well as a Member of ExCo, is a motion for one's conscience. This is not a matter where Members of this Backbench have sat and decided to take a particular party line on it. I will not go into those details because most members of the Backbench know that we did not take a party line on this. Mr. Speaker, if I have to stand alone on this, I stand alone.

Members of this House, past Members, some of them are present, and indeed the whole country can remember back in the period 1988 – 1992 when I stood alone on the Hospital issue – the Hospital in the swamp. On that issue, perhaps the only reason that I did not walk the floor on that issue was because of respect for Mr. Benson Ebanks and Mr. Norman Bodden and that I did not want to see my government pulled down. That is the type of man I am Mr. Speaker, when I believe in an issue, I believe in it. Some Members of this Backbench I remember speaking to me and saying, "Linford, you should cross the floor on the issue" but I said no and I was told if

I did so I would have probably topped the polls in 1992. Instead I lost the election in 1992.

But, I can live with myself because I feel that I am a man of my word; I am a man of integrity and win or lose, if I believe in an issue... and I believed in my colleagues, and I stood by them. And that is why I can freely say to [either] side of this House today—they know deep in their hearts that if I am with them, I am with them. Nobody needs to question which way I am going and I resent when that is done.

Similarly, I also spoke and stood, not alone, but with just a few people, on the issue for capital punishment. I felt that capital punishment was wrong and I still feel that it is wrong and if it means the election because I feel that it is wrong, then I feel that it is wrong. I see no proper deterrent in it.

Just like recently I voted against corporal punishment because I do not feel it is right. I do not know how many of us would want to see our child, our sister, our brother or mother strapped with a cane in the public. How many of us would want to see it? Yet we keep wanting to bury our consciences.

The SafeHaven project: I got a lot a criticisms on that but strangely enough, some of my biggest critics were the first ones to go to the opening of the project and I am happy that they did. I got a lot of criticisms, but before the Links was built at SafeHaven, Mr. Speaker, it was a back water filled with mosquitoes. Look at it today. Where are all the critics today?

Mr. Speaker, we have also heard about what the people say. We have heard remarks about 2008. Some of the people remarking about 2008 perhaps have not gone to one of the meetings. What do the people want in the year 2008? Let me tell you, from the vision statement-- and there were sixteen such statements that were documented, from what the people said, not just one. And I will say that one of the important ones was that the country which manages growth and maintains prosperity must also protect our social and natural environment. That is one!

But also importantly it says they wanted a country with a vibrant diversified economy which provides full employment. Mr. Speaker, what I am trying to point out here is that there is not one Caymanian that wants to destroy the environment. I do not think there are any Caymanians out there that want to do that. For anybody to give the impression in, or outside of this House, that any of us want to destroy the environment is downright mischievous. They are not telling the people what is correct. I also wonder if a lot of people going around opposing this project if they had not been employed with the National Trust if they would be quite as interested as they are proving to be.

Mr. Speaker, whether people like what I say or not, they are going to hear it because I have a right to speak in this House as any one else.

We are looking at sustainable and sensible development. That is what we are looking at and I will speak to this later on, on the two main pillars of the economy, our financial and tourism sectors and how they interrelate.

I remember back in 1988–1992 when there was a cry that there was too much development. Halt development! And then by 1992, because of the recession that also hit the Cayman Islands, we had almost a thousand people out of work. Then, everybody was concerned about it and anybody that has been keeping their ears to the ground would have been noticing the melt-down in the global economy and the threatening situation that threatens the United States and the western world including the Cayman Islands.

The Honourable Minister for Tourism made reference to the possible situation that could hit these Islands. Yet, we hear everybody saying, no, we do not want development and if we do want, I hear most people say, yes we want the Ritz Carlton but you must do it the way we want you to do it. And I will also touch on that. The point I would like to make very early is that a five-star hotel comes with certain requirements and commitments. There is a demand check list of certain things that must go with a five-star hotel.

Mr. Speaker, on the question of 2008, as it was mentioned in the debate, I would like to take this opportunity to thank the person who was the author of the whole idea of the whole script on the 2008: His Excellency the Governor. Even though I have heard certain derogatory remarks made of that gentlemen. I think he is doing a fantastic job in putting this country on the right track with the 2008 and the many other initiatives within that strategic sort of grouping such as the reinvention and other areas. Already we are seeing positive signs of that.

Mr. Speaker, when I was elected for my third term in this House in 1996, I made it quite clear, not only to this Honourable House but to my constituents, that I would do whatever I could to provide the best possible representation to my people. The only reason why I went through some of the instances when I stood alone, was to make it quite clear that it does not matter to me who votes for this motion or who votes against the motion. I am going to take the position that I think it is right in my heart on the whole issue. I am not going to be following anybody's example like I see a lot of Members doing. They change from one minute to the other; they do not seem to have any backbone. I will certainly be doing what I think is right. So, whether or not the Government bench decides to support this motion, is immaterial to me. I am still going to do what I think is in the best interest of the people of these Islands.

In this connection, I have received also a number of telephone calls on the issue. I have received some saying that it is a bad idea to let the Ritz Carlton go through with this project but I have also received others saying that it is a good idea. So I have to take both sides and try to balance the situation. I am not going to try to play politics with this, Mr. Speaker. It would have been very easy for me to say, "Let me go with the flow", but I would have been going against my conscience because I see a longer term benefit to these people in having a five-star hotel in this country.

While we are here during our four-year term, it is not enough for us to, as soon as we warm these seats, be looking at the next election and moving with every wind of change so we can hope to win the election. We need to provide the best possible representation for our people. Some will be popular and some will be unpopular.

**The Speaker:** May I interrupt you for a moment, we have reached the hour of 4:30. Would you move the suspension of Standing Order 10(2) so that we can continue? The Honourable Minister for Education.

**Hon Truman Bodden:** Mr. Speaker, I move the suspension of Standing Order 10(2) to continue until 5:00 PM, sir.

**The Speaker:** The question is that Standing Order 10(2) be suspended so that the House can continue beyond the hour of 4:30. Those in favour please say aye, those against no.

**AYES.**

**The Speaker:** The Ayes have it. We will continue. Third Elected Member for George Town, I apologise for the interruption.

**Mr. Linford Pierson:** Thank you Mr. Speaker.

Mr. Speaker, it is against this background and with this philosophy in mind that I have said time and time again, and as I said earlier, that I will not object to matters brought to this House just for the sake of objection. If I feel a matter is good for my people, I will support it. If I feel that it is not good, regardless of whether it comes from the Government Bench or the Backbench, I will not support it. That is the type of representative I am.

You know Mr. Speaker, some of the Members of this Honourable House have very short memories. Very, very short memories indeed. It has only been two years ago when we had an election. Some of those Members, had it not been for the help that they got from the very people they are trying to tear apart today, they would not be sitting in these hallowed halls.

Mr. Speaker, let me repeat for clarity, that I am here to provide the best possible representation and if that means that I agree with the Government Bench, so be it. And anybody who wants to go and try to give the impression on television or on radio (or whichever way) that because I support an issue that the Government brings that I am a supporter of the National Team, he can do so, but the public [will] know that [it is a lie] because the public knows the type of man I am.

I would like to make reference to the specific motion before us but before doing so, I think it is only right that I clarify a comment on an issue that was brought before this honourable House.

Mr. Speaker, a letter was tabled in this House by the Third Elected member for West Bay, written by Mr. Michael Ryan. It stated, inter alia (among other things) and I



read: **“Mr. McField [meaning Dr. Frank McField] at the end of the meeting with myself [meaning Mr. Michael Ryan] and Mr. Putterill, extended an invitation to come as a guest at his television show, Public Eye, to discuss the project and explain it to the public so that they could better understand and support the project as he then understood and supported it. Due to scheduling problems it was not possible to take up his kind offer to appear on the show. Mr. McField then offered to arrange a meeting with the rest of the Backbenchers to discuss the above mentioned matters.”** When I heard that Mr. Speaker, I had planned to ignore that matter because as far as I was concerned, it was a letter from the developer who was not being supported by the person he was writing about so I sort of wrote that off.

But Mr. Speaker, today I am in receipt of a letter from a gentleman that I have known for many years and whom I have the highest respect for that has indeed supported everything that was in Mr. Ryan's letter and I will table that letter. It is from Mr. Bruce S C Putterill who is a senior partner with Hunter & Hunter. The letter reads: **“Dear Mike, [this was written to Michael Ryan] Re: Ritz Carlton Project:**

**“I refer to a letter you wrote to John Jefferson, Jr. summarising the meeting held in my office attended by yourself, Dr. Frank McField and myself. I confirm that your letter accurately reflects my recollection and understanding of that meeting.**

**“I arranged that meeting with Dr. McField as a result of various statements made by him published in the *Caymanian Compass* as well as various other articles in the *Caymanian Compass* which were based on incorrect information as to the proposals by the Cayman Islands Government for the extension of the Head Lease for the property on which the Ritz Carlton is to be built. It was certainly my impression that, having corrected this misinformation during the course of the meeting with Dr. McField, he was supportive of the project generally. He offered his assistance in arranging and did in fact arrange a meeting with the Backbench MLAs on the Monday after our meeting with Dr. McField the previous Saturday morning.**

**“There was some discussion about your appearing on Dr. McField's television program so that the misinformation could be dealt with on that program. There was also discussion as to how the payments being made by the project to Government should properly be allocated and expended by the Government. The only reservation expressed by Dr. McField at our meeting was that he was critical of the Government and the way in which the Report had been laid before the Legislative Assembly and which had led to misinformation being published in the local press in the first place.**

**“I will be pleased to deal with any queries.**

**“Yours sincerely , [signed] Bruce S C Putterill”**

I would like to hand this to the Serjeant to lay on the Table so that it now becomes a public document.

**The Speaker:** So ordered.

**Mr. Linford Pierson:** Mr. Speaker, I do not propose to comment on that letter because I think it speaks for itself.

Mr. Speaker, I wish to now move to the Private Member's Motion, the text of it, but first to deal with the amendment that was brought against that motion.

**The Speaker:** You do not anticipate debating the amendment because the amendment failed. You do not intend to debate that?

**Mr. Linford Pierson:** No, Mr. Speaker, just to make reference to it. The point that I want to make here is not to debate the amendment because it has failed, but to highlight the effect that the failure of this amendment has on the substantive motion. I voted for the amendment because I felt it was a compromise situation that the Backbench was trying to reach. But the only reason I voted for that amendment is because I felt it was a more reasoned position than the substantive motion.

The amendment had the effect of changing three of the four resolve sections of the motion. If that is not a substantial and material amendment to the motion I do not know what is. So in effect, Mr. Speaker, the amendment emasculated the major motion. It took away the substance of the major motion and basically what the amendment was saying is that because of the substantial amendment made, we are not happy with the first motion before us, therefore this is what we would like to replace it with.

Mr. Speaker, if the position is that I am not happy with the original motion and that I have decided to support something that I think is a more reasonable motion, how can I, or any Member on this Backbench who supported the amendment, now go back and say that *because the amendment failed we are going to support the original motion which we felt was not an appropriate motion?*

That would be a contradiction and it would show confusion. I cannot see any Member, and I will repeat that, that supported the amendment to that original motion because of the substantial and material nature of that amendment, it practically destroyed the original motion. Now, how can we go back because that amendment failed and say that we are going back to support something that we felt was not adequate in the first place?

There is nothing procedurally wrong in going back to the original motion but it would be a farce for us to do that. We have actually said on this side of the House that it was not appropriate. If it had been one or two amendments I could understand. But there were three of the four Resolve sections that were changed. So it changed the whole motion and in actual fact it replaced that motion as far as we were concerned on this side, those of us that voted for it.

No matter how we try to get around that, we cannot change that fact. It deleted the second, third and fourth Resolve sections of the motion. There were only four Resolve sections and it deleted three of those four. In prac-

tical terms, Mr. Speaker, the motion should really fade away and more so I do not see any of us on this Backbench, I want to drive that point home, that supported the amendment now turning around and saying that we made a mistake we did not need to do that, so we go back to the original motion. It would show confusion Mr. Speaker.

I now come to the question of the merits and demerits of a five-star hotel. I am not concerned in my debate whether that five-star hotel is called a Ritz-Carlton or a Waldorf Astoria or any other five-star hotel. I am dealing with merits and demerits of a five-star hotel. Before we can start talking about the amount of land we are willing to allow the Ritz-Carlton as a five-star hotel to use, we should have first looked at the requirement and the checklist for a five-star hotel. 'Yes, we need a five-star hotel,' but on the other hand say 'We are not going to give sufficient property for them to build a five-star hotel.' That doesn't make sense.

What are the requirements for a five-star hotel? I think this was alluded to by the Third Elected Member for West Bay, and also the Honourable Minister for Tourism. But for the purpose of clarity and to continue the trend I am all, I would like to, for emphasis . . . I remember one of my colleagues whom I served with on Executive Council reminding me when I told him that he was repeating things, he said, "Repetition, my son, bears emphasis." So I would like to repeat this because it is important to the whole idea as to how much property a five star resort may require. But before I touch on that, I want to draw to the attention of this Honourable House and the listening public what is expected of a hotel resort similar to the one we are trying to encourage on the one hand, but discourage on the other.

In a hotel what is normally expected is that it is usually a high-rise establishment offering a full range of food and beverage service, cocktail lounge, entertainment, conference facilities, business services, shops and recreational activities. A wide range of services provided by uniformed staff on duty 24 hours per day, parking arrangements vary. This is a basic hotel. What we had down there in the shape of the Holiday Inn, would barely fit into that category because it was something like a two-star, or two-diamond as rated by triple A. We are looking at a five-star hotel.

I was looking through a booklet that was loaned to me called "The Florida Tour Book." In all of Florida the number of five-star hotels you can count on one hand. There are not that many. As far as the Caribbean is concerned, I am not sure that there are any I can think of right now within the western Caribbean that have such a facility. This is a five-star resort. Either we want it, or we don't. But we cannot talk out of both sides of our mouths. If we want it we have to try and accommodate it. It is not what Michael Ryan wants; it is what the Ritz-Carlton will allow if their name is going to be used.

A resort is a step up from a hotel. It is geared to vacation travellers, but in addition it is a destination offering varied food and beverage outlets, speciality shops, meet-

ing or conference facilities, something we need very badly here.

We have been losing a lot of business because of the lack of proper conference facilities in these islands. It also offers entertainment and extensive recreational activities for special interests such as golf, and I would like us to see a golf course on the little piece of land the Holiday Inn was on. Tennis, we couldn't even get a tennis court on there properly, skiing, fishing and other water sports. All of this. Associated social and recreational programmes are typically offered in season and a variety of package plans are usually available including meal plans incorporated into the rates. Larger resorts may offer a variety of guest accommodations. That is basically what we are looking at in a resort such as the Ritz-Carlton five-star resort.

I have here also a magazine that is used by the triple A group to rate hotels, and they rate them from one-diamond to five-diamonds, or as we call it, one-star to five-stars. The difference is like chalk and cheese. We have no five-star on this island. The closest to a four-star would probably be the Hyatt or the Westin. We are aware of the amount of property that covers. But a five-star or five-diamond hotel is in the rank of outstanding. You have a one-diamond or one-star that is termed adequate as the Holiday Inn or other small ones, or maybe average I would put the Holiday Inn.

Then you have the three-diamond that is considered very good, probably the Marriott would fall into that. And then you have the four-diamond, like maybe the Hyatt. But no outstanding. No five-star. And then I have a list before me too long to read of the requirements that the triple A would want to find in a five-star hotel. So it is not what we want to suggest to them to use when we talk about compromise. Are we going to change those checklists and say to them, 'Look, we politicians know better and this is what you must use as a five-star hotel?' I think that is presumptuous. Either we say no, we are not going to allow you to come in here, or if we say yes we will allow you to come to the Cayman Islands then we have to try to be as accommodating as possible. But, on the other side of that, with any development that is done in the Cayman Islands, it is important that a happy balance be found. There is no way we are going to sit back and allow any developer to come in here and destroy our natural environment.

I am going to deal with that because I am as sensitive to this as any Member of the public, indeed any Member of the National Trust. So much so that I am a life Member of the National Trust, I was one of the first Members to join the National Trust. But I am also a realist. There is no way I can get up here and preach sustainable and sensible development, yet say you can't touch this or the other.

The Minister for Tourism mentioned that Grand Cayman is 76 square miles and has approximately 42 square miles of swamp. If you are going to develop you are going to have to touch on something. And with more than half of the land area being swamp, then we are going to have to decide on what is the minimum negative

impact that will have to be created in order for us to continue this sustained development.

I was speaking earlier about the requirements of a five-star hotel. I just want to say that one of the requirements for a five-star resort—not just a hotel because you can find five-star hotels in a lot of cities. You can go to Houston, you can go to other areas and find five-star hotels in those cities. This is a travel resort that we are talking about.

So in addition to the plush rooms and the amenities that you find within the hotel itself, a resort must offer more. And one of those things that must be offered by a resort is a golf course. It says here, **“A golf element of a signature level within the resort accessible to guests on foot when desired. This element is also critical to attract the important group segment. Signature level for a five-star is a course designed and endorsed personally by one of the major names in golf course design, such as Greg Norman.”**

When we try to reach a compromise, even though I voted for that, that we would try to combine in one lot the property to the west of the proposed bypass road into the site that the Holiday Inn was on, which is 12C parcel 11, then we are suggesting to them an impossible situation. But one of the things I heard mentioned that we could do is probably suggest to Ritz-Carlton that they should get a car and drive the tourists down to the Links. Well, we are not sure that the Links would agree to that.

But the question that we need to ask is whether this is suitable to the Ritz-Carlton. I am not here to push the Ritz-Carlton or not to push it. I have nothing to get out of it. As a businessman I wish that a company in which I have shares, Century 21 had gotten the real estate. But I am very proud that the company owned by the First Elected Member for West Bay got it. And if we were right-thinking Caymanians we would be proud of him too, that one of our own would benefit from something like that. The problem with many of us is that we are much too jealous of our fellow man and do not want to see him get anything. This is the wrong attitude for any of us to take.

Further, because I wanted to make sure that there was no conflict of interest when I spoke on this motion, I had originally spoken to the lawyer connected with this company about getting some space for one of my businesses on the premises and since then I have withdrawn that and told them that I am no longer interested; mainly because I wanted to make sure that nobody could get up in this Honourable House and say that I had any conflict of interest. So, as far as I am concerned, I can speak on this motion freely without and fear or favour, nobody can say that Linford Pierson has any interest in this project.

**The Speaker:** We have reached the hour of 5 o'clock, the agreed time for the adjournment. I will entertain a motion for the adjournment.

**Hon. Truman M. Boddén:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow, sir.

**The Speaker:** The question is, that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House stands adjourned until 10.00 AM tomorrow.

**AT 5.00 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM, 1 OCTOBER 1998.**

**ADJOURNMENT**

**THURSDAY  
1 OCTOBER 1998  
10.20 AM**

*[Prayers read by the Elected Member for North Side.]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper: Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable Minister responsible for Tourism, Commerce and Transport. He will be arriving later this morning.

Item 3, Questions to Honourable Members/Ministers. Question No. 171 is standing in the name of the Elected Member for North Side.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 171**

**No. 171:** Mrs. Edna Moyle asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to state what sports programmes, if any, are in place for the district of North Side.

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

**Hon. Julianna O'Connor-Connolly:** Sports' programmes for the district of North Side include basketball, football, volleyball, netball, cricket, swimming and track and field (athletics). These are conducted by the coaches attached to the Ministry.

**SUPPLEMENTARIES**

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say what evenings of the week these coaching periods take place in the district of North Side?

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

**Hon. Julianna O'Connor-Connolly:** I am informed that the schedule of activities is as follows: School football, Thursdays 11.00 to 12.00, Coach Ken Fogarty; Basketball and Cricket, dates to be finalised with the Principal;

Track and Field with Coach Williams (I do not at this time have the date; I will undertake to get that for you).

- The Community Netball: Arrangements are being made for a joint netball team for North Side and East End with Coach Jean Pierre.
- The Basketball season is commencing 3<sup>rd</sup> October.
- Football: Monday through Thursday, North Side Football Club playing at Bodden Town School Field from 7.00 to 9.00 PM with Coach Ernie Seymour.
- Volleyball is being conducted. I do not have the dates from the Volleyball Association.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I would like to thank the Honourable Minister for that reply, but I gather that it is more or less dealing with the North Side Primary School. My concern is for the young people who take part, like in the football season which has just started. The swimming, I have a little doubt about that, because there is no transportation as far as I understand to take young North Siders into George Town. So my concern to the Minister is the coaching of the young people of North Side in these sports.

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

**Hon. Julianna O'Connor-Connolly:** It is my understanding—as is stated in the answer that I gave]: The first part dealt with the school, that is the football, the basketball, the track and field, whereas the second part of the answer was dealing with the community arrangements.

As I said, I did not have all the times for all the sports the Member asked for but the ones I had I provided. I should add, with the swimming, when I questioned about that because I remembered that that came up at an earlier sitting, I was informed that an invitation had been extended to the North Side persons interested in learning to swim, but that nothing had been forthcoming. I just learned from the Member that maybe there is a transportation problem which I was not previously aware of.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister elaborate, on the "community sporting events"?

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

**Hon. Julianna O'Connor-Connolly:** I am advised that as far as the community is concerned--and I repeat, that arrangements are being made for a joint netball team from the districts of North Side and East End with coach Jean Pierre. The Basketball season is commencing on Saturdays, 3 October; Football, Monday through Thursday, North Side Football Team is now playing at Bodden Town School Field, and there is a substantive answer as to the field which will explain the reason why. And under the guidance of Coach Ernie Seymour (Gillie) I am instructed that the Volleyball in the district is conducted by the Volleyball Association. The times and the venues I do not have at this stage.

**The Speaker:** If there are no further supplementaries we will move on to question No. 172, standing in the name of the Elected Member for North Side.

#### QUESTION 172

**No. 172:** Mrs. Edna Moyle asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture for the completion date of the upgrade of the Old Man Bay playing field.

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

**Hon. Julianna O'Connor-Connolly:** The Old Man Bay playing field is very close to completion. The main outstanding area of work is the completion of the grassing of the field. The lighting was completed on 18<sup>th</sup> September 1998. The field, itself, has grass growing over the majority of the playing area, but there are still a number of bare patches. These are being given close attention and it is hoped that they will be filled in to allow play by the end of October. However, these will have to be carefully monitored, as it would not make sense to allow the field to be used prior to having good grass cover over the entire surface. As soon as there is good grass cover over the entire field, it will be opened for play.

#### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister would say to complete this entire project if there will be provisions for bleachers for the Old Man Bay Playing field in the upcoming budget?

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

**Hon. Julianna O'Connor-Connolly:** The Ministry has submitted a request for this sum in the Estimates.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** I wonder if the Minister could say if the Ministry in the development of these facilities is following plans that have been ongoing over a period of years.

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

**Hon. Julianna O'Connor-Connolly:** The answer is in the affirmative, but out of abundance of caution, if and when it is necessary to make a change, the change will be made in the best interest of the sport. As of now, I am informed that we are following the plans.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister could say, for safety, if there will be a fence put on the right-hand side of the Old Man Bay playing field prior to completion to protect the players from colliding with the CUC light pole?

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

**Hon. Julianna O'Connor-Connolly:** I am duly informed that as soon as the precise area of the field is marked then Public Works together with the Sports Department and the Ministry will assess the circumstances to see whether or not it is deemed necessary.

**The Speaker:** If there are no further supplementaries we will move on to question No. 173, standing in the name of the Elected Member for North Side.

#### QUESTION 173

**No. 173:** Mrs. Edna Moyle asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture when will the lights be installed at the Craddock Ebanks Civic Centre hardcourt?

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

**Hon. Julianna O'Connor-Connolly:** The installation of lights to the hard court is currently underway with completion expected by the first week of October.

**The Speaker:** Supplementaries? (Pause) If there are no further supplementaries we will move on to question No. 174, standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 174

**No. 174:** Mr. Roy Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to state the Ministry's policy on Youth.

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

**Hon. Julianna O'Connor-Connolly:** The Ministry has decided to spearhead the development process of a National Youth Policy. The development of our National Youth Policy will be a highly consultative and nationally agreed upon document outlining the aspirations, concerns and responsibilities of all the key stakeholders, including young men and women of the Cayman Islands. We have chosen to utilise the Commonwealth Secretariat to provide technical assistance in an advisory capacity.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say when this programme will be launched? And can the Minister tell the House in the interim what the Ministry's position is on youth?

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

**Mr. W McKeeva Bush:** Would the Honourable Minister state whether they are following plans started in conjunction, or to work in conjunction with the Commonwealth Youth Policy-makers?

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

**Hon. Julianna O'Connor-Connolly:** The contact with the Commonwealth Secretariat was not just made when I assumed the responsibilities of the Ministry. Indeed, they were made when the past Minister was there. All we are merely doing is following through with that because we believe they were perhaps the best source for advice and we have had much contact with them. They have given us much information. The Liaison Officer for Youth in the Ministry at the time has done a lot of work in this regard and there have been a number of seminars and tons and tons of information that we are weeding through.

One of the difficulties we had, was that it seemed as if different arms in Government were doing different areas in respect of youth. So what we are trying to do is bring them altogether to ensure that there is not undue repetition or waste of energies so that the money can be best spent in regard to youth.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if, in these surveys and programmes she mentioned, there is going to be any attempt to ascertain and deal with those numbers of youth who may be at risk because of low self-esteem? And, if so, how will these be identified?

**Hon. Julianna O'Connor-Connolly:** To date, as a first step in developing our National Youth Policy the Ministry is planning to co-host along with the Ministry of Education the Ministry of Health, and CIMI, a symposium on Youth at Risk to be held October 16-17 this year. We have also requested information from the relevant Ministries and Departments and existing youth programmes and services in an effort to catalogue what is presently available.

The National Youth Policy is not an effort to reinvent the wheel, as it were. Instead it is hoped that it will incorporate any previous findings we have in regard to youth as well as an attempt to research the gaps that may exist regarding the existence of delivering of such services.

The development and adoption of the National Youth Policy, as I said, will be a collaborative and cooperative effort. It is our intention to take the concept of the policy to Council before the end of this year and giving ourselves until January 2000 to actually bring the policy to Council and hopefully with their approval to the floor of this Honourable House.

**The Speaker:** The First Elected Member for West Bay.

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

**Hon. Julianna O'Connor-Connolly:** The symposium I mentioned in one of my earlier answers is dealing with that issue, the at-risk youth. The Ministry is still at the stage of collecting information for a number of reasons, but one of the reasons being so that we can identify the main areas of concern affecting youth, and then to come up with reasonable and cost-effective solutions. That is why we are going to make it a highly consultative process.

I would extend at this time an invitation to my honourable colleagues who may have recommendations, or who may be able to assist us in identifying the youth within their community, or the three islands as a whole because the Ministry is open for recommendations and assistance in this regard which is a very important issue to us.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** I am wondering whether the Ministry, or the Government, is following the mission statement on youth among others, that is, "To promote a sustainable high quality of community life, and to ensure that each individual has the maximum opportunity to achieve the highest level of self-fulfillment and personal development in terms of the physical, social, moral and spiritual aspects of life"?

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

**Hon. Julianna O'Connor-Connolly:** I am duly informed that the Ministry, to an extent, is following through with the mission statement, but there has been a shortage of staff and there have been some areas where we have not been able to proceed as quickly as possible, and we felt that it was necessary to continue the contact with the Commonwealth Secretariat to get a properly placed and endorsed National Youth Policy.

**The Speaker:** If there are no further supplementaries, we will move on to question No. 175, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 175

**No. 175:** Mr. Roy Bodden asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to provide a breakdown of the money spent to date on the new Bodden Town playing field and when will this field be completed.

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

**Hon. Julianna O'Connor-Connolly:** The total expenditure to date on the Bodden Town playing field project is \$824,029.28. The breakdown of expenditure to date, by year, is detailed below:

| 1993  | 1994     | 1995    | 1996      | 1997      | 1998                      |
|-------|----------|---------|-----------|-----------|---------------------------|
| \$553 | \$47,901 | \$3,690 | \$128,770 | \$428,718 | \$214,397<br>(to 23/9/98) |

The breakdown of expenditure by work item is:

|                                 |            |
|---------------------------------|------------|
| Site clearing/filling           | \$ 427,336 |
| Topsoil/grassing/irrigation     | 138,288    |
| Car park                        | 121,855    |
| Fencing                         | 12,413     |
| Electrical/lighting             | 48,307     |
| Bleachers                       | 13,334     |
| Design/management/miscellaneous | 62,496     |

It is anticipated that the field will be playable at the end of this year. At the end of the year, the field, irrigation system, bleachers, lighting and car parking will be complete. Outstanding works at the end of 1998 will be:

- upgrade to the changing facilities at the Bodden Town Civic Centre;
- completion of landscaping and sidewalks to the new car parking area;
- cover to the bleachers;
- hard-standings under bleachers.

The funding provided in the 1998 re-prioritised budget is insufficient to carry out these items this year. They will be carried out in the first quarter of 1999, subject to approval of the necessary funding in the 1999 budget.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeever Bush:** Would the Minister say whether they purchased any more of the surrounding swamp, other than that which was recommended by the Bodden Town representatives in 1993/1994? Does this figure pertain to that particular site?

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

**Hon. Julianna O'Connor-Connolly:** To the best of my knowledge and instruction received, there have been no additional purchases.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Can the Honourable Minister say whether the seeding process has taken place yet?

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

**Hon. Julianna O'Connor-Connolly:** It is my understanding that the seeding process has taken place. There was a bit of delay, and there was a period where very little work had taken place mainly because some of the problem we experienced was with the irrigation system when the field had to be corrected.

Heavy rains then delayed the final placement of the two inches of topsoil to the field following the completion of the irrigation system. No equipment could therefore be allowed on the field until it was dried out as the heavy equipment moving onto the soft topsoil would have caused irreparable damage to the irrigation pipes. However, the fields have now dried sufficiently for the topsoiling which was recommenced, I understand, on 21 of this month. And subject to weather conditions, on the 23<sup>rd</sup> the field is to be re-seeded and completed on 28<sup>th</sup> September.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Is the Minister in a position to tell the House what was the cost of correcting the damage to the irrigation system due to the fact that heavy equipment ran over the system as it was in the process of being laid?

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

**Hon. Julianna O'Connor-Connolly:** I am not in a position to give that answer, but I will give an undertaking to provide it in writing to the Member.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Boddén:** Can the Honourable Minister tell the House the seating capacity of the bleachers?

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

**Hon. Julianna O'Connor-Connolly:** It is my understanding that we have asked Public Works to provide bleachers to accommodate 1,000 persons.

**The Speaker:** If there are no further supplementaries, that concludes Question Time for this morning. Item 4 on today's Order Paper: Other Business. Private Members' Motions Private Member's Motion No. 17/98 Proposed Ritz Carlton Hotel West Bay Road. Debate continuing thereon. The Third Elected Member for George Town, continuing.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 17/98

##### PROPOSED RITZ CARLTON HOTEL WEST BAY ROAD

*(Continuation of debate thereon)*

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

Yesterday on the adjournment, I was attempting to point out what I saw as a credibility gap between the substantive motion, that is Private Member's Motion No. 17/98, and the substantive and material amendments made in the amending motion to that original motion. As I expected, I did in fact receive a few calls on this and I was asked to explain precisely where I saw the credibility gap, as some of my constituents in listening to previous debates did not pick up on this point. For the benefit of the listening public, and this House, I would like to make those necessary and relevant comparisons.

The original motion reads:

**"WHEREAS on 17th July, 1998, the Honourable Minister responsible for Agriculture, Environment, Communications and Works laid on the Table of this Honourable House papers proposing to extend the present lease of Block 12C, Parcel 215; Block 12C, Parcel 11; and Block 12C, Parcel 216, in the West Bay Section of Grand Cayman and to allow entities to develop these Crown lands;**

**"BE IT NOW THEREFORE RESOLVED THAT the report laid on the Table by the Honourable Minister responsible for Agriculture, Environment, Communications and Works on 17th July, 1998, concerning Government's proposal to grant permission to these entities to utilise Crown Lands, namely Block 12C, Parcel 215; Block 12C, Parcel 11; and Block 12C, Par-**

**cel 216, in the West Bay Section of Grand Cayman, for the development of a Ritz Carlton, be rejected."**

The three main resolutions that follow are the resolutions that I am contending that have been materially amended. The first one reads: **"AND BE IT FURTHER RESOLVED THAT the entities be granted permission to demolish the present Holiday Inn hotel and construct another HOTEL only [and this is the point, Mr. Speaker] on Block 12C, Parcel 11, on which it presently stands;"**

I will deal with that one first. This is the original motion and it is calling for Government to consider allowing the Ritz-Carlton to only develop on the parcel of land that the old Holiday Inn occupied before it was demolished. That is the piece of property on the sea side. Where I consider a material and substantive amendment has been made to that, is in the amendment where it states—

**The Speaker:** I have to correct you. An amendment was 'proposed' it was not 'made'.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker—"the amendment being 'proposed'.

And where the material and substantial difference is, is that the amendment that was proposed and voted on in this House, where that material difference arises is that in addition to parcel 12C/11 the amendment is calling for a portion of parcel 12C/215 which is on the opposite side of the road and goes back east towards the North Sound as far as the bypass road, or peninsula road, as it is known. So that is a material and substantial amendment to that resolution. It completely changes it.

The next one, and this is the original motion: **"AND BE IT FURTHER RESOLVED THAT the Government exercises its power under section 33 of the Development and Planning Law (1995 Revision) to acquire that portion of the properties designated as Public Open Space under the Development Plan 1997 and assign this said property to the National Trust of the Cayman Islands."**

This resolution in the original motion has been completely left out of the amendment. And the important point to state here, is that the amendment to this motion called for the complete deletion of the second, third and fourth resolve sections of the motion. That has been completely left out, even though the amending motion has completely deleted the second, third and fourth resolve sections. No mention was made of anything to do with the National Trust in the amendment. So this is what I talk about whenever I make a statement in this House, I try my best to be able to back it up.

The next thing, and this is from the original motion, it states: **"AND BE IT FURTHER RESOLVED THAT the Government assign to the National Trust all that undeveloped land as identified above, to take effect on the expiry of the present lease, to be held undisturbed on behalf of the people of the Cayman Islands in perpetuity."**



Again, that resolution was not included in the amending motion. So the amending motion has very little semblance to that original motion, yet the amending motion called for the deletion of three of the four resolutions in the motion. It has, by doing that, completely emasculated (as I said yesterday) the original motion and it has completely destroyed the original motion. Procedurally, as I stated, there is nothing to stop the mover of the motion from continuing with his motion because the Standing Orders provide that latitude. But when we look at the amendments which were made, then, Mr. Speaker—

**The Speaker:** I must say again, they were 'proposed', but the amendment failed.

**Mr. Linford A. Pierson:** Mr. Speaker, the amendments that were 'proposed' and voted on, and the amendments were lost by the democratic process in this House.

Mr. Speaker, I always bow to the Chair because I think my record in here shows that I have a lot of deference and respect for the Chair, unlike certain Members, and I will continue that. If you correct me, I will bow to your ruling. These amendments were 'proposed'.

I am saying that the amendments that were moved and seconded by the First Elected Member for George Town and the Third Elected Member for Bodden Town, completely change the original motion.

**Mr. Roy Bodden:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order please.

**Mr. Roy Bodden:** I contend that the Member speaking is misconstruing the position, sir, because Erskine May, [22<sup>nd</sup> Ed.] page 345, **Rejection both of amendment and of original question.** "The rejection of an amendment (even an amendment to substitute a complete alternative proposal) does not constitute a final decision upon the original motion, but a further question has to be put upon this expressly for the purpose of securing such a decision. A Member who is adverse both to the main question and to the proposed amendment is not expressing an opinion favourable to the question by voting against the question . . ."

While I see the point my honourable colleague is trying to make, he is indeed misconstruing and dragging the debate into uncharted waters which at this time, sir, are completely irrelevant.

**The Speaker:** I hear your point of order, but in yesterday's *Hansard* he clearly stated, "There is nothing procedurally wrong in going back to the original motion but it would be a farce for us to do that." And again this morning he has stated that there is absolutely nothing procedurally wrong. So I think he is not trying to

mislead the House, he has made it clear that it is not procedurally wrong. So would the Member please continue?

**Mr. Roy Bodden:** But, Mr. Speaker, now he is saying that the amendments completely emasculated the original motion. What does that mean, sir?

**The Speaker:** What he is saying is not procedurally wrong. So that is where. . . please continue, Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you. I am surprised that the Honourable Member for Bodden Town does not seem to understand the Standing Order better than he does. Because if he had been listening he would have heard that I said there was nothing procedurally wrong with the motion, but because of the substantive and material changes that it was now emasculated, and that it should be withdrawn.

Mr. Speaker, there were other areas that I want to mention before I move from this because I realise that there have been threats that I will be replied to. And that is the democratic right of any Member of this House. But then I have my democratic right to speak again, sometime.

The other point that I want to make is that in the amendment it brought in two new resolutions that were not contained in the original resolution—two new resolutions. And the two new resolutions read: "**AND BE IT FURTHER RESOLVED THAT Government renegotiate, with the entities, the terms of the extended lease for the new combined parcel**" that's the first new one.

And the second new one states-- there were three of them: "**AND BE IT FURTHER RESOLVED THAT Government also negotiate, with the entities, the possibility of the existing lease on the remaining portion of Block 12C, Parcel 215, reverting to the Crown.**"

And the third new resolution was: "**AND BE IT FURTHER RESOLVED THAT the terms of reference for all of these negotiations be established and agreed upon by a majority of the Members of the Legislative Assembly.**"

Regardless of what the Third Elected Member for Bodden Town or anybody else says, that is a material and substantial change to the original motion. Nobody can successfully dispute that.

**The Speaker:** Honourable Member, can I ask you to please move on because I think the amendment was defeated and I think we have covered that fully.

**Mr. Linford A. Pierson:** Mr. Speaker, thank you, but because there were questions as to what was meant when I said that the original motion had been substantially amended, I thought it was important to explain that during my debate this morning.

Whenever any person is speaking in this House, I have the manners and respect not to interrupt those peo-

ple. And I would ask that my honourable colleagues show the same deference when I am speaking.

Mr. Speaker, we have heard a lot of complaints levelled at the Executive Council, and I am not here to protect them because they can do that themselves. As a matter of fact, I am speaking from the position that I always speak from—the Opposition Bench.

I have the added advantage, however, over some of my Backbenchers in that I have also sat in Executive Council and I know how it works. I recall on many occasions that Members of the Backbench approached me in my position then as a Member of ExCo wanting to have things done for their constituencies and other areas of the island. And I respected that.

But that was a two-way street. On this side of the House where I stand, whenever I need something done, I do the same thing. I ask the Ministers to assist me. That is the only way it can work. There is no use people talking about a lack of communication if they are not prepared for that communication to work both ways. I fault the Executive Council, as did my good comrade—colleague, rather. (Can't use the word comrade in this House because I will soon be accused of something else). My goodly colleague, the Third Elected Member for West Bay.

I fault the Executive Council also for their lack of communication when that matter was first dealt with. But similarly, I am not aware of the Backbench meeting with anybody on the Executive Council to discuss the amendments to the motion. And it works both ways. We cannot blame one side and not take blame for our failures and our weaknesses also.

My four years in this House, I trust, will be as fruitfully and as well spent in the interests of my people as possible. If that means that I have to on occasion meet with the Executive Council and ask them to compromise certain areas in the interest of my people, I will do so. But it does not make sense for me to sit here, refusing to cooperate on every subject that is raised in this House just to be able to say that we did not support something brought by Executive Council. That does not make sense.

A case in point was, I think two meetings ago, when I met with the Executive Council at the Glasshouse to negotiate the Pensions Law. I did that with the blessings of some of my colleagues because I wanted the very best for my people and the only way we could get what we wanted was to sit down at the same table and negotiate it—you give a little, you get a little. What did I get for it? I was kicked in the teeth. While I was out doing that, some of my colleagues got up in here and accused me of boiler-room politics. I will to God that some of us would practice the same, rather than opposing everything and getting nothing for our people. That is the kind of loyalty we have.

On dealing with the necessary prerequisites to recommending any changes to the stated land use and the resort configuration for a five-star hotel, I made the point yesterday that it was immaterial to me whether the five-star hotel carried the name of the Ritz-Carlton, the

Waldorf Astoria, or any other five-star hotel. I was only happy that we in the Cayman Islands with 40,000 people, or less, could attract that type of investment when a lot of our neighbours would give their eye teeth to have that type of facility located in their territory.

I also said that reference was made to Vision 2008. There is one little section from the recent publication of Vision 2008 called **“Working Together to Shape our Future—Planning Phase and Update”** which I would like to share with this Honourable House and the listening public. It states, inter alia: **“With these achievements have come new challenges, speaking of our strong economy, low crime rate, good education etc. The Cayman Islands are part of the global economy and the information age. If the islands are to progress and maintain sustainable development a high standard of living for future generations and a viable position in the competitive and changing global economy little can be left to chance.”**

I think it was the Third Elected Member for West Bay who alluded to the grave situation that existed during the last recession that these islands experienced in the late 80s to early 90s. This is a situation I would not want to go through again because I was then a Member of Executive Council when we had to try everything we could to keep the economy going. I remember just before that happened that there were a lot of letters in the papers and other sorts of communications on the television, etc., stating that the economy was overheating, that we should slow the economy down. But when the recession hit America—and one Member mentioned that when America gets a cold we have symptoms of pneumonia—we started feeling the pinch here. One of the reasons for the major shift in the '92 election was that we were unable to generate sufficient jobs for our people because of that recession.

I say that to say that anybody who has been cognisant of the global financial situation will know that there are now a number of predictions regarding an impending recession. Even though the United States still shows good economic fundamentals as they are called—good employment, low interest rates, etc., that comprise the economic fundamentals—there is no question that the signs are there. You look at the stock exchanges, the Dow Jones Industrial Average, the NASDAQ and Standard and Poors, and others, and you will see the trend, not to look at the meltdown in Asia; and a similar meltdown in the Latin American countries the global situation is not looking good.

As if that is not bad enough, what is happening to Cayman directly right now? Even though I was referred to as one of the four 'geniuses' who went to England, I wish to thank the Members who selected me to go on that trip, and I believe that they did that because they felt that I was capable of representing this island at that level in that forum. I would like to sit with those Members who were shouting across the floor when the Honourable Minister for Tourism spoke about this same matter, shouting that they were just scare tactics, that they need to take

their heads out of the sand. They are not scare tactics, they are realities.

I am not going into a lot of details on this, but the situation that is now occurring through the OECD (the Organisation for Economic Co-operation and Development), the G7 initiatives on harmful tax competition, the EU Code of Conduct on business taxation, the EC Draft Directives on taxation of interest and savings income, are very serious. And why they are serious for the Cayman Islands is because the UK through Mr. Tony Blair, the Prime Minister, and Chancellor of Exchequer, Gordon Brown, Financial Secretary Dawn Primarolo, and all of the high officials in the UK have stated that they are fully committed to these initiatives.

What will be our position financially? The position financially is hopefully we will be able to meet certain criteria that are being discussed at this point. As I said, I am not able to go into all the details of some of the matters that we are doing to try to cope with these. But the point I want to make is that the G7 countries which comprise the most powerful countries in the world, and when you add G8, which is Russia, you are looking at the most powerful countries in the world. The situation is that they are fully supportive of all the recommendations comprised in the OECD Report, and that the UK from the very top, the Prime Minister and the Chancellor of Exchequer, has stated that they are fully committed to these initiatives.

Further, the Under Secretary for State, who is the Minister for Overseas Territories, Baroness Simons, has stated very clearly that the UK Government is fully committed. And, further, we must understand that of the G7 countries at least four of them are within the European Union—Germany, France, England, Italy, and then the others are Canada, the United States and Japan, G8 is Russia. They too, the European Union, have fully endorsed this report. Despite the way we might jeer and say that these are only frightening tactics, the position is that we might see a change in our whole financial structure.

What does that have to do with the Ritz-Carlton? It has a lot to do with it, Mr. Speaker. Because of the twin pillars of our economy, which are our financial industry and our tourism industry and then you have subsidiaries, like construction and so on. But the two main pillars are the financial industry and the tourism industry. And the importance of that statement is that they work hand-in-glove, they are inter-related. If you see a major change in the financial industry, it is going to have a similar change in our tourism industry. Any negative impact on our financial industry is going to similarly impact negatively our tourism industry.

Now, with the standard of living that we maintain and that we want to continue, and with the understanding that within our financial structure or revenue structure that 50% to 53% represent civil servants' salaries, if some of this revenue is cut back, how will we then be able to maintain the standard of living that has been stated by our people that they want to maintain in the Vision 2008 statement?

Further, whether we approve the Ritz-Carlton or whether this House decides not to do so, the major point here is that we need to be looking at ways and means of diversifying our economy and of attempting to attract the medium to higher level net worth individuals to this island.

As the fifth largest financial centre in the world—the fifth largest banking centre in the world, and that is fifth to London, New York, Tokyo and Hong Kong, if we are to maintain our position we must not only offer a five-star service within our financial industry, we must offer the infrastructure and service within our tourism industry. We cannot have our cake and eat it too. There is no use in saying that, yes, we are fortunate to have the opportunity of getting a Ritz-Carlton in the Cayman Islands, but in the same breath suggest such ridiculous conditions that we make it impossible.

I would have thought that the mover and seconder of this motion would have told us in their opening remarks (hopefully the mover will do so in his closing) that he had examined the checklist of requirements for a five-star hotel/resort. And if this had been done, whether that checklist suggested that the Ritz-Carlton chain would have been satisfied with putting a hotel on block 12 C/11. Perhaps he has done that. I will wait to hear whether he has when he is winding up. Whether I have made up my mind or not—and this is directed to the Third Elected Member for Bodden Town—is a personal decision, but it is important to the country that we know what sort of consideration was given to this motion before it was brought to this House.

Mr. Speaker, let me say again: Any Member who interrupts me, I will deal with while I am speaking.

Yesterday I dealt with the requirements for a five-star hotel and I made the point very clearly that from the triple A requirements that are issued on an annual quarterly basis, one of the requirements of a five-star hotel/resort is a golf course on the premises, not one borrowed from an adjoining property.

Before moving from the financial situation of these islands, I would like to say that Honourable Members should bear in mind that our financial industry, like our tourism industry, is very important to the future of these islands. In the report that was issued by the National Audit Office in May last year on contingent liabilities in the Dependent Territories, it was clearly stated there that the UK (and I am summarising this in my own words) would not smile very kindly at any of its overseas territories that created a liability or a contingent liability for the UK, our Mother country.

From the financial services in the Dependent Territories an analysis was done and it shows that our financial services formed at least 16% of our total gross domestic product. Some people will tell you that it is as high as 30%. When we start eroding that and knowing how much of our current revenue is used up in recurrent expenditure, we can see the problem we would be in if we do not attempt to improve and increase our tourism sector.

One would have thought that in presenting a motion like this that all of the pros and cons, the advan-

tages, the disadvantages, the merits and demerits of this motion would have been dealt with, not only the political rhetoric attached to the motion.

This is too serious a motion for us to play politics with and to try to get votes from. 'To thine own self be true'. We should be true also to the people. How can we on the one hand say yes, I will support your motion, I will even take you on my show and help explain it to the public, but get up in here and try to tell the people that you are totally opposed to it. Talk about misleading the public, that is a classic example of it!

I was very pleased to hear the research that the Honourable Minister made into the subject. He made reference to the results of investigation into the marine biology carried out by a group of scientists. This appeared to have been obtained through the Ministry of Overseas Development. But what was very important to me, and I am sure to the listening public, was that he was able to show the importance of not only the red mangrove, but the black and the white. But, particularly, the importance of the red mangrove to our marine environment and to the ecological balance within that environment.

He pointed out that the red mangrove is the most important group of the mangroves for the protection of these islands as a buffer to hurricanes and other natural disasters, and that it was recommended that a strip of mangrove varying from ten to three hundred metres should constitute such a barrier in the North Sound.

Our laws require that three hundred feet be preserved for that purpose. On this particular point it is interesting to note that not only have the developers agreed to retain the legal limit of the three hundred feet, but in addition, the subdivision that runs next to the three hundred feet is two hundred feet in depth, effectively giving five hundred feet of protection.

I just wonder how many of my honourable colleagues took the time to read that. I have also taken the time to note that certain requirements/conditions will be attached to any approvals that will be given—and I say 'will be given'—by the Planning Department. I will get to that as I move on.

Before dealing with that particular point, I would like to deal with the question of the vacuum that has been caused by the loss of the Holiday Inn Hotel, the Grand Pavilion Hotel, and probably to a smaller extent, the Cayman Islander Hotel. If, and I make this point very clear, this application had been for an additional hotel, my position would probably be much different. But, this hotel, the Ritz-Carlton is proposing to replace the loss of over three hundred rooms in the West Bay beach area.

Let me make it very clear: One of the previous speakers suggested that any support for this motion suggested that I would, or anybody supporting it, support any other project on the West Bay beach. As far as I am concerned, any project on any part of this island will be dealt with on its merit, be it the Dart project, or any other project. And just for the information of this House let me say very clearly that the developers of Mr. Dart's project are quite aware of my sentiments; thus far, I am not sure that the way in which they are going about it is the way that I

can support. Hopefully they will show the same courtesy if they have a change of mind and come back with a different procedure. We will come to that when we get there. But, for any Member to suggest that the support of one carries support for another, is misleading this Honourable House and imputing certain improper motives to individuals.

On the question of the vacuum caused, be it the Ritz-Carlton, a Hilton Hotel, whatever, how do we now fill that vacuum that has been caused by the loss of the Holiday Inn Hotel, the Grand Pavilion Hotel and the Cayman Islander? And if it is the case that we want a five-star hotel, then don't on the one hand say, 'Yes, we are glad to have that five-star hotel, but we are not prepared to give you the property you need.' Say to them right out, 'No. You cannot get it because we are not going to touch anything on this side of the road.' But do not, in a simplistic manner suggest to them that they get a few hundred feet there, and that is okay for your five-star hotel.

We need to first understand and appreciate what is required through such a chain as the Ritz-Carlton. What do they require? If we can't work with that, if we can't live with it, say no, we don't want the project. But don't say, 'Yes, we want the project and you do it the way we want to do it.' It doesn't work that way.

Ritz-Carlton replaces those facilities, it is not an addition to those facilities. But you know what is interesting? How many of the critics in and out of this House have taken the time to obtain any scientific proof to support their objections, that it will cause major destruction to the country when, in fact, it is well known, anybody reading the documentation will see that the developers have agreed to comply with the requirements under the law in regard to the protection of our red mangroves and in other areas. Too much politics is being played with this issue.

Reference was also made to the threat to tourism. The Cayman Islands today is one of the premier destinations. How will that fare tomorrow? We all say that we are pricing ourselves out of the market. We have limited resources, sightseeing and otherwise, for tourists. If you are not a diving enthusiast, there is very little else to do.

But, guess what, Mr. Speaker, we are getting a lot of competition. I am reading that already Cuba is attracting over one million people on an annual basis since a few years ago when they seriously started the tourism business. It is only a matter of time when the United States will fully open their arms to Cuba because it is a contradiction right now that the United States is giving most favoured citizenship to China, yet there continuing with the embargo on Cuba. It is only a matter of time.

So we need to develop our tourism sector and we need to move away from the knap-sack tourists and concentrate on the middle-to-upper income net worth individuals. But for you to get the high net worth individuals in this island you can't stick them into some little two-by-four place and tell them to accept it because this is all the Cayman Islands is prepared to give them. If you are

going to be competitive then you have to provide competitive facilities.

**The Speaker:** Are you going on to another—

**Mr. Linford A. Pierson:** Yes, Mr. Speaker.

**The Speaker:** Maybe this would be a convenient time to take morning break. We shall suspend for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.36 AM

#### PROCEEDINGS RESUMED AT 12.24 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 17/98. The Third Elected Member for George Town, continuing.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

When we took the break I was dealing with the vacuum caused by the loss of the rooms at the Holiday Inn, the Grand Pavilion and the Cayman Islander Hotel—over 300 rooms. I stated that a hotel, be it the Ritz Carlton or some other hotel is needed to provide and fill that vacuum. We have heard questions asked, not only in this Honourable House, but also, indeed, outside as to whom will benefit from this development; and whom we are developing for. I would have thought that a rather a simplistic question. I think the answer basically is that we are developing for our people. Now the question can be asked, How many of our people will be employed at the Ritz Carlton? I cannot answer that question.

I do know that within the process of the Immigration Law that any employment that cannot be filled by Caymanians, where they are not available, or willing, to fill the job opportunities that there is a process whereby employers and business people within the country can advertise to have those positions filled.

I am also cognisant of the fact that they took a number of employees to look after the over 300 rooms at the Holiday Inn, the Grand Pavilion and the Cayman Islander Hotel. While it is true that some of those employees are perhaps retired, it is equally true that some of them might be out of a job. That is one area for consideration.

The other area for consideration is that some 300 to 400 children graduate from our schools on an annual basis and only a small percentage go off for tertiary education. A number of them try to get employment locally and not just within the financial industry. Where will these children, the leaders of tomorrow, our citizens, find jobs? It is the duty of every government to ensure that as far as possible it provides job opportunities for its citizens.

I saw a letter that came from the National Trust, and I also had a paper put on my desk a while ago that

states, "Our central mangrove wetland needs protection." I cannot agree more. I want to say here now that the individual on this is someone for whom I have the very highest respect because he is a man of honour and integrity.

Also, I received a letter from the chairman of the National Trust, another gentleman for whom I have the very highest respect. He knows that. And, indeed, the executive director is a lady for whom I have the very highest respect, and also the other members.

As I said yesterday, I am a member of the National Trust. I used to be. I hope I have not been struck off. And they are doing a fantastic job. I don't fault them for wanting to protect as much property as possible. They are doing a fantastic job. But we also have a job to do in this Honourable House. And in doing that we have to not only take into account the minimum negative impact on our environment but also ensure that we encourage and maintain sustainable development. I have heard the word used sustainable development without destroying our natural resources. That is a contradiction in term. It is impossible for you to do any type of physical development, such as buildings and roads without destroying some of your natural resources. Of course, I appreciate that we are talking about the mangroves. But I also appreciate that we are talking about 138 acres of mangrove as compared with over 8,000 acres in the Duck Pond area.

I am also cognisant of the fact that the developers are complying with our laws and regulations, and that they have complied thus far with the requirements of the Planning Department. Nobody should be of the impression that certain approvals have not already been granted. I am in receipt of a letter dated 19 January, 1998, from the Central Planning Authority to Humphreys Limited. The subject of that letter is: "**Subject: Proposed Hotel, Apartments, Spa, Golf Course, Golf Clubhouse, Thirteen (13) Lot sub-division, Pools (2), Excavation, Overpass, Tennis Courts (4), Bypass Road on Block 12C Parcels 11 & 215.**"

Of interest, and pertinent to this debate, is what they say here in the first paragraph. It states: "**At a meeting held on December 17, 1997, the above application was considered and it was resolved to grant Planning Permission for those structures situated west of the proposed bypass road, that is the beachfront hotel/condo complex, spa, overpass, cabana, two swimming pools subject to the following conditions: . . .**" And the conditions are: "**That in addition to building permit requirements, that is condition 1 through 7 listed below shall be met before a building permit can be issued.**" Mr. Speaker, they went on to state these very stringent conditions.

But of interest to me, and even more so than the letter of the 19<sup>th</sup> was the letter of 27<sup>th</sup> March, written also to Humphreys Limited from the Central Planning Authority, which stated among other things that in addition to building permit requirements "**the following shall be met before any building permit can be issued and any site works commenced. . .**" And this is very important that major condition was that "**submission of a final com-**

**prehensive environmental assessment report as outlined in the February 1998 document must be complied with. The contents of same shall be to the satisfaction of the Department of Environment and Planning.”**

So, Mr. Speaker, before any development can take place on block 12C/215, the developers will have to submit a final comprehensive environmental assessment report. Not only to the satisfaction of the Planning Department, but also to the satisfaction of the Department of Environment.

The impression was given that the developers will be free to go and destroy our natural environment. This is not the case. It will be very closely monitored and the final comprehensive environmental assessment report will not only be to the satisfaction of the developers, but it must also be to the satisfaction of the Planning Department and the Department of Environment. That is a crucial point. And that has not been properly dealt with so far.

We heard mention also made of the amount of money that was received, or is proposed to be received, on the lease agreements. As one individual who has held the Portfolio for Lands during the 1988 to 1992 Government, I do have some experience with valuation. And one of the things I found out, is that valuation of property does not follow any scientific process. There is no specific, scientific method of valuing property. If that were so, then you would not have professionals having such wide disparity in their valuations.

For argument's sake, Lands and Survey valued a freehold of the property in question of \$35 million, but Cardiff & Co. valued the freehold for \$25 million (that's a \$10 million difference), whereas J.E.C. Building valued it for \$49 million. So you can see that it has not followed any scientific process.

Further, the lease extension for 47 years had a valuation placed on it by Lands and Survey of \$11,900,000; Cardiff & Co. (who was also the head of that an employee of the Lands and Survey Department, Mr. Paul Key) valued it at \$8,700,000; whereas J.E.C. (who is one of the leading valuers on the island) valued it for \$6.8 million. So how can any of us stand here—non-technical people—and say that this is not a right valuation, what was decided on by Government?

From what I have seen here, the \$6 million plus the \$5 million towards the bypass road, gives us \$11 million which is pretty near the valuation placed by the Lands & Survey Department. We had a valuation from approximately \$12 million to as low as \$6.8 million. That is a wide disparity.

And this is why I say that there is no scientific method known for land valuation. They use very crude criteria for valuing property. It depends upon the value of property that has been sold. It depends on the value of the property next door to you. There are so many things to take into account. Any comment on how much Government is receiving—the \$6 million—I don't think is very valid.

The question that begs to be answered—and it has already been posed: As the fifth largest banking centre in the world, do we need a five-star hotel? *Do we have five-star hotels in the countries of our competitors-- one to four? And if we are to maintain our position as number five, do we need to improve our services? Why is it that we are losing a lot of business to places like the Bahamas for group meetings and conferences?* The reason being that we do not have suitable conference facilities in these islands to accommodate very large groups. Many of those individuals bring very big revenue support to the economies they visit.

What else is there for us to get out of this project? I am now looking at the merits and demerits of the project. I am trying to present a balanced position because I have already admitted that there is going to be some negative impact on the environment. But against that negative impact we have to meet a very happy balance suitable for our country. Right now we probably have less than six months of revenue in our General Reserves if things went bad in this country tomorrow. What are we doing to try and develop that situation? How can we say that we want to promise our people full employment, but knowing the situation that now exists in world economies, the global situation, we are not willing to do what we have to do to provide a safe and prosperous future for our people.

I think I have also answered the question as to who we are developing for. Mention was made of the \$10 million in deferred fees. Yet, I did not hear any mention of the concessions given to the Westin Hotel and other hotels that have been built on this island—concessions we will not receive any money for, because it was given at a reduced rate. What we have here in the deferral of fees is not the same. It will have to be repaid within three years. So it is no true concession. And it is not something that is unheard of. This is done in a lot of countries where major developments take place.

Mr. Speaker, over the period of this development we plan to obtain for our schools, our roads, our infrastructure and for whatever purpose the Government deems fit, an amount of over \$100 million in revenue. Then we have Members asking what we are getting out of the project. That is the direct revenue, Mr. Speaker, but what about the economic trickle-down effect of the amount of goods that will have to be purchased and then those goods re-ordered, and the import duty obtained on that? The employment? The salaries paid to employees? And that is being spent within the community and the economy? Much of this was glossed over. I am not going to go into a lot of details on this, I am just touching the high points because I know most Members of this Honourable House, if not all, and the listening public understand what I am saying.

Reference was also made to the 606 acres of land leased out to Benson Greenall in 1950. Some of us refer to the 50s, the 60s and even the early 70s as 'the good old days'. But most of those people you hear referring to those periods as the 'good old days' are people who weren't even around—either they are too young, or they

weren't on the island during that period. I am not the oldest, but I am old enough to remember that during the 60s at least (don't know much about the 50s) a lot of the conditions I found on this island were not that good. It is because of that the Government of the day decided to lease the property for £100 a year.

I went through the same problem--that we weren't getting enough money when we approved the SafeHaven project. Yet today, though that project has not developed as much as I would have wished to have seen, it is nonetheless providing needed employment for many Caymanians. And more so, Mr. Speaker, all the prophets of doom who said that we would kill the parrots, and kill out this and that, have been proven wrong. The only decent golf course today is on that property where a lot of our tourists and visitors and local people utilise.

More importantly, it reduced a swampy backwater area, mosquito-infested area, in to one of a prize tourist destination, something the Cayman Islands can be proud of. One only has to drive down to the Links and one can see the beauty of that place. Of course, the golf course is still in a developmental stage but we have much to be proud of. The point I am making is that sometimes a decision has to be made regardless of the amount of opposition received. I received opposition on this motion, but then I have also received mixed signals. I have gotten calls saying, 'provided the property is properly manages, proper environmental impact studies in place' then they feel it is good for the country.

As I said yesterday, it is immaterial to me how the Executive Council wants to vote. From the time this matter came up, I said to my colleagues on the Backbench that I regarded this as a conscience matter, that one had to vote his conscience. Of course, some of my colleagues will not support the project, and will support the motion. I respect their views. That is their democratic right. I am only asking that they respect my views and the way I feel, and the way that I vote.

I alluded to the situation with the OECD Report and so on. And I can only say that the Vision 2008 will mean nothing without sustainable growth in our financial and tourism sectors. While I am committed to protecting our wetlands--because sometimes I have been called a pretty tough conservationist, but I am a realist--I realise that some amount of damage—controlled, minimal negative damage—has to be done when you develop.

I also appreciate that we are talking about an island of 76 square miles of which 42 square miles is all swamp. So some of that swamp will have to be impacted negatively, but what we must try to obtain is the right balance when we do that. In order for us to maintain any semblance of sustainable growth, it is very important that we be as realistic in our approach to developing these islands as possible.

Mr. Speaker, I am going on to another area. I don't know if you want to—

**The Speaker:** I think this would be a convenient time to take the luncheon break. Proceedings are suspended until 2.30 PM.

## PROCEEDINGS SUSPENDED AT 12.54 PM

## PROCEEDINGS RESUMED AT 2.39 PM

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continues on Private Member's Motion No. 17/98. The Third Elected Member for George Town, continuing.

**Mr. Linford A. Pierson:** Thank you.

When we took the break I had reached the point where I was going to deal with the terms of the lease and the matters contained thereunder. However, before touching on that I wish to clarify any misunderstanding that might have occurred relating to my feeling relating to the OECD Report, the G7, EU and EC Initiatives and not to give the impression that it is something that we do not have the ability to cope with. I feel that we have made some very valuable and beneficial inroads already, and that in time, and with the help of God, we will come out on the winning side. The message I was trying to get across this morning was that it is not a matter that we can be complacent with; it is a matter that deserves serious attention. But I feel that we have the ability to cope with it.

Some of my constituents have said to me, that they haven't been hearing enough of me speaking in the Legislative Assembly. Well, I will try hard not to go on too much longer before I am accused of talking too much. But I try hard not to jump up and talk about every little matter that arises unless I feel that I can make a contribution to the particular issue at hand. I am not one of those who particularly likes the sound of my voice.

To give a more rounded and accurate description of the process of the vesting of lands, that is by the Governor, I wish to refer to the notice of the proposed disposition that was published in the gazette of 14 July, 1998. This is specifically in respect to parcel 11, parcel 215, and parcel 216 of block 12C in the West Bay, South, registration section. The proposal is that a grant of a new lease be made to Humphreys (Cayman) Limited respecting parcel 216 on the same terms as the Head Lease respecting parcels 11 and 215 with the understanding that these three parcels would then be combined into one new parcel which would hereafter be known as the project parcel.

Mr. Speaker, it is interesting and important to note that the developers, if they had cared to, did not have to come to Government to get permission to build on the property because they had 51 years left on the lease and they could have built on the property without coming to Government. But because they wanted an extension of 47 years to take it back to the 99 years, then it was necessary for this matter to come to the House.

So let nobody try to mislead and make the public believe that they could not have gone ahead and utilised the lease property as they saw fit.

Just for the records, parcel 11 comprises approximately 5.5 acres and it is the piece of property on which

the Holiday Inn was located which closed for business on 1 May, 1998. The freehold title to this parcel is vested in the Crown, but the leasehold is vested in Wilda M. Humphreys, who then subleased her leasehold interest to HCL for a term of 33 years with effect from 1971. I am giving these details as I feel they should be recorded in the *Hansards*. This was given with option to renew for a further periods ending 5 April 2049.

Parcel 215 is causing the most concern. This comprises approximately 138 acres and is undeveloped raw land. Again, the leasehold title on this is vested in HH Limited. And they have not subleased or encumbered any part of this and they are now transferring it to HCL.

Parcel 216 is comprised of .68 acre. **“The freehold . . . is vested in the Crown and there are no leasehold interests or other encumbrances whatsoever respecting this Parcel.”**

It is very important that I should make note of the terms of the proposed disposition in the extension of the proposed lessor.

**“‘Developer’ means Michael Ryan together with HCL and other investors. The New Lease and the Lease Term Extension are proposed to be granted in favour of the Developer, subject to the following terms and conditions:**

**1. At the same time as execution of document respecting the New Lease, the entire leasehold interest respecting a proposed eighty foot wide reserve for the segment of Peninsula Road that is to traverse Parcel 215 is either (i) to be declared (with the Developer’s consent) and gazetted to be a public road reserve or (ii) to be surrendered by the Developer in favour of His Excellency the Governor of the Cayman Islands. The Segment is to include a suitable vehicular bridge to connect the Road where it is to pass over the waterways and access road related to the said project.”**

And now, this is very important:

**“ 2. As part of the consideration for the Lease Term Extension and for the New Lease, the Developer at its expense shall construct the Segment (including the Bridge) in accordance with such specifications and within such timeframe as may reasonably required in writing by Government; PROVIDED Government shall be entitled to give notice in writing to the Developer requiring that it commence to construct and complete the Segment (including the Bridge) within a reasonable period of time so as to coincide with completion of other adjoining segments of the road.”**

**“ 3. Also as part of the consideration for the Lease Term Extension, upon the earlier of (i) 31 October 1998 or (ii) execution of variation of lease documentation to give effect to the Lease Term Extension, the Developer shall make a non-refundable payment of US\$4,000,000.00 to Government and (on or before 31 October 1999) the Developer shall make a further non-refundable payment of US\$2,000,000.00 to Government.”**

Perhaps the most important part of this is what I am going to read now:

**“ 4. The term of the Head Lease respecting the Project Parcel shall revert to what it would have been but for the Lease Term Extension in any of the following events: . . . ”**

That means that if the developer does not comply with the terms of the agreement that the property will revert back as it was originally. And these are the events if they are not honoured that will cause that: **(a) If they do not pay the said US\$2 million in a timely manner when due, and I have already read that that would be on or before the 31<sup>st</sup> day of October, 1999; “(b) The Segment (including the Bridge) has not been completed by the expiry of a reasonable period of time required by a notice given to the Developer in accordance with the proviso to paragraph 2 above within which to commence and complete the Segment (including the Bridge); or (c) The Hotel (or an equivalent luxury resort hotel) has not been completed by 1 September 2005 (or such later date as may be deemed necessary by the Developer for reasonable cause shown).”**

And finally, **“Formal approval for the New Lease and the Lease Term Extension shall be in the form of a Licence approved by the Executive Council of the Cayman Islands Government for signature by the Governor.”** Mr. Speaker, nothing could be clearer. The Government has secured that our people will be well protected under this licence. There is no question that if the developer does not comply that he has a lot to lose.

I want to also refer to correspondence, one sent to Members of the Legislative Assembly, by the Senior Vice President of the Company. It was referred to earlier, so I will not read through it. But basically it was written to the First Elected Member for West Bay and it states that up to 100 educational scholarships over a period of time will be arranged at the Cayman Islands Community College for Caymanians in the bar, restaurant, and hotel industry.

But in addition to this, what I found that showed good faith and a certain degree of social conscience was that a number of individuals who were employed with the Holiday Inn were written to by the company and I would like to read that letter.

**“Dear Sirs/Madams:**

**“When we began the planning for the Ritz Carlton Grand Cayman Resort, Mr. W McKeever Bush requested that we examine the possibility of creating a benefit for the employees of the Holiday Inn who were over the age of 55, and placed in the position of having to retire as a result of the closure of the hotel.**

**“We are pleased to advise you that we have committed a maximum of \$250,000 to support those of you affected in this manner by this closure. The money will be paid out to 27 employees on an equal basis, with monthly payments for a period of 24 months. This benefit is in addition to any other pen-**



**sion or benefit you have already received, or will receive as a result of this closure. This benefit will only be paid when the Ritz Carlton Grand Cayman proceeds, therefore the payments will begin at the onset of the construction of the Ritz Carlton Grand Cayman Resort.”**

And this was copied to Members of the Legislative Assembly. I read that to show that there is a social conscience and that the developers appear to be acting in good faith.

I have attempted to examine the pros and the cons of this project, the advantages and the disadvantages, the merits and the demerits. From the information available to me I have found no good cause why the lease extension on this project should not be approved, subject, of course, to the conditions which I mentioned earlier regarding approvals from the Central Planning Authority and the Department of Environment. Thank you.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker.

What I will do is to set out what I believe is important to the people of the Cayman Islands about this project. I will also deal with the allegations that have been levelled at me as usual, and I will look at the project from the point of view of its importance to the Cayman Islands and my experience over the past twenty years having served my country, the Cayman Islands, and having worked hard, not just for the country, but in the country, and how one has to balance the advantages and the disadvantages of each project.

The history of the Cayman Islands economy, goes back to the pre-1950 period when the islands were obviously islands that time forgot in which the people were honest and hardworking, a trait that not everyone has in this day and age. Hardworking people who struggled to make a living, who worked hard and raised their families in a country that at that stage was totally undeveloped.

In 1950 our forefathers I guess then persons in Government felt that if they leased for 99 years 606 acres of land to Mr. Benson Greenall for the nominal sum of £100 that that sacrifice of the lease of that large parcel of land would assist the development of the islands.

And you have to remember, going back to the 1700s tracts of one thousand acres of land were actually granted to people in these islands, one being Mary Bodden, who was granted one of three large tracts then.

So this is not unusual that our forefathers took a decision to lease this land. And that decision proved to be the decision that produced the mainstay of the Cayman Islands economy, tourism. If that decision had not been made we may well have not only missed the boat, but we might have developed at a far slower pace.

I merely state this to show that in this life one cannot get everything one wants for nothing, even though there are people within our society who believe in sticking out

their hand from time to time and getting something for nothing.

We have moved from that stage in the 1950s to see the Mosquito Research Control Unit come into effect. We have seen the mosquito problem controlled which was critical. In fact, it was probably the second most critical thing for the development of tourism by, once again, a trade-off—the dyking and flooding with salt water of the fresh water swamp and/or the draining of the swamp. This obviously seriously affects the mangroves, the swamp, but it was necessary for the survival of the economy of this country.

And in later years, the mid 1960s, people like Sir Vassel Johnson, once again, produced legislation and we had the birth of the offshore industry which once again had to be a trade-off in certain areas. Together tourism and the off-shore industry are what have put us where we are today, together with hard work. I stress that, Mr. Speaker—hard work!

The hotel industry is extremely important. It is critical that this continue at a high standard, not only to support tourism, but to support the financial industry in the country. We have seen the Cayman Islands go from a country with a lot of land, a lot of swamp that was never used, a lot of beach that was never used, to a developed island.

And the tradeoffs are never easy, but one has to apply the weighing of what one loses by what one gains, and to look at it not only from the point of view of preserving as much of the country that can be preserved while allowing the country to develop and employment and progress in the country to continue.

Sometimes to understand that, one needs to have had experience in business. It is impossible for someone who has never really been in business to understand how the business of the country works and to look at it from a point of view of not only what is good for Cayman, but also from how business operates.

We have seen the closing of the Holiday Inn, and the Clarion Grand Pavilion with some 300 rooms which has left a void in the tourism industry. And the Ritz will bring in 360 rooms adding only 60 rooms, but at a very high quality. This is what will assist the economy, a high quality five-star hotel that is replacing a hotel of a very low, or medium low I would say, quality. This was put forward very ably and capably by the Third Elected Member for George Town, who bore out clearly the many benefits that that type of hotel will bring. The Minister for Tourism also dealt with this and pointed out its importance.

When we see moves to put stumbling blocks, or blockades in the way of progress in the tourism industry, it is putting blockades in the way of progress for the people of this country. We have to bear in mind that we are not the only country with beaches. Cuba is next door. We know what that country potentially has and we know that it will be our competitor in the not-too-distant future.

We also know that the Bahamas has rejuvenated its tourism and its finance industry, and that we are facing problems in many areas as well as severe competition.

Against this background we who have been in business understand the effects the economic recession in the Far East may bring. We have seen what were once the jewel economies of the world—Singapore, Australia, New Zealand—stagger under what were regarded as sustainable economies and find themselves now facing serious economic problems.

At the same time, we have on the horizon problems that are basically distant and were dealt with in depth by the Third Elected Member for George Town who travelled to the UK and ably represented the Cayman Islands there with the OECD.

Against this background, it is not a time for this country, provided the safeguards are put in—and I stress that throughout whatever I say, provided the safeguards are put in—to look at an investor who is going to bring in a Ritz Carlton that is undoubtedly the top, at least one of the top hotels in the world and say, *'Go away, we don't want you.'*

If that approach had been taken back in 1950 when Mr. Benson Greenall approached the Government, then we may all have been unemployed when we came in to the Legislative Assembly this time because that industry may not have been there to give those with ambition the right to jobs.

The Ritz Carlton is a five-star, or a five-diamond hotel, and if we expect to have that type of resort—I should say resort rather than hotel—(and without going into the real detailed areas of this), then we have to allow what is necessary for it to be a five-diamond resort. This has been ably dealt with by the Minister of Tourism and the Third Elected Member for George Town. But I would just like to stress that of the many things that are required for this, is the extensive list of amenities that require to be built and operated by such a hotel, by a five-star hotel. This includes (and I will only refer here to areas of it—the summary part, which states: “. . . **property facilities and operations exemplify an impeccable standard of excellence while exceeding guest expectations in hospitality and service. These renown properties are both striking and luxurious, offering many extra amenities.**” These include among other things extensive ballroom, banquet and conference rooms which could never be built on the seaside with a hotel of that sort, as well as a golf course that is within the property and that can be walked to by guests.

So what we have is, in my view, a package of one of the best hotel chains, or resort chains in the world, and it is one in which we cannot say to them, *'Come, and do not build the amenities that you need to bring it up to the type of five-star hotel the Ritz Carlton is.'* Just about every Caribbean island . . . I was at a conference in the Bahamas in February and I can tell you that any one of the islands here, not just in the Caribbean but anywhere would welcome having the prestige and the investment that a Ritz Carlton can bring to the country.

A lot was said about a sustainable economy. As I said before, we have seen the ideal sustainable economies such as Singapore, Australia, New Zealand, reel under an economic recession. But the most sustainable

investment has to be bricks and mortar so to speak. When \$60 million or \$100 million of concrete is put in a building with as many furnishings and facilities, that brings stability to a country because it shows faith in the country's stability. Stability and continuity is then guaranteed to the country. But in return the Government and this Legislative Assembly must deal in a reasonable way with the application that is before this House today.

That application deals only with an extension of the lease of about 52 years up to 99 years. It really does not deal with the use of the property, the planning, even though this has obviously been dealt with within the arguments that have been put forward here.

The lease that was granted to Mr. Greenall for the 606 acres had a section in it, which I would like to read because I think it is necessary. It says: “**The Lessee** [in this instance when it is assigned it would mean the Ritz owners] **shall have the right but shall not be obliged to build and maintain upon the demised land in addition to the said hotel: houses, shops, cafes, cabanas, offices, banking and commercial houses, shipping and airline agencies, theatres, night clubs, country clubs, bathing establishments, golf courses, polo grounds, race courses,** [I would assume that wasn't race horse courses, I would hope] **sports grounds, air-fields and all other erections as may be necessary or desirable in connection with the said hotel, or with the development of the demised lands as a tourist resort. PROVIDED, however, that the consent of the lessor in writing to such other erection shall be first had and obtained but such consent shall not be unreasonably withheld.**” That is very clear.

The people who now hold the leases on the 606 acres of land, not just the 134 acres before this House, have the right under this lease granted by Government to do these things. And whether this lease is extended or not, it does not make a difference with this clause. Therefore what is being done today has to be looked at in the light that the Ritz and the other owners of the 606 acres of land have the right to do anything that is allowed by Planning, obviously, within this property. But the right goes further than is normally seen in freehold properties because the Government itself has granted these rights. Government, obviously, would not breach any contract or lease, or derogate from the rights that are set out in it.

What is happening here today does not affect the actual use of the property. I need to make that very clear. The right to use that property, even it is only for 52 years is clearly spelled out in the lease to Mr. Greenall of the 606 acres for £100 that was signed back in 1950.

The Minister for Tourism very ably pointed out the benefits to the country and in effect it is that this investment in the vicinity of \$200 million (normally a multiplier of two to four times is taken on what the country gets from it) which was estimated somewhere between \$400 million and \$800 million is an investment we cannot afford to lose.

This only relates to the first phase of the project. It is a substantial amount in that area, perhaps more in relation to the following phase. But it will fill the void of the

300 rooms we have lost because this is important to the tourism industry, that we do not see a shrinking to this extent and this rapidly because both hotels went out of business at about the same time, well, one was converted to commercial property, offices and that sort of thing.

We have to protect not only the mangrove but all natural resources in this country. And we have to weigh very carefully anything that we do. But the same way as our forefathers in 1950 had to weigh basically the giving away of 606 acres of property to begin the country moving, we have to weigh the investment that is at hand against what is being lost.

More than one-half of the island is swamp. Forty-two square miles out of 76 square miles of Grand Cayman is mangrove and swamp. I am a member of the National Trust, so is my family, and I have always been. Where I differ in relation to how one goes about protecting that 42 acres (sic) [square miles] is that I believe that the aim has to be first to try to protect the vast majority of it; the central mangrove wetlands. The effort being put into very small amounts of swamp, that effort [should be] turned to dealing with the 8,800 acres, a very large amount of land in the central mangrove wetlands, and preserve that first. That is, to a large extent, not dyked, not flooded by the Mosquito Research Unit, it is very deep swamp and once the progress is to preserve the most important areas, I don't think either the National Trust or anybody in this House would differ that that central mangrove wetland is the most important part of the swamp land -- an extremely large part of the swamp land.

That should, in my view, be where a lot of effort is put towards and what we really have at times is the move to get everything with no compromise. That is not the way life is. Life is a compromise. And it is better, and I have personally said this to the Trust, it is better to preserve and get 80% or 90% of what you are going for and then work on the balance of what remains than to have happen what has happened over the years, that in all of the effort that has gone into opposing small areas of swamp that is already cut up . . . in fact, when the Harquail Bypass extends through it, it is going to be cut up even worse. And to first try to come to reason and get and protect and spend time towards raising money or lobbying for money from Government to buy, because we cannot take, people's land. And that is very clear in our law. We have to pay for land that is either zoned out, that it can't be used, or in which the use is reduced.

Surely, when the important area is preserved, turn one's effort towards the smaller areas because I do not believe that the most important swamp is the 134 acres in this project. The fringe is very important and that is being preserved. It is very clear that the most important area is the red mangrove fringe.

I guess what I am saying is that if the National Trust has to fight on all fronts—which it has been doing for a very long time—I am giving this advice: I have in the past stated to them that I believe it is better to try and preserve and get the most important parts now and preserve it, rather than what has happened for the last fifteen years.

There have been constant fights on areas of mangrove and in the end, with all due respect, very little has been achieved.

Perhaps I am not making myself as clear as I should, but what I am saying is that if the central mangrove wetlands which is the vast majority of land in this country is so important, the Trust should spend its time going towards it to get that land. Either the Trust must raise the money, or Government must pay it. And if Government has to pay money—and it is going to be a vast sum of money for the amount of mangrove the Trust is looking at—then we must get money from somewhere. It does not make sense to then oppose small projects of mangrove which would bring in large sums of money to the country which could be used to help the Trust to buy the really important extensive mangrove swamp in the country.

I guess sometimes if we do not compromise a little and get a lot, sometimes what happens in the end is that we get nothing at all. When I say that, it seems to me that the effort of the country—not just the Government and the Trust—should be looking at the vast majority of virgin mangrove swamp which is in the central mangrove wetlands.

The Harquail Bypass was put in over swamp. We all drive on it. Has it damaged swamp to the extent where we are so serious about it that one doesn't use it? It is, once again, a trade off. I am sure that everyone alike, whether it is those who are very pro-conservation or not, drive the road. The road drives over swamp. It is a trade off to get a good road. The rest of this road going down to SafeHaven, which is another good project that adjoins this, will go through swamp. And everyone will use it. It is a trade off in life.

My advice now, and very much in the interest of the National Trust, is that if I were going to try to look at preserving in perpetuity for posterity the swamplands of the country, the amount of effort that was spent on this piece of swamp in an area where it is basically surrounded by dredged up land anyhow, would be to put it in the central mangrove area and try to get that first.

Once the Trust has that, they have preserved a very important area. I will, as I told the Trust before, assist in any way that I can to preserve as much of the central mangrove wetlands and anywhere else as I can, as this country can. But, at the end of the day, we cannot stop development totally which is basically, with all due respect, what the National Trust is in effect saying, '*Do not touch any swamp.*' There are areas of minor swamp that may have to be sacrificed for the country to move forward and for the funds to be raised to be able to pay for the important areas.

And those Members who have really never had a business, and who I hear chuckling, would really never understand what a business approach to things is. Because it is all well and good to say that you are going to take people's land, like in the central mangrove wetlands, but you must pay them. This country must pay, and the Trust must pay for whatever land they wish to take to preserve. And after 15 or 20 years or whatever it seems

clear to me that if the Trust is going to get the central mangrove wetlands then money must be raised by the Trust or appropriated by this House, or both, because it has to be a two-way street to assist with preserving these mangrove wetlands.

The Vision 2008 which I know has been criticised by a few vision-less Members states, and I would like to read the three important areas of this: **“We will develop and implement a growth management plan to achieve and maintain a balance between the natural and built environment.”** Very good strategies. **“We will protect our natural environment, particularly the central mangrove and other wetlands, the North Sound coral reef from further degradation.”** Very good. But these have to be read together because it points clearly to the fact that if the country is to move forward then there has to be a balance. And finding that balance is never easy.

It has probably been one of the most difficult things that I have had to deal with in my 20 years in politics and serving this country. Development is never something that is totally within the ambit of any country. There are external forces and sometimes things move too fast; sometimes things move too slow. But at the end of the day there has to be a balance.

**“Strategy 13 says: “We will ensure that Government, in partnership with the Tourism and Finance industries strengthens plans for the continuing success of these two critical sectors and we will identify opportunities for diversification.”** Very important.

I guess what we have to bear in mind is that at the end of the day when you have the input of people who say no more development and people who say too much development that the balance in between is found. That goes for give and take and compromise in life.

The sensible balance that I believe needs to be reached is to take the most important areas of the mangrove, like the central wetlands, acquire it, preserve it, and we have to understand that the trade-off sometimes for that has to be continued development in other areas.

The visitors to these islands, especially in Cayman Brac and Little Cayman, many of them do come for the environment and to see as much of those islands in their natural state. That too is an important aspect because tourism to the Cayman Islands is something that we have to ensure that it not only continues but that the quality which means the input, the economic input into the islands is raised to a higher level. That, I believe will provide the funds to preserve in the natural state much of what remains.

The motion that came before the House back in July of this year, the present motion, had four operative or resolve sections. I think perhaps the date of filing may be wrong on this, it says 4 July—

**The Speaker:** It was August 4<sup>th</sup>.

**Hon. Truman M. Boddin:** While it refers to 17 July—

**The Speaker:** It should be August 4<sup>th</sup>.

**Hon. Truman M. Boddin:** Sorry?

**The Speaker:** It should be August 4<sup>th</sup>.

**Hon. Truman M. Boddin:** Yes, sir.

This motion sought to basically destroy and to block a Ritz Carlton being built in the Cayman Islands because what it sought to do was impossible, as we have seen, for a five-star hotel to carry out.

The motion itself is one that was subject to a proposed amendment, one which proposed to totally remove the last three resolve sections. In other words, the proposed motion (sic) [amendment] would have actually, if carried, changed the motion before the House into a totally different motion. It goes to show the roundabout turn that was made when the reality of what the present motion will do to this project . . . because income over the next few years of \$100 million is not something to be sneezed at or turned away.

The motion before the House is a very negative one. It basically says do not allow the project as a five-star Ritz Carlton project to go on. And it has no alternative. The alternative of going back and negotiating on the lease and giving it to the Trust is the sort of proposal that comes from someone who does not understand business.

There is a 52-year lease there where the owners can do literally anything they wish with the land. Why in the world would they give it back to Government? There is no alternative. Any one can produce the negative side of a matter. Very few come up with better alternatives. That is where they sort out the businessman from the philosopher; the difference between action and talk.

This motion as it stands is one which has put up unpractical solutions with no alternative at all. It would lose this country (if it is passed in the form it is) an investment of \$100 million; \$400 million or \$500 million at the end of the day; \$100 million of direct income to Government and in return there would be nothing on the site and the country would be 300 rooms short on the tourism side.

The proposed amendment at least provided an attempt at a practical solution, even though I believe that if the mover and seconder had known the details of the requirements for a five-star hotel, then they would have extended this much further when the requirement for a golf course was realised. But the proposed amendment basically nullifies the motion before the House. The seconder of the original motion, the seconder of the proposed amendment is the same person. This is a very clear example, as mentioned earlier, . . .

Mr. Speaker, if the proposed amendment nullifies the motion then while it is possible it is totally impractical and unheard of to support two opposing motions—one on the proposed amendment and the other one a motion before the House.

So I am not too sure how that dilemma is going to be overcome. And also the mover of the proposed amendment also supports the proposed amendment. How at this stage, having put up something that was a lot better than the original motion, but which actually re-

moved, if it had been passed, from the original motion the whole substance (there would be nothing left) will now be able to come back having put up a better alternative in the proposed amendment and vote for the original motion that is before the House. It just doesn't seem practical. It is obviously legally possible, but I guess there we get into the difference between practicality and possibility.

So, I see the proposed amendment to the motion as really a deadly strike against the motion itself. If it had been passed it would have destroyed the present motion before the House. Definitely, the mover and the seconder of the proposed amendment obviously had to feel that the original motion was so defective that they would move and second—that is the First Elected Member for George Town, and the seconder was the Third Elected Member for Bodden Town—the proposed amendment which would have negated to a large extent the motion before the House.

To be frank, if the Standing Orders had dealt with what the practicality of the situation was, there would probably have been no original motion before the House. That conflict goes to show how little thought-out this original motion that is before the House is. And I am going on to deal with the motives behind that because while the seconder of the original motion may not have known certain things when he seconded it, the revelations after that are extremely revealing and lack transparency. And I will deal with that in detail.

From the point of view of the proposed amendment and the present motion, the three Opposition Members have in effect, in my view, destroyed to a large extent the motion before the House, and if it were looked at from a practical point of view should also feel obliged to vote against their own motion.

*[Members' laughter]*

**Hon. Truman M. Bodden:** But practicality sometimes never comes into effect when politics dominate. While I am on this area, or just coming off the area relating to the mangrove—

**The Speaker:** If you are going to a new area, perhaps we could take the break.

**Hon. Truman M. Bodden:** Yes, sir, that would be good.

**The Speaker:** We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.53 PM

#### PROCEEDINGS RESUMED AT 4.45 PM

**The Speaker:** Please be seated. Proceedings are resumed.

I will entertain a motion for the suspension of Standing Order 10(2).

#### SUSPENSION OF STANDING ORDER 10(2)

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 10(2) to allow the House to proceed until 6.30 PM as agreed.

**The Speaker:** I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

#### AGREED. STANDING ORDER 10(2) SUSPENDED TO ENABLE THE HOUSE TO CONTINUE BUSINESS UNTIL 6.30 PM.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker.

I would like to turn to the question of notice to the public that was raised by Opposition Members. The documents relating to this motion were laid in this House on 17 July of this year which gives two and one-half months, approximately, to date. A very large amount of documents were laid. In fact, it may be more documents than strictly required by the law. And that goes toward showing the transparency, but also giving the public and the Members of the Legislative Assembly very ample time.

Those documents could have been laid, and the motion taken in the same session which means that the public would only have had two or three weeks, or a month. In fact, two and one-half months have been given. There have been discussions on this on CITN, the Fourth Elected Member for George Town had a lot of expensive air time on it. It has been in the *Caymanian Compass*. It has been on the radio.

From the Planning point of view... for this motion there has been a gazettal and also on the *Caymanian Compass* on 13 July, notification of the laying of the documents. Under Planning there have also been notices in the *Caymanian Compass*. So there has been ample time given to the public and to everyone. No one can really criticise either by saying that there is not enough time, or saying that the documents that have been laid in this House are not sufficient. In fact, the list of documents is probably about an inch thick and basically gives everything relating to the project very extensively.

There has been, or attempted to be, some criticism of a section in the regulations that were passed in this Honourable House, approved on the basis that the regulations seemed to only apply to this project. Regulation 7(3) of the Development and Planning Regulations is one of a general set of regulations and they will benefit, as will all the other regulations in it any person local, non-local, who falls within the ambit of the section. The section of the regulations basically allows the combination of hotel and a strata.

**Mr. D Kurt Tibbetts:** Mr. Speaker, on a point of order.

## POINT OF ORDER

**The Speaker:** Let me hear your point of order, please.

**Mr. D Kurt Tibbetts:** The Minister is saying, and I am assuming, I think fairly, that he is referring to my contribution where he says that it was implied that it was said that these regulations or these amendments seem to apply only to this project. If it is what I said that he is referring to, sir, I said that it was tailor-made for the project. I did not say for a minute that it would not benefit future projects. So I did not say that it was only for this project, and that is what the Minister is saying now.

**The Speaker:** If it is a regulation it is understood that it will be good for posterity so until it is amended –

**Hon. Truman M. Bodden:** Mr. Speaker, I did not call that Honourable Member's name. How touchy we get late in the afternoon!

**The Speaker:** But the explanation has been made. Please continue.

**Hon. Truman M. Bodden:** The regulation is very clear. It is a general regulation and anybody in the future who wishes to benefit under it can do so. The whole Development Plan and Regulations and the whole package that came to this House was approved by this House. Many of the changes to the Development Plan, changes to the Regulations obviously came out of representations made. And there were hundreds, sometimes thousands, if you looked at it in the plan, of representations made in different areas. This is in the area of planning.

We have to remain at the cutting edge of the profession and I am very happy to say that regulations such as this and the Development Plan that went with it will benefit this country, and have already started to show the benefits. There is no one in this House who can say that the Planning Department has not been transformed in the last two years to a stage where some applications are being dealt with in a day or two that were taking 42 days.

A press release is about to come out saying that where inspections are set up the inspectors must get to the site within 15 minutes, otherwise call through to the Director of Planning. I am getting, I believe, a very good job done there. But with it has to go the innovation to amend the plans and the regulations to keep up with the times.

This regulation-- there is one just above it that was also amended not that long ago that deals with a similar thing. There are a lot of amendments in this that are for the benefit of the islands. It is very easy to read something sinister or mischievous into anything. That is a very simple thing to do. But when a person alleges something it should be well thought through before allegations that are wide and broad such as this, are made.

The Legislative Assembly here passed these regulations. No Member here can say that they can't read and

they don't understand what is before the House. There was some attempt this time, and other times, to talk about using or bending, or whatever, regulations. But one good day when I think the time is right I will show this House how regulations were bent to suit one person, and the damage that it did and continues to do.

But I learned one thing from some of my contemporaries in this House: There are some things that you just leave until the right time and it leaves one to think about them, as I am always reminded when the threats are made to me about matters such as this amending regulation. Tactics is something that one can always learn, so that they remain until the right time.

Another area that was raised . . . and there seems to be some obsession, nearly, with leadership. One of the things that is constantly thrown is that there is no leadership, or not good enough leadership, or we need a chief minister to lead, or whatever. Mr. Speaker, look where this country has come without that type of leader.

I was looking at today's paper--independent countries with all of this 'leadership', and I am sorry for a lot of these, but on page two was a call by Jamaica for aid. Okay? And we are looking at the pearl of the Caribbean and where this obsession with leadership in the independent countries has taken them.

Communication: The First Elected Member for George Town had a lot to say on communication, basically that Government should have communicated and things would have been all well and good. But communication is a two-way street. And when I get into dealing in detail with that type of transparency we will see.

A motion was filed, the motion we have now, and nobody came to the Government and said we are filing a motion. Nobody sat down and explained anything to Government. No communication.

An amendment was put to the motion, a proposed amendment . Nobody came to Government, sat down and said '*We are putting an amendment to the motion. You all get together and see what we can do.*' We also had (and I am going to deal with that in detail) the meetings by the Fourth Elected Member [for George Town] with Mr. Ryan and his lawyer, Mr. Putterill. Nobody invited Government to that. No communication. Further than that, there was a big Backbench meeting with Mr. Ryan, I understand two Members, the Fourth Elected Member for West Bay, and the Second Elected Member for Bodden Town may not have been there. No communication with Government. In fact a lot of this, like these letters, had to be unearthed and even then there was the attempt to try to keep it all secret.

What I am saying is that the Backbench, the Opposition, if they wish to have communication, it's two ways. There is no good in saying 'Government doesn't communicate.' We laid everything we had on the Table of this House. It is a one inch thick document, and a series of things including public meetings on this went on. There was no communication with Government.

What I am really saying is that you cannot have the Opposition criticising Government for not communicating,

when they are not communicating at all either. So, what is good for one, must be good for the other.

There was quite a bit of hullabaloo by the Third Elected Member for Bodden Town about Mr. Orren Merren, imputing conflict. But what is very clear is that the rules of the Trade and Business Licensing Board make it very clear that **“if a member of the board has any personal or pecuniary interests direct or indirect in any matter, which is to be determined by the Board, he/she shall, if present at the meeting of the Board at which such matter is to be determined, as soon as practicable after the commencement disclose the fact and shall not take part in the consideration or discussion of such matter or vote on any question with respect thereto.”**

Once again, wild imputations that smear. And that unfortunately came after a statement that two minutes before said that (referring to me) using privileged position here to malign people who are not here to use the same forum to defend themselves. Six lines later, the Third Elected Member for Bodden Town launches into someone who is not before the forum, has no way of representing himself.

Mr. Speaker, speaking generally, when you say not to do something, and you do it, it ranges on hypocrisy. So there can be no doubt. . . well, I'm not going on to say what else I was going to say there. But there can be no doubt that the Board and Mr. Orren Merren are reputable people and they abide by the rules, the same as we have rules in this House. Everyone at times has conflicts of interests. When they arise, one discloses it and one doesn't vote.

But, you know, it comes back to what was said by a Member earlier: When a Caymanian is seen getting something out of business, then other Caymanians take and attack and try to keep them from getting anywhere. The First Elected Member for West Bay and Mr. Orren Merren are in that bracket. And look at what has been done there. There are other lawyers involved. Have we heard anything about Hunter & Hunter, or W. S. Walker & Co.? No. Have we heard anything about other real estate agents or brokers? No. But a couple of Caymanians are involved and then we find this, whatever one calls it, jealousy, or attempt to pull them down. Instead of trying to help our countrymen, unfortunately this is what happens at times. As one Member put it: No man is a hero in his own country.

*[Members' laughter]*

**Hon. Truman M. Bodden:** After that laugh, let me say this: I wonder if one would have laughed if the air-conditioning contract that was trying to be negotiated down in the cemetery that day had gone to one of the Members in here. Would we have had a laugh at that too? Or to one of the companies with one of the Members. . . maybe it was that if it had been spread out to more people it would have been different! That jealousy is—

**Mr. D Kurt Tibbetts:** Mr. Speaker, on a point of order.

### POINT OF ORDER

**The Speaker:** Let me hear your point of order, please.

**Mr. D Kurt Tibbetts:** Mr. Speaker, I don't know about anybody else, but what that Minister just said in his own sly, shy way is imputing that I may be easily 'on the take'—I do not know what the word is for that. [Inaudible remarks] No, no, no. Hold on! That is my interpretation. And he, nor any man born, don't do that to Kurt Tibbetts! That is what I understand him to be saying.

**Mr. Roy Bodden:** That is what he's saying!

**The Speaker:** I can't see the point of order there. He said that it may be spread out. How can you. . . Under what Standing Order are you—

**Mr. D Kurt Tibbetts:** I don't know. And you are usually very helpful, sir, because you are supposed to know them.

I understand what that man just said.

**Hon. Truman M. Bodden:** Mr. Speaker, let me just clear this up very simply. I referred to nobody in here on being 'on the take.' I would never do something like that. What I was saying was that if other Members had legally, legitimately, had a piece of the action, the same as one Member has, or a piece of the business, and Mr. Orren Merren has, it may have been different. But I would never allege that Members are 'on the take.'

**Dr. Frank McField:** Mr. Speaker, on a point of order.

*[Inaudible interjections]*

**Hon. Truman M. Bodden:** Mr. Speaker, I said that I would never allege that Members here are 'on the take'.

**Mr. Roy Bodden:** Mr. Speaker, on a point of order. What was that, sir, if that was not imputing false and improper motives indicating that Members of this Honourable Legislative Assembly, had they been given a little piece of the action, would have agreed with it?

**Mr. D Kurt Tibbetts:** Exactly!

**The Speaker:** Are you calling this under Standing Order 35? Offensive and insulting language? What are you—

**Dr. Frank McField:** Mr. Speaker—

**The Speaker:** Let me deal with one. I can't deal with three at one time.

**Mr. Roy Bodden:** Mr. Speaker, imputing false and unavowed motives, sir.

**The Speaker:** I think the Minister said he was not doing that.

**Mr. Roy Boddén:** Mr. Speaker, what the Minister has said, sir, in his explanation, and what he has said in his original text, clearly is that, sir.

Would you like us to get the transcript, sir? *The Hansard*?

**The Speaker:** I don't know what more the Minister can do. He said he did not impute it, and now you are saying that he did. It is a matter of your opinion against his.

**Mr. Roy Boddén:** Mr. Speaker, I can only say, sir, that I hope it doesn't evolve into the law of the jungle.

**The Speaker:** Just, out of an abundance of caution, just—

**Hon. Truman M. Boddén:** Mr. Speaker, I imputed nothing, and I am going to move on.

**The Speaker:** Please.  
The Fourth Elected Member for George Town.

#### POINT OF ORDER

**Dr. Frank McField:** Mr. Speaker, on a point of order, the point of order being that the Minister did impute improper motives on the part of Members. And it is just as if he imputed improper motives on a part of a political party, it would be the same as imputing improper motives on the part of an individual. And we need to look at the transcript to see that he referred to this generally, not specifically to any Member, but general enough that the imputation of improper motives was clear. I would like him to withdraw it.

**The Speaker:** Honourable Minister, would you just withdraw that so that we can get on with this because it is neither here nor there.

**Hon. Truman M. Boddén:** Mr. Speaker, I know what I said, so I am happy to withdraw anything that they understood to the contrary. I withdraw it, and I am going to move on.

**The Speaker:** Thank you.

**Hon. Truman M. Boddén:** But, Mr. Speaker, I want to go on to deal with the question of transparency. A lot has been said in here about transparency, a lot of allegations have been cast in relation to this.

We have two letters, one from Mr. Bruce Putterill, Hunter & Hunter, which is laid on the Table of the House, relating to a meeting with the Fourth Elected Member for George Town that sets out in it. Not only was the Fourth Elected Member [for George Town] supportive of the pro-

ject, generally, but was supportive to such a stage that that Member was prepared to invite Mr. Ryan onto the television show he has. Was that letter disclosed, or that meeting, rather, that the letter sets out?

Transparency, Mr. Speaker, where has it all gone? It has gone beyond communication now. Not only was there no communication of that, but that meeting was held. And the two hour public meeting that the Fourth Elected Member for George Town had, did he tell the public about that? I don't know. I can't remember seeing it. In fact, there was a lot of surprise when these disclosures came out.

Another one that I knew nothing about, nor [did] the public, was the meeting where the Fourth Elected Member [for George Town] got Mr. Michael Ryan, the person involved in the Ritz project, and brought him along for a Backbench meeting.

**Dr. Frank McField:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order, please.

**Dr. Frank McField:** If the Minister is meaning this literally, that I got him and brought him along for a Backbench meeting, then he is misleading the House.

**The Speaker:** That is not a point of order. He is quoting from letters that have been tabled in this House which—

**Hon. Truman M. Boddén:** Mr. Speaker.

**The Speaker:** Please continue.

**Hon. Truman M. Boddén:** I am sure with that PhD—which I am going to come to a little bit later—the Member knows what I mean.

He had a meeting put together which, obviously, Mr. Ryan attended. All, apparently, in support of this project. And, you know, the most important thing about this, in all of this transparency that we hear about, did this come out publicly? Telling the people *'I supported the project, but I changed my mind and filed a motion against it'*? That's very important, Mr. Speaker. Transparency is like communication—it works both ways.

And, you know, talk is cheap. We hear a lot of talk about transparency. Now, when the facts are coming out, we are really seeing who is transparent and who is not; who is consistent and continuous and who is not. Mr. Speaker, this country can only survive with stability and continuity when decisions are taken to move in a specific direction there has to be continuity on it.

On transparency, Mr. Speaker, has any disclosure been made of who pays for the television programs, or perhaps any other television programmes that the Fourth Elected Member [for George Town] has on television? Has there been any disclosure or transparency in that area? It's very important, Mr. Speaker, very important. Who supports and pays to support television pro-



grammes or—to go a little further, Mr. Speaker, has there been disclosure as to the benefit from any form of sponsorship or financial or material support as a Member of the Legislative Assembly is given to the Fourth Elected Member? I have not heard of any in the House, or on the television, but it is fairly very important to the public if transparency is to be what it is.

And what we do know, Mr. Speaker, at one stage, back sometime (looks like February) of this year, yes '98, sponsors were disclosed by the Fourth Elected Member for George Town. Sponsorship, or financial support, or material support as a Member of the Legislative Assembly. That disclosure was on Quarry Products, Island Companies. And the three names given were Dick Christiansen, Renard Moxam and John Ray. Have these disclosures been made publicly? Well, they are important for the public to know.

There was criticism that (not this time, sometime back) by one of the Members about some people, some poor people—and I give at times to people who come to the Assembly as well—of their asking for money at times, and those who I believe need assistance I will help. But you know, Mr. Speaker, that is one thing. The question of transparency requires that important things that the public should know. . . and, by all means, Mr. Speaker, the Fourth Elected Member of George Town has called the word 'transparency' far more (I believe) than anybody in this Honourable House. It requires that material information such as the meetings that were held and the change that came about. And, Mr. Speaker, why did that change come about? What I am going to say is what I believe the scenario was.

From the meetings and the allegations made in the letters it is clear that the Fourth Elected Member for George Town did support, in some way, the Ritz-Carlton project, at least at the times those letters allege. I know, and when the First Elected Member for West Bay was called a liar by the Fourth Elected Member [for George Town] in relation to this, the Fourth Elected Member [for George Town] came to me, when he was supporting it, and asked me to try to get the project in here, the documents in, and try to deal with it. And that is the truth, and it supports what the First Elected Member for West Bay said, and what these two letters said. And it wasn't only me, as a Minister that the Fourth Elected Member [for George Town] came to, he spoke to at least one or two other Ministers about this, at least one that I know about.

My view is that the Fourth Elected Member [for George Town] did a roundabout turn and changed and opposed this motion at a time after the motion against the Minister for Agriculture failed to go through. Because, I would suggest, the Fourth Elected Member [for George Town], as he has imputed from what I can see in some statements here, was upset that the Minister for Agriculture was laying the documents for this project on the Table and he felt (that Member) that one of the reasons was that he would not support this Ritz-Carlton project, but would object to it, one of the reasons was the failure of that motion.

Obviously, the Fourth Elected Member for George Town had his eye on an Executive Council seat probably. And it didn't work out. So, the National Trust, on the other hand, believes that all of the reasons perhaps were the mangrove. I don't, in my view, believe that.

And I want to read the reason why I don't believe that because in an advertisement in the *Caymanian Compass* in July 21 of this year, the Fourth Elected Member for George Town, after setting out a lot about the motion, went on to try to say that there had been a no confidence motion against the Minister for Agriculture, then he went on to say this: **“However, this Minister, in accordance with the Governor (Vesting of Lands) (Amendment) (Disposition) Law, 1997, tabled on the evening of Friday, July 16, the matter recommending the extension of the lease terms to 99 years for the Ritz-Carlton project. Our Parliament is a collective institution. All Members are obligated to abide by this resolution. It is now important that all Members of the Legislative Assembly demonstrate their lack of confidence in the Minister. For this and other reasons I, the Fourth Elected Member for George Town, will seek to bring a motion to spawn debate on the contents of the so-called Ritz-Carlton. I pray that I will get the support of you, the voters.”**

Mr. Speaker, what could be more clear?

This is when, I submit, that the turning point appears to have come about. Not because of the mangroves and the National Trust fully, but because the attempt to get the Executive Council seat had failed and therefore the move was made after supporting the motion as good for the country as stated in the two letters—and as told to me personally, and the Member cannot deny that. After telling me and other Ministers the motion was good and supporting it, the upper cart got a bit upset and the motion was filed.

So, I wonder if the Third Elected Member for Bodden Town had known, when he seconded that motion, what he knows now what thoughts may have gone through that Honourable Member's head before he put his signature to second it. This document seems to set out clearly that the reason—and no other reason was given—was an upset because the power of sitting in that Executive Council seat had not come to fruition.

Mr. Speaker, there has been a lot of criticism levelled at not just the Government, but also the Backbench Members who, in their independent way, support what they feel is good for the country, and object to what is not good. I have full faith that the two West Bay Members who support this motion (sic), and the Third Elected Member for George Town, do so independently and in the interests of the country.

**Mr. Kurt Tibbetts:** Project!

**Hon. Truman M. Bodden:** Project, thank you.

'Who support the project, and oppose the motion'.

Well, it's late in the day, Mr. Speaker. And I believe that even if my friend, the First Elected Member for George Town, who reminded me of that slip, and the

Third Elected Member for Bodden Town, had known then what they know now, their thoughts may well have been very deep, as they usually are, but deep in another direction. What has been brought out, and the total lack of transparency of the Fourth Elected Member of George Town, really has left nothing of this motion which is really worthwhile, nearly, even dealing with.

A lot has been said about my qualifications. Criticism of the Third Elected Member for George Town, Minister for Tourism, Honourable Financial Secretary, myself, about the geniuses and trying to play down our qualifications and our abilities. Well, Mr. Speaker, I am a qualified lawyer. I have a degree in law. I have other qualifications. And I am prepared to prove that to Members of this House to let them see that I am indeed qualified, and I will bring along my certificates, my original certificates, tomorrow morning. Also, for verification, the address of the English Bar, if it is needed for verification, of my Barrister at Law Certificate. I challenge the Fourth Elected Member of George Town to lay his PhD on the Table as well, along with the address where it can be checked on.

Transparency, Mr. Speaker? Since it has been made out from time to time that I am not qualified, I have had attacks on lawyers—

**Dr. Frank McField:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order, please.

**Dr. Frank McField:** Is that Minister implying that I am a fraud?

**Hon. Truman M. Bodden:** No, Mr. Speaker. I would never do that to an Honourable Member of this House. What I am saying is very simple: I am going to bring my qualifications down, and my certificates—

**Mr. Roy Bodden:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order, please.

**Mr. Roy Bodden:** Our Standing Order 36.

I would like for the Honourable Minister speaking to explain to the House what qualifications have to do with the merits or demerits of Private Member's Motion No. 17/98, the Proposed Ritz-Carlton Project? Whether being a lawyer, or having a PhD. I would like the Honourable Minister to explain to the House to show the relevance of qualifications with the merits or demerits of such a project.

**The Speaker:** I do not think that is a point of order, but if you care to explain, please go ahead.

**Hon. Truman M. Bodden:** Mr. Speaker, that is the type of reason why, once again, a statement has been made I am jealous of the Fourth Elected Member of George Town's PhD. I have never seen a PhD certificate. I am asking the Honourable Member to bring it and let us see it.

Insinuations have been made for the last year, and in this session as well, about lawyers, about qualifications, about who has professional qualifications and who doesn't. So the test is now on. And, Mr. Speaker, I am not going to go any further on it. But I am a qualified lawyer and I am going to show my certificates in the morning. And the Fourth Elected Member of George Town may laugh as much as he wishes, but we will see who may have the last laugh.

Now, Mr. Speaker, one of the things one of my teachers many years ago told me was "I can teach you all the knowledge in the world, but if you don't have ambition you will never succeed." Ambition, Mr. Speaker, goes along with the qualifications if one is to succeed. And despite what has been said, I work hard as an Executive Council Member for this country and as a Member of this House, and I have for twenty years. It does get to me at times when there are insinuations that I am either not doing my job for the country. . . but you know, Mr. Speaker, there is one thing, and I am talking generally now, that no one can say about Truman Bodden, and that is that they can buy him. Anything that I do, I work very hard to get where I am. I work night and day many times and what I have done for my country; I have done not for what I can get, but for what my country can get.

Something has to be left for the young generation, not just the preservation of the environment, but the preservation also of the economy. There has to continue to be, obviously, social harmony in the country and I believe that people who give me advice. . . I look at what they have done. I don't just listen to the advice.

If somebody comes to me and says that this project, the Ritz project, is no good, and that person has no experience in business, probably has been unemployed for long periods of time, I would put far less weight on that than a man who came to me and said, 'Look, I am a professional accountant and I have my certificate, and I have looked at this carefully and the project has these faults in it.' We have to look not at what people just say, but what they do. Look at their record when advice is given to the public.

And the public must do the same thing with politicians. When advice goes out from Members of this House, they must look at who gives it and their qualifications or their experience, because experience is probably more important many times than qualifications, to see whether it is just a lot of bad advice coming in a philosophical way, or whether it makes practical sense.

So, talk is cheap (that is the other thing my teacher taught me) but actions speak louder than words. And you look at the person's track record. If they are going to tell you how the country can move forward, how people can be employed, you ask the question, Were they employed when they gave the advice? How long before that have

they not been employed? Because people who can't help themselves, speaking generally, can't help someone else. If someone's life has been a shambles, one has achieved nothing in it, then how can you help a country, or help other people? That, Mr. Speaker, is what differentiates the doers from the talkers. Like I said, talk is cheap. This country has come to where it is because there have been people who have been prepared to work hard.

Just speaking generally, Mr. Speaker, when in this day and age somebody gives someone else something, whether it's money or whatever, they don't give it for nothing. There are times, Mr. Speaker, when obligations go with the giving of money, or services or whatever. It is very important that where there is a track record of persons, who have always been asking others for money rather than working for it, one has to really ask one's self, Is that really the example to set in this society for our youth?

That is why I know and I believe that the National Trust, one day, will get the necessary funds to purchase the central mangrove. All I can say is that there are obviously some people, who have quite a knack at getting others to give them money. Perhaps they should turn it in the direction of helping the National Trust raise some money to purchase the central mangrove wetlands.

Just one other quick area I wanted to mention is that... I don't know if this was read-- it may or may not have been. But a section in a report from the English Minister of Overseas Development called "The Cayman Islands Natural Resources Study of 1976" on page 86 it stated, "**Proposals for Retaining the Red Mangrove Fringe:**

**"It is strongly recommended that the majority of red mangrove fringe bordering North Sound be maintained. If further development of the deep swamp is planned then the pattern adopted at Governor's Harbour should be employed. One or several channels should be cut from the sea into the development zone to allow for boat access and the essential water exchange between these enclosed areas and the open sea. To ensure appropriate hydraulic conditions for Rhizophora it is recommended that at least part of the mixed community of red, black and white mangrove behind the red mangrove fringe be retained also. Since this zone is very variable in width around the Sound, it is recommended that a minimum belt of mangrove 300 meters deep be maintained."**

I would like to point out that this project does maintain the mangrove buffer. I think this is very important because that mangrove buffer is probably more important to the National Trust than the balance of the mangroves which are in a fresh water area and basically do not contribute to a very large extent, if at all, depending upon how far back they are, to the sea life that borders them. That, I understand, is being maintained.

Also, in the last Development Plan I was very happy to say that we were able in many areas to considerably increase this mangrove buffer along the edge. And 300 feet or more are maintained, I understand as a buffer (I

am not sure what it is, but it averages 300 to 400 feet) on the Ritz-Carlton project.

This project is, in my view, important to the economy of the Cayman Islands. I believe, sir, that it is also important to the National Trust because of the large sums of money coming in, or that will come in. It will provide further funds that can be used by the Government to assist the National Trust in purchasing the central mangrove. And they have purchased I have been told, or I have read (I read the Trust Letter) several hundred acres. But they are looking at 8,800 acres so there is a lot of work left to be done in that area.

I believe that the \$6 million that will be paid, that's non-refundable, and that will be lost if the project does not go on, up to US\$5 million that will be put into a road which we are badly in need of which must go through the mangrove, Mr. Speaker, is also important to the islands. The vast sums of money that will come in from customs, from stamp duty, from all of the other areas, the continuous revenue that will come in every month—not just every year—from the room tax that will be paid at the Ritz Hotel is also going to be very important to the economy of the Cayman Islands. It is important also that we fill the void of 300 rooms that have been left by the Holiday Inn and the Clarion closing down.

It is also important that as Cuba and the Bahamas unroll in the tourism and ultimately in the offshore finance industry, that the Cayman Islands is poised to deal with that increased competition.

The Honourable Minister responsible for Tourism, Commerce and Transport has done a sterling job of continuing to increase tourism, and keeping its quality high. But he can only do it if he has the necessary tools, which means an upgrading of hotel rooms as we now have.

Also on this, the motion that we have before us today and the proposed amending motion actually would have to a large extent destroyed this motion if it had passed. And therefore, is a very clear indication that this motion before the House now is not acceptable and should not be acceptable even to the mover and second order of that proposed amendment.

*[Members inaudible interjections]*

**Hon. Truman M. Bodden:** I thought I was doing fairly good so far!

We have also seen that the old lease of 52 years (still to run) has very wide clauses in it relating to the use, such as hotels, air strips, just about everything, golf courses. And that Government has, in fact, in 1950 on 606 acres of land actually already stated what the use of that property can be. That lease stands whether this motion goes through or not, Mr. Speaker, those owners have the right to the 52 years of the lease which is an extremely long time that remains.

I dealt with the position that here we are only extending the lease to 99 years. We are not actually in a position to be usurping the authority, of the Central Planning Authority that deals with what can be built on it.

We have also seen that this motion and the facts leading up to it was the clearest indication of the lack of transparency around this from the mover's point of view. The startling disclosure of one secret meeting and one quasi-public meeting (I guess) and all of the other inconsistencies that the Fourth Elected Member for George Town had in relation to his views, to that Member's views, rather, on the project—at one stage, for it, then a round-about turn and then against the project, and the bringing of this motion.

The fact also that one of the lessons we hopefully learn from this is that communication is a two-way street, but so is transparency. And, should I add, at times, speaking generally, honesty. We have also been able to consider, I think, the importance of preserving as much as possible of the natural vegetation, but also (at least I have asked) that some prioritisation of what is to be preserved should, perhaps, be carried out as, indeed, there was a call within this House for prioritisation on projects. I think a similar approach could be taken to the preservation of the central mangrove and the other mangrove.

To wind up, I would just like to go back to the Vision 2008, which I compliment His Excellency, as did the Third Elected Member for George Town, in his vision in putting this forward and the wisdom of the strategies which were set out in that document which, very briefly, state: **“We will develop and implement a growth management plan to achieve and maintain a balance between the natural and built environment.”** That balance is important. **“We will protect our natural environment, particularly the central mangrove and other wetlands, the North Sound coral reef from further degradation. We will ensure optimal infrastructure which supports the needs of the current population projected growth.”**

It is very interesting, sir, that that one I read is strategy 9, and next to that is the strategy relating to a balance between the two and then the strategy on the preservation. The other strategy, 13: **“We will ensure that Government, in partnership with the Tourism and Finance industries strengthens plans for the continuing success of these two critical sectors and we will identify opportunities for diversification.”**

I would ask Honourable Members of this House to think of these four strategies and to weigh them. A balance has to be found and I am certain that this project, when implemented, will be a project where the strategy relating to a balance between the natural and the built environment will fall and that it will be good for the Cayman Islands.

I stress, in ending, that I support the National Trust; not only do I read the *Trust Times*, I give it to my two young children who have a lot to inherit here. I have never taken a decision this important for this country unless I have weighed all factors very clearly. My decisions are always in the best interest of this country because, Mr. Speaker, Truman Bodden gets... What I get as payment here is not very large compared to what I could get if I were in private practice out of here. I give very long hours, and I give it in the interest of my country.

*[Members inaudible interjections.]*

**Hon. Truman M. Bodden:** I am employed!

And it is very important, Mr. Speaker, once again, that we not only look at the words, we look at the actions of people. I believe that in the past twenty years I have contributed to my country and as long as I can I will go on contributing...

*[Members inaudible interjections.]*

**Hon. Truman M. Bodden:** Bring the certificate!

Any decisions I take, I can take independently because I am an independent person. Nobody can look me in the eye and either say they own me, or they bought me or anything else. *[Inaudible interjections]* No. I can! I am sure others can. And it does bother me at times when there are implications of taking decisions like this lightly. I believe decisions of this size should come above politics and we have to take it in the interest of the country. That is what I always strive to do. I always will, and I hope that with God's blessing this country will continue to prosper and to preserve as much of the natural environment as it can and that it will go forward for the betterment of future generations.

Thank you.

**The Speaker:** Does any other Member wish to speak? (Pause) If no other Member wishes to speak, would the mover like to exercise his right of reply?

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Thank you, Mr. Speaker, for your patience. I am just a little bit exhausted at this particular time, and fearful that the listening public by this time would have gone to sleep because of the monologue presented here by the Honourable Minister responsible for Education, Aviation and Planning, the Second Elected Member for George Town who has no respect for education or understanding of what education is.

**Hon. Truman M. Bodden:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order, please.

**Hon. Truman M. Bodden:** He is imputing improper motives to me. I have respect for education and for the country. I would like him to withdraw it.

**The Speaker:** Please, that was unnecessary. Please withdraw that.

**Dr. Frank McField:** Mr. Speaker, that point was done because of the way in which the Minister spoke about my degrees. The fact that the Minister has not shown (although he was the Minister at the time in which I was

employed in 1977 with the Government) that he must not even have gone through to see what qualifications I had and had presented. So, Mr. Speaker, if he has had the opportunity to have done this and he does not know that I have a degree and where the degree comes from, it goes to show a lack of respect for education. That is why I made the statement.

Now, I am not going to harbour it if. . . . I withdraw it, and I will go on. But it goes to show that the Minister's skin is as thin as mine.

**The Speaker:** But he did not call you individually, you see. You have to be careful. Thank you for withdrawing it, and please continue.

**Dr. Frank McField:** Mr. Speaker, I believe that given the opportunity to explain why I brought this motion, why I believe that the Leader of Government Business, the Honourable Minister responsible for Education, Aviation and Planning, has taken the whole thing out of context in order to ridicule me, in order to remind me of the suffering I had to go through in this country because he made sure of that, being the Minister responsible for Social Services back in 1979 when I was dismissed for writing a letter about pre-school education that he so well supports today.

Mr. Speaker, productivity is more than material; productivity is also intellectual. In fact, everything starts from ideas. Without the production of ideas, we would not have the production of things. The businessman needs to remember that without ideas business would not function. So he should not try really to discredit philosophy and discredit intellectuals and discredit PhDs to the extent where he even insinuates that I, a 50 year old man (which I will be on 17 October this year)... and I have been in this country since 1977 with a PhD, and that Minister is so uninterested that he doesn't even know if my PhD is valid or not. Now, that, I think, is an indictment of that Minister, rather than an indictment of myself.

But there was one time when I actually did a one-man demonstration in this country and I walked the street with a PhD. The Minister probably remembers this and I am sure that he still giggles in his seat about my suffering. But, Mr. Speaker, a lot of people in this country take it seriously; a lot of them are also suffering because of the policies of that Minister. This is the reason why we are debating this motion. We are attempting to prevent the Government from doing certain things that might be harmful to these islands--things that might jeopardise the political and economic stability for which we have been known.

I do not believe that it is a crime to change your mind. The Honourable Jim Bodden once said that *the only persons who do not change their minds are dead people and fools*. Now, I don't know which the Honourable Minister responsible for Education, Aviation and Planning is, but he looks pretty alive to me.

Mr. Speaker, I brought this motion because I was entitled to bring it by law. The Governor (Vesting of Lands) Law entitled me to file a motion in this House to

have this Government's disposition of land debated if I so felt there was a need to do so.

Why would the Government be averse to debating an issue that is so important? And has proven to be even more important than they might have realised, or that I might have realised, in that we have come to see that the entire population—local and foreign—in these islands is interested in the question which we are debating. They are interested in environmental factors and issues to a degree in which I was, in the beginning, not interested.

Why did I, that little black boy from Mary Street, have to be the one who brought the motion to give the Government an opportunity to discuss these issues? Why did the Government not take the initiative upon themselves to go out with their Tourism Minister and talk about the positive aspects of the Ritz-Carlton project? Why did it depend upon my bringing a motion in order to spawn debate? Why did I have to put the full page ad in the paper to get to the point that the motion was even considered for debate? Now I'm being faulted?

The Honourable Minister responsible for Education, Aviation and Planning is getting up here and ridiculing me because I have not been a business success in this country, that I couldn't even get a job, that I wasn't even allowed to remain counting tin cans because I wrote a letter talking about the need for a Bill of Rights in this country.

**Mr. Roy Bodden:** We're gonna get that Bill of Rights though!

**Dr. Frank McField:** : Mr. Speaker, the Honourable Minister responsible for Education, Aviation and Planning would make fun. But I have a lot of family in George Town. My father (God bless his soul) is one of the real Caymanian people. There is no way that the Honourable Minister responsible for Education, Aviation and Planning will make me feel that I am less of a Caymanian, and less worthy than he is because he is coming from North Church Street, and I am coming from Mary Street! I am no less of a person than he is! No way, Mr. Speaker, can he convince me of this, and no way will I stand by and allow him to convince other Caymanian people that this is a reality in regard to him and them that he is up there and we are down there, and that we are confused and that we can't understand issues that affect our daily lives.

There is a lot of talk about changing one's opinion. But the Third Elected Member for West Bay made a comment saying that he had changed his mind about the programme, about the Ritz-Carlton project. The Third Elected Member for George Town said that he has withdrawn his application for a spa showing that he had changed his mind in his regard to his desire to do that. I think it is a reality, in fact, that people do change their minds.

I have a PhD. One of the ways we went about doing a thesis is, we had working assumptions or hypothesis. It would not be the conclusion, but we had to have working assumptions in order to begin to arrive at a sensible, reasonable conclusion. I work the same way when I am tak-

ing a position in the Legislative Assembly. I try to develop a position as a result of getting information, informing myself.

Now, if the Government had done what it was supposed to do, and even the Third Elected Member for West Bay, who is supporting the Government in terms of this project, seems to have suggested that the Government did a poor job in presenting the whole issue to the Legislative Assembly and to the public. So, if I then went to try to get information from persons, . . . and I didn't initiate this myself because I have here the Wednesday, 22 July, 1998, "MLA Opposes Ritz-Carlton deal." My meeting with Mr. Bruce Putterill was on the 25<sup>th</sup> of July, after he had read this in the papers.

Now, the Leader of Government Business is, of course, trying to kill me politically in George Town. But he kept me pretty well dead in George Town for over 15 years. I believe so. I believe that he would like to return me to that position again. But the people are not going to allow him to do it. I am not going to allow him to do it. The Minister knows well that I came out in opposition to the Ritz-Carlton deal before I had the meeting with Mr. Bruce Putterill and Mr. Michael Ryan. The Minister well knows this; other Members should know it as well.

Now, Mr. Bruce Putterill called me at my office after having read this newspaper saying that I had misunderstood the situation; in fact that what I understood about the concessions that Government was making was not correct. And he would like the opportunity to set the record straight, and would I mind meeting Mr. Ryan.

Now, Mr. Bruce Putterill is not Mr. Ryan's lawyer. Mr. Orren Merren and company is Mr. Ryan's lawyer. Why was Mr. Bruce Putterill organising the meeting for me to meet Mr. Ryan, and not Mr. Orren Merren and company? That is what the Leader of Government Business should have been talking about. That would have been a very interesting situation! Well, I see him move and say that he doesn't know. He seems to know it all, but when it comes to the truth maybe he has a little bit more of a reservation in terms of knowing that.

I, Mr. Speaker, am really saying that I went to meet Mr. Putterill and Mr. Ryan in good faith because what had been tabled in the paper and what had been written in the press had given the indication that Government was making all sorts of concessions in regard to impact fees and planning permission fees. So, Mr. Bruce Putterill allowed me to sit with Mr. Ryan, and Mr. Ryan explained that in fact this was not the case; in fact, that Government was benefiting more so than we had been aware of.

So I was moved by the possibility of knowing that maybe there was a good chance of us doing something in regard to this particular development and that we could make some money.

And I expressed to Mr. Bruce Putterill at that time that my main concern was with affordable housing. I had expressed my desire to see the Caymanian people who cannot afford to get mortgages from the banks that are not really being helped by this so-called Government guarantee mortgage scheme because most low-income people know they can't even get into the scheme.

So my desire-- the truthful desire at that time, was to see if there was a possibility for me to get money or for Government to get money. This is the job, basically, that the Executive Council should be out there doing—finding revenue, finding sources of money to solve the problems in the country. And there I was playing that role.

Of course, the Minister for Education would like to say that I am power hungry, that I would like to be in one of those ExCo positions. Well, Mr. Speaker, that is the honest to God truth! I would love to be in one of those positions! That ambition I don't think I could hide.

Now, what I would do to get there is probably the question that is important. I wouldn't lie and cheat and stab somebody in the back to get there. I wouldn't pretend that I agree if I disagree. I think that is what the Minister for Education needs to understand—that education has to do with character, the building of character! That is what it really has to do with! And sometimes you cannot get character by way of correspondence courses, you need to spend time on campus, you need to integrate and socialise and debate and assimilate somehow.

**Mr. Roy Bodden:** Thank you!

**Dr. Frank McField:** I wanted to be able to get money to provide low-income mortgages for people. I have been talking about the fact that the mortgage interest rates in this country are too high. That was my intention.

So, Mr. Speaker, what I did right away is to say to Mr. Ryan, "Your idea sounds good. Let me introduce you to the other Members of the Legislative Assembly so that you can explain it to them because obviously they believe the same thing I believe—that the Government had given all these concessions and we can only see what you are getting and we can't see what we are getting."

So I organised a meeting on the following Monday, which would have been the 27<sup>th</sup> of July. At that meeting Mr. Ryan came with Mr. Bruce Putterill—not with Orren Merren and company, who was his lawyer, but with Mr. Bruce Putterill who is the lawyer for Humphreys (Cayman) Limited. Now let me tell you about the relationship with Mr. Bruce Putterill.

My relationship with Bruce Putterill goes all the way back to the Cayman National Theatre days, when he was the lawyer for the Cayman National Theatre Company. Mr. Bruce Putterill was the man who gave me enough money to buy an airline ticket in January 1992 to leave this country in a very bad state, Mr. Speaker, a very deplorable state, in fact, because of the 'sufferism' as our people call it back in the ghettos--the 'sufferism' that I had to go through. Mr. Bruce Putterill did what other members of this society did not do, he helped me, he trusted me, he felt that if I could get myself on an aeroplane and leave the country that I might be able to somehow reform myself, be re-born. And I went with \$100. But it was Mr. Bruce Putterill who paid for the ticket.

So, of course, when I came back I went with my wife, Christiana to see Mr. Bruce Putterill and thanked him very much for what he had done for me and the fact that he had allowed me to meet Christiana and marry her.

Mr. Bruce Putterill therefore received my National Identity Award because I set up an award for my father, the late Charles Vernon McField, called the Charles Vernon McField National Identity Award. And it says on the award "This is an appreciation of our principle concept that a Caymanian is determined not by genes, but by deeds." And I phrased that. I created that. That is why I have a PhD. It is not just the piece of paper; it is the fact that the piece of paper only verifies what's there, what people can see when they see me on TV speaking for two hours about different subjects-- the depth of the intellect, Mr. Speaker!

I haven't been around these Chambers for as long as the Honourable Gentleman responsible for Education, but I think I can hold my position very well, thank you. And I just want to say that I had no intention of meeting Mr. Ryan for the 'sake' that he was the developer, and therefore had something to offer me or not offer me. I met Mr. Ryan because of my respect for Mr. Bruce Putterill and it is quite easy to see my affection for that gentleman.

Now, I went to see him today because I wanted to say to him that the letter he had written had been used in such a way by the Third Elected Member for George Town to somehow suggest what I knew was not his intention to suggest. But letters can suggest a lot. Words can suggest a lot once you take them out of a particular context and put them into another context. But Mr. Bruce Putterill told me today that he did not intend in any way to suggest that there was anything foul about my being at the meeting.

The Minister for Education tries to show how this meeting was a secretive meeting. What kind of secretive meeting? Mr. Speaker, Mr. Ryan made a remark in front of me when I said to him that: *I have a problem with your project too. I believe that there is a conflict of interest here because the same lawyer, Mr. Norman Klein, who represents you or who wrote the letter to the Hon. John McLean, Minister responsible for Lands, giving your proposal to Government for the disposition of this land, is the same Mr. Norman Klein that has written a letter four days ago, the date in which he wrote this letter to a Mr. David Merchant from Offshore Alert threatening to sue Mr. Merchant because of certain allegations in regard to Mr. John McLean and 200 acres of land.*

My question to Mr. Bruce Putterill and Mr. Ryan was Why would they allow such a thing to happen? Mr. Speaker, I would like to show you that this report which I took to the Foreign and Commonwealth Office which I did give to the Chairman of the Foreign Affairs Committee has copies of these letters, and before I finish, when we continue tomorrow, I shall have these letters tabled here so that it is understood from the very beginning that I had genuine, legitimate reasons to at that particular time question the performance of the Minister responsible for Lands since Mr. Klein from Orren Merren and Company wrote Mr. David Merchant on 20 February, 1998, and on 24 February, he writes to Mr. John McLean. He writes on 20 February on behalf of Mr. McLean to Mr. David Merchant with a very serious allegation. So he is represent-

ing the same Minister. He is acting as an advocate for the Minister and at the same time he is giving instructions from another client to the same Minister that he is representing.

It is a clear conflict of interests. So, when the Minister for Education gets up and casts doubts on my integrity and the sincerity in bringing this motion, he needs to remember that they could have taken this proposal to the people themselves. They could have tried, like the Third Elected Member for West Bay said, to sell the deal to the people a little bit better than they did. But they had no time for that. We were caught up in a censure motion, the censure motion failed on 16 July, and the material was laid here on 17 July, and the Minister for Education has drawn and tried to more or less suggest that the reason why I decided to debate this motion was because I had seen the possibility of getting the position that the Minister for Agriculture had, Mr. John McLean's position.

Mr. Speaker, I would like to explain that. The people elect us. The people do not elect the Government, they elect Members of the Legislative Assembly. Members of the Legislative Assembly are then responsible for electing the Government. So, if we remove one Minister, it is our responsibility to replace that Minister, to fill that position. If we don't fill it, we can't run back to the people and say there is an empty position we can't fill it, because the people will hold us responsible because the Constitution only gives the people the right to elect us to the Legislative Assembly, it does not give them the right to elect us to those positions. So the fact that I might be interested in that position, the fact that I came in here as an independent candidate—not a member of the National Team, not a member of the Democratic Alliance, not a member of Team Cayman, I came here as an independent candidate.

If there was a possibility that a vacancy would become available, . . . and in all good conscience I felt that it would because I felt that Members would vote their conscience, is there anything weird about a person who looks like me, Mr. Speaker, wanting to be in a position to assist the people of this country?

Why does the Minister of Education ridicule me? He talks about power hungry people in his Manifesto for 1988 (which I have here) he talks about power hungry politicians. In his pledge he says, "**I will continue to promote the basic human rights and freedoms and our heritage including the National Trust.**" This is 1998 (sic) [1988] what he was saying, and he says a lot of other things here about power hungry situations. And he is always talking about the fact that we are power hungry. I am power hungry that I want to be a member of Government. I am a bad person, Mr. Speaker, when I would desire to sit in that position, to sit in at least one of those chairs. I want to destroy the country because I talk about leadership. Somehow it gives him, in his process of association-- when he looks at me, when he looks at how I look it reminds him of places like Jamaica and Haiti and different things like that.

**Mr. Roy Bodden:** True!

**Dr. Frank McField:** That is basically all he is saying.

**Mr. Roy Bodden:** Prejudice!

**Dr. Frank McField:** I didn't say prejudice, Mr. Speaker, but we know. The people talk. They have always been talking. They will continue to talk, and they talk about what they know, what they feel. But what I am saying is why is it an abomination for me to aspire to lead this country, or to participate in the leadership of this country? Why is it wrong? Why is it seen, Mr. Speaker. . . do you want to?

**The Speaker:** You can go on for another minute or two.

**Dr. Frank McField:** Mr. Speaker, I would prefer to stop right now.

**The Speaker:** I will entertain a motion for the adjournment of this Honourable House.

## **ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 6.28 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 2nd OCTOBER 1998.**



**FRIDAY  
2 OCTOBER 1998  
10.17 AM**

*[Prayers by the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies for late attendance from the Honourable Minister for Agriculture, Environment, Communications and Works. He will be arriving later in this sitting.

Item 3, Questions to Honourable Members/Ministers. Deferred question 161 is standing in the name of the Elected Member for North Side.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

Deferred Question 161

**No. 161: Mrs. Edna Moyle** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs to say if a Programme Coordinator has been employed at the Women's Resource Centre.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The Programme Coordinator has not been employed at the Women's Resource Centre.

**SUPPLEMENTARIES**

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I think sometime ago I saw an ad in the newspaper for this position. I wonder if the Honourable Member could bring the House up to date as to when someone will be employed at this centre?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The post was advertised sometime ago. Three individuals have been short-listed

to be interviewed; those interviews are scheduled to take place on Monday and Tuesday of next week. Therefore, I expect that it should be possible to predict the outcome of those interviews and the receptiveness of the applicants to an offer which would make it possible for the post to be filled within four to eight weeks, depending upon what type of notice they will have to give their current employers.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Member can say, because I think this ad appeared in the newspaper some time back in July, why it has taken so long for these applicants to be dealt with and the position filled.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The deadline for the applications was back in July. The short listing process took longer than usual because of some people in the Ministry, the Permanent Secretary and others being on leave at various times. And so the short list was only concluded at the end of August and submitted to Personnel on 3 September, I gather.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Member could give me a job description for this position?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Speaker, I do not have a copy of the job description with me but I would be happy to provide one to the Member later in the day.

**The Speaker:** If there are no further supplementaries the next question is No.176, standing in the name of the Elected Member for North Side.

**QUESTION 176**

**No. 176: Mrs. Edna Moyle** asked the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture to state the Ministry's policy on women.

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

**Hon. Julianna O'Connor-Connolly:** In the past few months since the responsibility of Women has been taken by the present Minister, the Ministry has been reviewing and re-assessing its policy on the issue of women and gender. The Ministry's policy on women is not just on women, but rather on gender as it focuses on the needs of men as well. The Ministry intends to put forward these objectives in a more detailed form of a policy statement to Executive Council for formal acceptance within the next few weeks.

As the Ministry is continually monitoring its approach to women and the issue of gender, I would therefore invite all Honourable Members of the House or members of the public to forward any suggestions for focus areas to the Ministry's Assistant Secretary for Women's Affairs.

The policy directions that the Ministry is currently focusing its efforts on include:

- 1) To further promote the spiritual, economic, social, political and educational development of Women of the Cayman Islands.
- 2) To strengthen the foundations of family life by offering educational and other assistance and alternatives with the co-operation of public and private sector agencies, including the Church.
- 3) To encourage the prospect of women acquiring the skills needed to contribute equally in the decision-making process in the various levels of our social stratification.
- 4) To encourage women to participate equally in the country's development.
- 5) To encourage the community to strive towards zero tolerance of domestic violence.
- 6) To encourage respect, loyalty and vision among women and to emphasise the significance of unity among women.
- 7) To recognise and respect the necessary partnership of men and women in our society.
- 8) To encourage equality in the workplace for women.
- 9) To work in co-operation and collaboration with the community to see that the previous objectives are realised.
- 10) To address any other issues or situations that may come on line as a result of continued study and work in the area of advancement of women in the Cayman Islands.

### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I would like to thank the Honourable Minister for this in-depth reply. I wonder if she could tell the House how the policy directions stated in her answer were arrived at?

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

**Hon. Julianna O'Connor-Connolly:** In various ways. Firstly, I have had my own personal input into the formulation of the policy as stated herein; the staff gave their kind assistance as well as research which the Ministry has undertaken in beginning to look at various policies throughout the Caribbean and other jurisdictions in the world to compare and extract where possible those we felt were applicable and in fact a prerequisite for the formulation of our policy here in the Cayman Islands, as well as looking at the report which was asked for by the previous Minister and we also had meetings and recommendations from local and voluntary clubs in the Cayman Islands. But as stated, the policy is in no way cast in cement, hence the cry for further recommendations as we intend to take it to Council very shortly for formalisation.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister would say if any of the policies that were put in place or suggested at the Peking Conference some time back are being considered by her ministry.

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

**Hon. Julianna O'Connor-Connolly:** That document was taken to Council, as I understand, before my coming into the Ministry. There has not been a final decision on it as I understand because it was not directly extended to Cayman. The Ministry has, however, reviewed that document from the time of the past Permanent Secretary as well as with the present Women's Liaison Officer; that is one of the many documents that we have looked at.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Seeing that the United Kingdom, as far as I recall, was a part of this Peking Conference, has any effort been made prior to the present Minister arriving in the Portfolio, to have that extended to the Cayman Islands?

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

**Hon. Julianna O'Connor-Connolly:** It is my understanding that work is being done by the Governor in Council to have those details sorted out, but the Ministry has not received confirmation of a final resolution to it, sir.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeever Bush:** I have had a look at the policy directions that the Minister is currently following, and it seems to me, from what I recall, that many of these, if

not all, were started in the work with the Business and Professional Women's Club. When we talk about encouraging the community to strive towards zero tolerance of domestic violence, can the Minister say whether in fact some of these have come down from that time?

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

**Hon. Julianna O'Connor-Connolly:** I attempted to make that clear when I first answered, but I have no problem in restating that the policy is not the policy of the Minister, per se, but is one which we have taken from various areas not just groups but individuals and research in the Ministry as well. And I should hasten to say, for an abundance of clarification, that it is not a policy that I have created, per se, I would dare say it has been augmented upon, but there was a policy in existence when I arrived in the Ministry.

**The Speaker:** If there are no further supplementaries we will move on to question 177, standing in the name of the Elected Member for North Side.

#### QUESTION 177

**No. 177: Mrs. Edna Moyle** asked the Honourable Minister responsible for Education, Aviation and Planning what is the Government's policy on pre-school assistance for children living in districts where there are no reception classes in the Government Primary Schools?

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, perhaps that question could be laid down for a few minutes until the Minister is able to come in the Chamber and we could perhaps move on to another question.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The criteria for pre-school assistance granted to needy parents is as follows:

- (a) At least one parent must be Caymanian.
- (b) The child must fall between the ages of 3.9 years and 4.9 years of age for the year the assistance is requested;
- (c) A criterion based upon the combined salary of the parents and the number of dependants in the household has been established in the form of a sliding-scale. Applicants are required to submit verification of income;
- (d) The applicant, if approved, is assisted up to a maximum of \$300 per month for ten months;

(e) All applications are reviewed a second time in January of each school year to ascertain whether any changes have occurred in the parent's financial status;

(f) The initial application is evaluated by the pre-school supervisor who forwards the relevant documents to the Chief Education Officer for approval.

| Ceiling Rate for Granting Assistance |                             |                    |                    |                    |                    |
|--------------------------------------|-----------------------------|--------------------|--------------------|--------------------|--------------------|
| No. of dependants                    | Less than \$1,500 per month | \$1,501 to \$2,000 | \$2,001 to \$2,500 | \$2,501 to \$3,000 | \$3,001 to \$3,500 |
| 1                                    | Full                        | Partial            | None               | None               | None               |
| 2                                    | Full                        | Full               | Partial            | None               | None               |
| 3                                    | Full                        | Full               | Full               | Partial            | None               |
| 4                                    | Full                        | Full               | Full               | Full               | Partial            |
| 5                                    | Full                        | Full               | Full               | Full               | Partial            |

#### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I noticed in the answer by the Honourable Minister that we consider the income of the parents. Is any consideration given to their expenditure in order to help them get assistance? Why I ask is because a family making \$3,000 per month, there is no assistance. Yet their expenditure for a mortgage and a motor car—which is not a luxury in this country, but a necessity—could be some \$2,000 per month. I am wondering why there is no consideration of the expenditure these young couples have.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I have been told by the Chief Education Officer that in accordance with the Public Accounts Committee's report that this be tightened down. The only exemption made for expenses is if it is on medical grounds. Otherwise once this income is there, they just deal basically on the income.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister would undertake to give me that Public Accounts Report that stated such a thing?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I guess I can get it to the Member.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. In keeping with the recent research or findings I should say on the importance of starting the child at a very early age as far as the educational process is concerned, Can the Honourable Minister say what is being done by the Ministry in regard to encouraging parents to be in a position to take advantage in particular of the pre-school experience? Because at present Government does not start assisting until the child is three years nine months, and research has proven that the earlier you can start them in that experience, the better off they are.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I fully agree with what the Member has said; the earlier you can get the child into pre-school the better equipped he is when he goes into the primary school. It can be a real problem for the first year primary school teachers when they have children with different ranges of ability. The present policy begins with three years nine months, but if it is the feeling of this House that that should be reduced, then subject to the funds, I fully agree that it should be done.

Originally, when we had a pre-school system which was during my earlier eight years up until 1982, I don't know when after that it was abandoned, but that allowed Government on a more economical basis, I think, to deal with them. However, there are now probably 27 pre-schools and they, too have a right to exist. So it is not quite as simple as going back to a Government pre-school system because it would hurt them, which is something no one wants to do. But we could fund children earlier because they do take in children at an early age, even a year earlier or six months would help.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Keeping in mind that there is no better investment we can make as a country than in the education of our children, I wonder if the Minister would maybe consider starting Government's assistance to those who need it for children at an earlier age than three years nine months. I thought I saw in some policy where it was supposed to start. I don't know why we start at three years nine months, rather than three years. But I am aware that parents, even those who really cannot afford it, are very keen on ensuring that their youngsters have a pre-school experience. And for the first years it is a struggle, financially, for them. So I wonder if the Honourable Minister would maybe consider revising the policy?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I am very happy to do that. I know that the budget has gone in, but by all means, it can be amended. I fully support what the Member has

said and would ask that the House support it as well. What the actual money and numbers—

*[Inaudible interjection.]*

**Hon. Truman M. Bodden:** What I mean is that the Department has sent in to the Budget Unit whatever figures they have, but that can be changed, as we know, right down until it is passed. So I will see that the extra amount. . . I will have to get a policy decision and I will see that it is put in if it is approved.

**The Speaker:** If there are no further supplementaries we will move on to question 178, seeing that the Honourable Minister for Agriculture, Environment, Communications and Works is not present, arriving later today . . . The Honourable Minister responsible for Education, Aviation and Planning.

#### **DEFERMENT OF QUESTION 178 Standing Order 23(5)**

**Hon. Truman M. Bodden:** As there is only one question left after that, I would just ask that it be deferred and put on the list of questions for Monday.

**The Speaker:** The question is that question 178 be deferred until a later sitting. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. IN THE ABSENCE OF THE HONOURABLE MINISTER, QUESTION 178 DEFERRED UNTIL MONDAY, 5<sup>TH</sup> OCTOBER, 1998.**

**The Speaker:** Question 179 is standing in the name of the Third Elected Member for Bodden Town.

#### **QUESTION 179**

**No. 179: Mr. Roy Bodden** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs to provide the total number of civil servants in the Cayman Islands according to categories of Caymanian and non-Caymanian.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The total number of Civil Servants in the Cayman Islands as of 1<sup>st</sup> September, 1998, according to the categories of Caymanian and non-Caymanian were 1,380 Caymanians and 916 non-Caymanians. The answer provides a breakdown by current salary scales. (See: Appendix VIII)

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you. Can the Honourable Member say what the Government's policy is towards the Caymanianisation of the Service?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The Government's policy is to continue to make efforts to ensure that Caymanians have the opportunity to fill positions that become available. The current ratio is about 60:40 (60% Caymanian and 40% non-Caymanian) which is 10% above the national norm. I expect that as part of the current slew of initiatives that are underway, including the review of General Orders and PSC Regulations, that the matter of Caymanianisation and how it can be facilitated will also be visited and perhaps the subject of some more specific policies.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Member say if there is any particular category the Government targets to increase the number of Caymanians, or the percentage of Caymanian vis-a-vis non-Caymanian? For example, I noticed that in the category of teachers there are 239 non-Caymanians as against 101 Caymanians. Is there any particular category that the Government places any emphasis on attracting more Caymanians?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** No, Mr. Speaker, there is currently no particular category that gets preferential consideration.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** In view of the fact that over the years it seems that we have not had any major successes in increasing the number of Caymanians as against non-Caymanians, can I ask the Honourable Member whether Government would consider setting up a couple of target areas? Instead of targeting the overall civil service, if they would identify a couple of target areas, for example, *Teaching*, and specifically set about seeing if they could attract more Caymanians to these areas rather than taking the civil service as a general body.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Yes, I personally welcome the suggestion and will give the Member an undertaking to attempt to pursue what he suggested.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Member say if in the re-engineering of Government process and/or the thinking towards public sector reform, if there is any serious leaning towards more definitive job descriptions and also salaries for the various categories being based on performance?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** It is certainly expected that as part of the current initiatives and in particular the conversion from input to output oriented appropriations, that there will be the need and the opportunity to likewise refine job descriptions to not merely reflect processes, but to actually reflect the output and performance expected from people. Certainly, it has been the desire for some time to look to better relate pay on that individual's performance. So I see the current initiatives as an opportunity to migrate to where that becomes much more the norm.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Member say if with all of this in mind there is going to be specific initiatives towards re-skilling or bringing individuals in the Service to the level that is required when it is found that those individuals within certain posts are actually not trained to the level that the post requires?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Yes, there is a recognised component of the whole reform initiative that has to address the human resource element and particularly to afford the opportunities for those in need of acquiring new skills.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** This may be asking a bit much, but I am going to risk it. It is not putting the Member in

an untenable situation. I am just going to make an attempt here.

Can the Member state, while I am assuming that this process has not gone very far to date, if there are any specific desires whereby the training anticipated can be done locally and if so, is it going to be a specific institution, or will it be done by way of seminars? Exactly what is the thought at present in regard to that?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I think it is fair to say that the design of the new system overall in terms of fiscal and strategic management in terms of how we appropriate and who we hold accountable and what units we trade in, that overall design is coming to a head, but it hasn't been finalised.

In turn, how we will identify the skills that are necessary and how they will be provided certainly has not yet been defined either. But I would expect that merely from the perspective of scale in terms of number of people we are going to be dealing with and the convenience of doing that, that it will almost invariably be mandatory that we mount efforts on island preferably utilising some existing institution which in turn could hopefully lead to an ongoing facility that new people coming in could also, in the future be directed to and benefit from.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I think the Honourable Member read my mind quite well, because I know that I did not say it all in the question. But with that in mind, and allowing for the given situation that is anticipated because of the numbers, as has been said, Can the Member state if in anticipation of this programme that will have to occur, and after the first stage as he said being an ongoing programme, is it anticipated that perhaps at least one of the existing Government institutions might need to prepare itself (for lack of a better word) a little better in order to be able to accommodate this? I ask the question simply because it is the hope that after all the plans are in place we won't have to wait on that to happen in order for it to be executed. I hope the Member is understanding what I am asking.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I would think that any institution that is going to be part of this overall programme would make some preparation for it. I understand the Member is concerned that those preparations be made in as timely a manner as possible so as not to further extend the overall programme schedule. I think that we

have to realise that until we have a handle on what we expect of that institution there is very little we can do to twist the arm and say, *Go ahead and get ready for something that we are not ready to tell you what we want.* But we certainly will be looking at this area very closely within the next few months.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Not intending to drag it on, but I am certain that all Members recognise the importance of this because it will have to do with how efficient the Civil Service performs in the future.

The Third Elected Member for Bodden Town asked about the disparity in the number of Caymanians to non-Caymanians in certain areas. While the Member replying gave the answer that there was no specific initiative, perhaps my question would then be, Could the Member give an undertaking that while it may not be able to happen immediately, at least this is borne in mind?

While other things are happening, perhaps this could be helped along the way by giving individuals (local people), some kind of specific training in certain areas locally; if that could be arranged. I think part of the problem is because it is necessary for certain training to be done overseas. I am not suggesting that we can have doctors trained locally, immediately. I am not speaking of that level. But certainly at some other levels where there are obvious disparities with the numbers. I am asking if the Member could give an undertaking that this be borne in mind because there are several sections which make it obvious in the answer when you look at the table that was attached to it.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I gave the undertaking earlier to the Third Elected Member for Bodden Town to look to advance his suggestion of targeting some particular area. I would expect that in looking at an area, if it is then identified that part of what is distracting people from coming into that, or the high turnover in that area, has to do with the training opportunities and the convenience of training. If something can be offered here then that would be part of the 'medicine' that would we would try to prescribe.

**The Speaker:** If there are no further supplementaries that concludes Question Time for this morning. Moving on to item 4 on today's Order Paper: Other Business, Private Members' Motions. Private Member's Motion No. 17/98, Proposed Ritz-Carlton Hotel, West Bay Road. Debate continuing thereon with the Fourth Elected Member for George Town.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 17/98

#### PROPOSED RITZ-CARLTON HOTEL WEST BAY ROAD

*(Continuation of debate thereon)*

**Dr. Frank McField:** It is, to me, a special privilege to be in the Legislative Assembly and capable of defending the rights of the people of the Cayman Islands. Before we concluded yesterday there was an attempt to take away my concerns in regard to the destruction of the mangroves and to make my concern based upon naive political considerations.

There were also attempts when this motion was answered by the Third Elected Member for George Town and the Third Elected Member for West Bay to bring my meeting with the developer and Mr. Bruce Putterill of Hunter & Hunter into play as to suggest that somehow my motives were less than objectively political.

Before I begin this morning to actually deal with some of these personal interruptions in the debate, because I believe that the standard of the debate was taken in a particular direction, in particular by the Leader of Government Business when he started to insinuate that my promotion as a PhD was perhaps not even genuine. He was alluding to that, and to the fact that his promotion as a lawyer—his horizontal promotion—was more important than my vertical promotion. But we always know that they will be called Jack of all trades and master of none. He cannot show that he is a master of any of these trades that he professes he is so competent in. And some of us wonder why he has really spent so much time in politics and not in his law office if he is such a brilliant lawyer.

Perhaps what the Minister has problems with, is the fact that I somehow am showing that there is a connection between political decisions and business interests in this country, and that this has existed for a very long time.

**Mr. Roy Bodden:** Hear, hear!

**Dr. Frank McField:** Mr. Speaker, I am here not because of any peculiar business interest but because of the interest by the general public in basic human rights. This is what a lot of people have felt for a long time is lacking in this country. The fact that they are members of a society that continues to assume that they are better than certain members of the society. And that regardless of what certain members of the society accomplish, they look down upon it and mock it and ridicule it to the extent that they ostracise us and excommunicate us and do not

give us the possibility to use that expertise to develop the people as a whole.

**Mr. Roy Bodden:** Preach, preach, preach!

**Dr. Frank McField:** This is a condemnation of those individuals who somehow because of the fact of the size of their legs, and the size of the lies that the legs represent continue, those individuals continue to be able to occupy certain positions in this country.

Now, I am supposed to be the bad guy because I come here as a servant of the people and as a good servant I listen to my master. Can I be chastised for listening to the voice of my master? Should I be ridiculed by the Minister of Education for listening to my master? No more so than we should ridicule children for listening to their parents and for honouring their parents because the Bible says by honouring your parents "your days may be long upon the land which the Lord God has given us." I believe that by honouring and listening to the people that my days in these halls will be long. And there is nothing wrong with my desiring to serve the people for as long as I can serve the people because he, the Minister for Education, has said that he has served the people for over twenty years already. So what is wrong with me saying that I would like to be returned here in the year 2000?

I was the one who had TV for the last night before the election, not the Minister for Education and his National Team. Why? Because I had planned in advance. I am a planner, I can foresee things. I have vision, Mr. Speaker. Because the Lord God has blessed me with the vision to be able to see into the future. There is nothing wrong with that. If I am telling the Government of this country to beware of not going against the wishes of the people because if you do, the people will punish you. The people will take you out of office and if that is what you desire, if your desire is so great to serve the people then serve the people in such a way that will convince the people in the year 2000 to keep your service.

So I am ridiculed by the Third Elected Member for George Town for having mentioned the election of the year 2000. I am ridiculed by his colleague and good friend, the Honourable Minister responsible for Education for having done so. But I am a politician. And I would be a hypocrite if I said that my desire, since I have only spent two years in the Legislative Assembly, is not to spend more time here.

I would also be a hypocrite if I said that my desire was to not take the job [held by] the Minister for Education because perhaps as a PhD with vertical promotion, rather than horizontal, perpendicular promotion, I deserve to have the job more than he does because I am more qualified.

Mr. Speaker, I am more qualified, more competent to do his job. I would not tell teachers that they should be business people because *if you are not a business person it means that you are a failure and that you have no way of showing your competence and desire to see*

*prosperity and stability in your country; that you have nothing to lose because you do not have a business.*

How are we to understand if the very Minister of Education suggests that because we are intellectuals, philosophers with PhDs and Masters that we have failed our country, that we have failed our families? How can he suggest this? In his reasoning he is suggesting this.

**Hon. Truman M. Bodden:** Mr. Speaker, with due respect, on a point of order.

I have never suggested that people who are educated are useless to society, as mentioned there. But you. . . what I said was '*for a substantial amount of your past you were not employed*', and I dealt with the question—

**Mr. Roy Bodden:** Mr. Speaker, what is the point of order, sir?

**Hon. Truman M. Bodden:** The point of order is that he is misleading in that respect and that ambition went along with having a degree. That was the thrust of my argument. But I am happy also to look at the Masters or the Bachelors, the PhD.

**The Speaker:** Please continue, Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, he didn't have a point of order.

**Mr. Roy Bodden:** Is it a point of order, sir? What is your ruling.

**The Speaker:** It is not a point of order, he explained his point.

**Dr. Frank McField:** Thank you, Mr. Speaker.

This morning I had so much on my mind I could not sleep; I got up at a quarter after five. I wanted to come here and answer the good Minister for Education.

It hurts when you know that he was in office at the time in which I was dismissed from the National Council of Social Services, from Government in 1979. He was the Minister for Social Services. So the fact that I was unemployed, the fact that he came here yesterday and challenged me in regard to my PhD goes to show that perhaps he never, ever took me seriously. He never took my degree seriously. He never really tried to understand me.

And I can show you the front page of the *Caymanian Compass* back in 1980 when I went out on my political campaign for that particular year in regard to that particular gentleman. I can also tell you that I had written in to the Government programme a job for Cultural Coordinator that I made a deal with them. I met in his office and made a deal with him and Mr. Jim Bodden in regard to the fact that I would get that job as Cultural Officer. This is where, when he got rid of that position a lot of the

money went toward the sporting programme because at that particular time he did not support sports.

**The Speaker:** May I interrupt you for just one moment? Please sit. I have been very tolerant throughout this entire debate. I have given a lot of latitude. But I would like to call to Honourable Members' attention that we are debating the proposed Ritz Carlton Hotel, West Bay Road Development. I think it is about time you get back to the motion.

**Dr. Frank McField:** Mr. Speaker, the only reason why I have to answer some of these charges is because the Leader of Government Business was allowed yesterday a latitude in his debate which called into question my competence and capability, and my degrees.

**The Speaker:** I have watched the time allotted to him, and allotted to you. I am trying to be as fair as is humanly possible. But we are debating a motion. The House still has a lot of business before it, and this is really not what we are here for today.

**Mr. D. Kurt Tibbetts:** Mr. Speaker.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I wish you to know, sir, that I am not going to make an attempt to be disrespectful. But I implore you, sir, that while I respect that you want to be fair, and I have heard you say that, if allegations are made and if imputations are made by any Member, including the Leader of Government business then, certainly, the person who is replying must be given the opportunity to clear it up. I do not believe that specific time limits can be laid because an accusation can be laid that takes one minute, and it might take ten minutes to clear it up, sir. I am only asking you to consider that, Mr. Speaker, because I know that you wish to be fair.

**The Speaker:** I certainly do.

How much more time do you feel you need to clear these allegations?

**Dr. Frank McField:** Fifteen minutes. I have four hours to discuss, so . . .

**The Speaker:** Be very careful with what you are saying. And try to be as brief as possible. But we must get back to the motion. Please continue.

**Dr. Frank McField:** I was just making the point that sometimes when people say things about you, it hurts. It hurts him just like it hurt me yesterday to have to sit here and listen to it. I know that I am here to be objective, and I try to be objective. That is what I was doing when I brought this motion—I was being objective.



Now let me refer you to 17 April, 1997 when the Government Motion, which was the Governor (Vesting of Lands)(Amendment)(Disposition) Bill, 1997 was brought before this Honourable House. Now, the Hon. John McLean is quoted in the *Hansard* as saying, “I beg to move the second reading of a Bill entitled, The Governor (Vesting of Lands) (Amendment) (Dispositions) Bill, 1997.

“This is a short Bill which restricts the ability to dispose of government owned lands. Any disposition of freehold land, or of a leasehold interest with more than 20 years to run will need to be advertised in a newspaper circulating in the Cayman Islands, and in the Gazette, and to be the subject of a report containing all relevant details to be laid on the Table of the Legislative Assembly together with three valuations. The Legislative Assembly will be able to veto the disposition. Failure to observe the required procedure will render any such disposition void.

“For a long time there has been concern whenever Government sees fit to dispose of any property. It is my belief that with this small amending Bill we will be able to take care of that, and I ask all Members for their support.” [*Official Hansard Report, 1997 Vol. 1, p. 202*]

The Hon. Truman Bodden said, “This Bill, while short, is an extremely important one, and I commend the Honourable Minister for bringing this. What the Third Elected Member for Bodden Town said is that this will now put the sale of Government property beyond any suspicion. I do not believe that Government should ever sell property except in rare instances. I believe this has been the policy of not just this Government, but of past Governments.

“Facts regarding any sale or long lease will have to come before this Honourable House and be laid on the Table. Along with that will have to come the report from the Ministry containing all of the details, a copy of the survey report, a valuation by the Government’s valuer of the land it is proposing to dispose of; valuations by 2 independent licensed valuers of the land of which it is proposed to dispose; a copy of the resolution of the Executive Council of the Islands approving the terms of the proposed disposition; and a copy of the advertisement of the proposed disposition published in accordance with this Bill.

“The public will therefore know exactly what the Government is doing because an advertisement with full details has to be put in the newspaper as well as in the Official Gazette.

“The Bill, while short, is a milestone. For the first time the Executive Council has said that they are prepared to take power from Executive Council and put it into the Legislative Assembly. That shows the public clearly that this Executive Council is by no means power hungry; they are stable (as is the full Legislative Assembly) and prepared in instances which are extremely important, such as

this.... And this is an executive act, I should point out, under the previous Law and that Law has remained there as long as I can remember because when I was Acting Attorney General in the late 1960s, early 1970s, it was called ‘The Administrator Vesting of Lands Law.’ So, it goes back unchanged with power in Executive Council for probably 40 years, at least.

“I think this is important. It shows that this is an open Government. If property is being sold, because property is dear to everyone in this country, then the public will know that it is being sold and this Honourable House will have a right to object. Frankly, I am happy to follow the wishes of this House on whatever decision would be made in that area.

“I fully support the Honourable Member. It is quite a milestone. It safeguards Government’s property for the people. Nothing can be done now without a full disclosure to the people and this House.” [*Official Hansard Report, 1997 Vol. 1, p. 202*]

Mr. Speaker, at that time the question was put, the “Ayes” had it. The bill passed. It was because of this bill that I exercised my right to bring a motion to have this very important disposition of the people’s land debated in the Legislative Assembly.

I have been ridiculed, Mr. Speaker, I have been made to have to answer personal charges, thereby coming down to the same level of debate. But sometimes one has to somehow disassociate one’s self from a higher sense of being to a lower sense of being in order sometimes to get the truth about.

So I just want to say that it is quite clear now why this is important to be debated and why all Members agree ... Now this is the first time that the Governor (Vesting of Lands) Law has been used to bring a motion to the Legislative Assembly to have a debate in regard to the disposition of Government property. We are not selling the land outright, but the Governor (Vesting of Lands) Law deals with the leasing of land if it is going to cover a period, say, of ten years or more.

Why, as a member of the Legislative Assembly, is it criminal to do this? I am asking. If this was not the type of debate that they wanted, why did that Member not suggest that when we were making the law? Why make the law, and then when we try to live by the law, then criticise our living by the law? If you criticise our living by the law, observing the law, then you are criticising the law!

**Mr. Roy Bodden:** True! True!

**Dr. Frank McField:** So, my behaviour is completely in keeping with that law—The Governor (Vesting of Lands) Law. Mr. Speaker, the interesting point is that this is such an important issue that the Government should really be thankful that someone brought the debate to the floor of the Legislative Assembly. The Government is not pleased with the debate, nor with my bringing the

motion. The Government is upset because the people do not want the lease extended to allow the destruction of the mangrove.

It was quite clear from the very beginning that I agreed in principle. I brought it to the Legislative Assembly—in terms of the motion—and I said that they should be allowed to build a hotel. So to say that I am against the Ritz-Carlton project outright, is not true. I say that I am for the building of a hotel on the land where the Holiday Inn once stood.

The amendment brought by the First Elected Member for George Town, and the Third Elected Member for Bodden Town was to suggest perhaps, *Let us compromise*. And there's nothing wrong with seeking a good compromise. I still believe that what I was looking for is what we should be looking for, but I would be a fool, Mr. Speaker, I would be ill-fated, if I believe that it is better to get nothing than to get something. The compromise would have meant, in fact, that we would have been able to at least preserve more of the mangrove than we would have preserved if my motion had failed.

So I cannot fault the First Elected Member for George Town, and I feel that the attempt to discredit them for being altruistic enough and concerned enough to bring this amendment as a last try to show Government that the Opposition is not hard lined, but willing to compromise. But in all situations, Mr. Speaker: in war, when you have gone to your enemies, let us use a hypothetical situation, and you say, *'Look! The battle is going this way. Let us compromise. Here, let us meet one another part way.'* And the enemy says, *'No !'* Then you go back to your original position. So to say now that they should not even be morally allowed to vote on the original motion is again sophistry.

**Mr. Roy Bodden:** True! True!

**Dr. Frank McField:** And we thought the sophists were dead!

*[Members' laughter]*

**The Speaker:** May I just remind members of the gallery that those railings are provided for your safety and are not for people to lean on. Please sit back in the seats that have been provided for your safety and your welfare. Thank you. Please continue Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, with all due respect, the people are concerned about their country—

**The Speaker:** I did not ask for a comment. Please do not comment on what I have said.

**Dr. Frank McField:** Mr. Speaker, I would now like to read the letter that I received from Mr. Bruce Putterill this morning. As you know, a letter was tabled in this Legislative Assembly by my good friend, the Third Elected Member for George Town who seems to be doing more

today to support the Minister for Education, the Second Elected Member for George Town, than he is doing to support the First Elected Member for George Town, and the Fourth Elected Member for George Town on this very important motion, at this very important time—this very historical time.

He [The Third Elected Member for George Town] tabled a letter from Mr. Bruce Putterill and we know its contents. Basically, Mr. Putterill said nothing in the letter that was not true. Of course we know it is what context he put it in that he was speaking of at the time. I do believe that letter was brought in here to show somehow that I might have had some personal ulterior motives for having the meeting with Mr. Bruce Putterill and the developer.

Mr. Speaker, if I may be allowed to read a letter from Mr. Bruce Putterill that I have in my possession—

**The Speaker:** Be prepared to table it when you are finished.

**Dr. Frank McField:** I am prepared to table it, I have a copy. The letter reads:

"Dear Frank,

Re: Ritz-Carlton Project

**Further to my letter to Michael Ryan dated 30 September, 1998 (which I believe you have seen), I write to confirm that the meeting held in my office with Mr. Ryan on Saturday 25th July, 1998 was attended by you at my request. The purpose of that meeting was to correct the errors and misconceptions that were the subject of press reports during the previous week, including in reports of statements made by you. At the meeting you did not raise any issue of personal interest in the project or any other motivation other than to ensure that the facts concerning the projects were properly established and made available. There was also discussion about how the government revenue generated by the project could best be utilised and I do recall your mentioning in this regard your concern about affordable housing in the Cayman Islands.**

Sincerely yours,

*[signed]* Bruce S. D. Putterill."

Mr. Speaker, I would now like to table that if the Serjeant would do so.

**The Speaker:** So ordered.

**Dr. Frank McField:** Mr. Speaker, I believe that because the Government knows that this project has economic benefits just like I know it has, how can I get up here and say that there are no economic benefits? I

would be a lunatic if I said there were no economic benefits. What we have tried to do is to weigh the pros and cons of the project now. We have to look at the social and environmental factors as well as the economic factors.

When I went to London, Mr. Thomas Russell said, "Frank, I am glad that you are in the Legislative Assembly because you create some kind of balance because you are a sociologist. Other Members have more of the business background. We can at least have a more two-sided debate rather than this very one-sided business-interests kind of debate." Which is true. Now Mr. Russell, who was Governor here for a very long time, recognised that, just as other governors have recognised my ability.

Before I close today, I would like to read a letter that I got from Mr. Scott back in 1989 or 1990. I would like to show the relevance of that, that we need to approach our situation in the island not just from the point of view of money, but also from another point.

This morning I got up early and was listening to my brother who is usually on the radio on Friday mornings, and he was doing his spiritual teaching. It helped me to get rid of some of the anger that I had built up in me yesterday. And I do confess that for me to say that I do not get angry would be dishonest. I do get angry, and sometimes it is because my mind takes me back to my suffering, and because I do not believe that I was solely responsible for that.

Now, when I heard him [my brother] talking this morning, I decided to drive all the way through South Sound, just so that I could listen to him. I realise that in this country we need to seriously consider other perspectives besides money. That is what Jesus brought to us. Jesus brought to the Jews the whole concept that we should not just consider the money perspective; we should not just consider bread; but we should consider beliefs, principles and character. And if we destroy our ability to sit and make decisions based upon character and integrity, and base it upon our greed and our hurrying to make deals for people possible so that we will make something for ourselves, what we will find is that that will filter down into the society. Of course, at the end of the day you will see people dealing in drugs too, simply because it is profitable to do so, not taking any consideration of the moral implication of doing such.

We cannot tell one group of people that money is all we must consider and then tell the other group that they should consider something more than money. So I believe that what I have tried to do by showing the environmental aspects of this project; by looking at the employment statistics; by looking at the Immigration figures; by looking at the types of difficulties such a resort would create; by showing at the end of the day the social, the traumatic, social and political impact that this project might have on the Cayman Islands; is not a bad thing to bring into the debate. And that the Government should not try to ridicule me, and sit over there and laugh at me, and make fun of the fact that I was unemployed in this country for so long simply because I have finally been

given the opportunity to bring a new dimension to political debate in this country.

For too long political debate in this country has been too one-sided; it has been based upon that old Colonial, clerical outlook, because somebody had learned how to read and write and could dot an 'i' and cross a 't' that somehow that meant higher learning. Higher learning is about more than reading, writing and arithmetic. Anybody who has gone to a university knows that.

So it is good to have a person who is willing to come in here and represent the other side of the coin. There are those who like to think they can represent both sides of the coin at the same time, because somehow it is six of one and half-dozen of the other. I believe that sometimes you have to come in and take unpopular positions: if those unpopular positions are right positions there is nothing wrong with that.

And I must say, from the point of view of the stress which it creates, it creates a lot of stress, and I do not necessarily love to have it, but I have to do it. I am trying to show, in regard to the Ritz-Carlton project why I stood to bring this motion because as was read by the Leader of Government Business it says I was trying to spurn debate. I have shown by the letter from Mr. Bruce Putterill that although I am not a so-called successful businessman, I do also take money into consideration. I did consider the economic benefits to the island and the fact that it would generate revenue and we would be able to perhaps get money for affordable homes in the country.

So I have a right, as a human being, not being a fool nor a dead man, to develop my position and change my position according to what I believe makes sense. For anyone to get up and try to tell this Legislative Assembly and the general public that that shows some kind of weakness in political or personal character is nonsense.

I have dealt with the part of Mr. Bruce Putterill's letter that I felt was the intention there. Now I would like to deal with the fact that the Minister for Education publicly on the floor of this Legislative Assembly was allowed yesterday evening to challenge me to bring my degrees and he would bring his. Of course, I regard that as very childish. I know a lot of other people will see it as very childish—very childish, indeed! You show me yours, and I'll show you mine! Which one has the higher one?

The person who works for the Education Department is referred to as Doctor Tudor. They don't say Dr. Truman, though. They say, Dr. McField. And I believe that that has been hard for a lot of people to say in this country for a very long time because when they look at me they say, '*You can't be no doctor of nuthin.*' People still come and ask, '*Are you a dentist, or what? You pull teeth? How come you're a doctor and you don't have a job? You should be at the hospital.*'

Well, the country has a programme that doesn't allow people to get doctorates because the Education Department does not support PhDs. I had to get my doctorate as a result of a German Scholarship... I would like the Leader of Government Business to know that my wife is genuine Arian, just like my degree is genuine...

And so, Mr. Speaker, I would ask the Serjeant-at-Arms to give a copy to the Minister for Education so that he can look at it, and I would like to ask the Minister for Education to read it to us. I give way for him to read my degree.

(Pause)

**The Speaker:** The Fourth Elected Member for George Town, please continue. If you want a copy that's fine. But please continue.

**Dr. Frank McField:** Mr. Speaker, I am not going to give the Minister a copy of it. Not now. I am going to read it to him first, because he couldn't read it to me. He is trying to be smart again. It says:

**"PROMOTIONSURKUNDE. Die Universität bremen verleiht Herrn Frank Swarres McField geboren am 17 Oktober 1948 in George Town, Grand Cayman; den Grad eines; DOKTORS DER PHILOSOPHIE (Dr. phil.); aufgrund des Colloquiums am 22, Juni 1977 und seiner Dissertation mit dem title: Race and Social Control Being an Essay in the Social History of the Afro-West Indians and a Qualitative Analysis of Community Control Measures in a British Urban Centre The Case of Notting Hill; Die Promotion wurde mit,, cum laude bewertet; Bermen, den 18 Juli 1977."**

And it is signed by the director of the University.

This was 1977; a long time ago. I have had very little opportunity to use this degree. But ten years ago when I was in a very bad state, I did get the courage to take a little bit of money that I had gotten from a contract for a play, and I went to have Miss Trickett frame it; I have it on the wall in my office. Mr. Speaker, I would also like to give The Minister for Education the addresses of the University, Dr. Marlies Krueger's, and Wolf Leschmann, Lawyer and Notary Public, (who is my friend—a lawyer whom I met at the same time as I did my wife, when I went back to Germany). I will table them so that he can do his investigation. I think all it proves is his distrust of me. And if he, at this point, after I have been chosen by the people...it has nothing to do with degrees...if that Minister distrusts me so much that he would come down to this particular level, it goes to show why I had such a hard time in this country.

Because I decided to listen to the people who elected me, the people who gave me the job that that Minister would not give me in this country, I must be ridiculed to this extent? Because the Minister does not have the qualities that I have? My qualities must be looked at as poor qualities? As qualities not worthy to be admired and held up in society?

It is important again to realise that all things come from ideas. Philosophy is not that useless discipline that some people pretend it is. Even the laws we come to know as part of the civility that we enjoy, part of the civilisation we have inherited have been put to strenuous, philosophical criticism and analyses. And it is the strength of those persons with good ideas that help to

create long lasting constitutions and laws, not of those persons who study them in order to be able to say to somebody, This is what the law says. A stronger mind. A stronger constitution is, of course, necessary.

But I will share one thing with the Minister, because he mentioned the fact of my register of interests. And he mentioned Island Companies. He read out my register of interests, like I have his now. I will probably deal with the fact that he has not included certain things and some of his colleagues have not included certain things in theirs. He did that yesterday.

Now, I want to say, in regard to Island Companies, that Renard Moxam and I come from Mary Street. I know when [Miss Aldene] and Mr. Rupert, [Renard's parents] baked the breads and we used to have to go there to trust the breads. There is a relationship and I will not try to deny it.

The fact that I have not publicised certain things is not true. I did. I started a programme called College Discovery which was trying to assist students from the grassroots community in being able to forward their athletic scholarships, and those scholarships came from Island Companies. We did a TV thing. We publicised it in the papers. I publicised that fact, and I also listed Island Companies as one of the sponsors for my office—my office, meaning what I do for my constituents.

The reason I am so interested in children who are not successful in school at an early age is because I was unsuccessful in school at an early age. As a matter of fact, by the time I was 15 I was out of school. I couldn't read, I couldn't write. I am dyslexic. That is a condition that a lot of kids have in this island and there is nothing that the Minister for Education seems to be doing about that because he probably has not even recognised that himself. That means that the kids can have a very good awareness but they have difficulties because when we open a book, we start from the back of the book, not from the front of the book. When we are reading a word, we start from the back of the word, we don't start from the front of the word. Everything gets kind of jumbled up. But so was Einstein!

**Mr. Roy Bodden:** True.

**Dr. Frank McField:** When I was in England I was reading about a kid that was suing the authorities over there to get money to go to Cambridge, I think, and he needed to get these different types of tutors and assistants. But he was very, very smart. Okay?

I graduated from high school in New York. I went back to high school when I went to New York in 1964, and I graduated from high school with a 69.90 average. But I passed all my courses. What did I have to do to pass all my courses? I had to go to summer school every summer! But I did it, Mr. Speaker, I did it! I did it! Just the way I got back up on my feet again, and I got in here! And there is nothing wrong. . . I hope that I [can] become a real role model for some people in this country.

I went on to college. At that time there was a programme called College Discovery—which was to discover the fact that in America certain Negro children were not as fortunate as some of the white children, and they wanted to redress this social imbalance that was showing up in the educational performance of those children. So I got a College Discovery scholarship that meant my books were paid for and I went to the Borough of Manhattan Community College, a community college, a two-year college. I went through that, and in my first semester I was failing. [But] I had counsellors and I got there. I went on, on and on.

Now, the fact that was mentioned about my getting support from Island Companies; the fact that I could not convince that Member (because I had a meeting with that [Minister] and the First Elected Member for West Bay after the election about supporting this particular sports programme, and that Minister refused to do it)... So I had to go elsewhere and look for the funds and Island Companies supported me. I wish I had more companies listed on my Register of Interests—not that I own, Mr. Speaker, but companies that are assisting me in the good work I am trying to do in my community.

**Mr. Roy Bodden:** Tell it, tell it!

**The Speaker:** As soon as you reach a point that would be convenient to break, we will take the morning break. If you have not reached a point that is convenient. . . We shall suspend for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11:47 AM

#### PROCEEDINGS RESUMED AT 12.26 PM

**The Speaker:** Please be seated. Debate continues on Private Member's Motion No. 17/98 The Fourth Elected Member for George Town continuing.

**Dr. Frank McField:** Thank you, Mr. Speaker.

Since I have given the Honourable Minister responsible for Education, Aviation and Planning a copy of my Promotionsurkunde, I would like to now officially table it, and also the address of Bremen University. I am giving it now to the Serjeant-at-Arms to have it tabled.

**The Speaker:** So ordered.

**Dr. Frank McField:** In an article in the *Caymanian Compass*, dated Monday, 5 May, 1997, entitled "**June Tabling for Family Study**," I would like to quote something that was highlighted by someone who is concerned with the particular issue of the Ritz-Carlton development and the destruction of the mangrove and the impact it will have on the social fabric of the Cayman Islands. It reads: "**Cayman is at a point. . .**" [Dr. Wint said, a recurring theme was Cayman's development, which means that's what a lot of people were concerned about] '**Cayman is at a point where it has to make a decision about whether it wants to sacrifice every-**

**thing to maintain the current pace of economic development, or stop and assess its future society,' she said. 'Many people feel the pace is so stressful and so rapid that it is having a detrimental impact on the quality of family life.'**"

The Government of the Cayman Islands spent a lot of money to have that study done. And it was tabled here, and Members should have had access to it. It is amazing that nobody has mentioned this particular report in their discussions so when they try to dismiss the social concerns and reservations that members of the public have, or that I have articulated in here, it is amazing that they do not take the medicine which is being given to them with a very high price for the prescription as well, because these studies do cost a substantial amount of money.

I would like to read something that was handed to me by someone who is in the gallery and who spent some time observing these proceedings because of concern. We have heard from certain Members of the National Team Backbench, we have heard them mention, especially the Third Elected Member for West Bay, the kind of distaste they have for people who dare speak the fact that they might not agree with the Government. It is entitled "**The Love of Money is the Root of Evil.**" And it is a nice little cartoon with a man holding a lot of money and it says, "**Please, please, try to understand. You must listen to and hear the voices of the Caymanian people who elected each one of you.**" For clarification that definitely includes each of the five Executive Council Members who form the Government as well as each one of the Backbench MLAs, be they ExCo supporters or not. "**Now is the time to show how much you really love Cayman and how much you care about the little man to whom so many campaign promises were made which resulted in your re-election in 1996. Do not renege on those promises. If commitments to large developers need modification, now is the time to be courageous and show your true colours. Be brave, be strong and prove your present constituents and future generations in Cayman that you see the light and therefore refuse to sell our birthright for a mess of porridge. While much of the past development has been very good for the little people and others who genuinely love Cayman and some of the present and future development if carefully screened can also be of long term benefit to Caymanians. You must not kill the goose that laid the golden egg. Remember the old saying, "Greedy choke puppy."**"

I would now like to lay on the Table of this Honourable House a set of petitions that I have collected from members of the public that do agree that a hotel be built on the site on which the Holiday Inn stood, but that permission, that the extension of the lease and the destruction of the mangrove be prohibited.

**The Speaker:** You are just laying the petition, is that correct?

**Dr. Frank McField:** Yes, Mr. Speaker.

**The Speaker:** So ordered.

**Dr. Frank McField:** There was a letter in the paper yesterday by a Dr. Curtis Barnett. I would like to mention that he is the brother-in-law of the Third Elected Member for West Bay. The letter was clearly against this development—or the full development of the project—because let us be careful we are not against the Ritz-Carlton development: we are against the development of a full Ritz-Carlton Hotel Resort with all the amenities. We are saying develop the Hotel but leave out some of the amenities. Share some perhaps with the other resorts, hotels or amenities in the area, for instance the SafeHaven golf course, but for God's sake, don't destroy the mangrove there.

He, and most people support the position. We are not against development. But we are for sensible use of our resources and not wasteful destruction of our resources. And it is interesting too that the mother of the Third Elected Member for West Bay, also signed my petition. It goes beyond Frank McField, the Fourth Elected Member for George Town. Clearly, the public has shown that I am voicing their concerns. I might get some political mileage (as some Members like to say) but I am doing my job. That is what a representative is. To represent means to act for; not to act for myself, but to act for my people. If I am acting out my personal and business interests, I am certainly not acting for the people. We must make sure that we separate our personal and business interests from other interests.

Now we had Members come here—and particularly the Third Elected Member for West Bay—saying, and he tabled an inter office memorandum from Mr. Michael Ryan, and therein it said, **“the type of upper-middle and upper-end tourist that is attracted to a Ritz-Carlton Resort wants to know that all amenities and features are available to them within the grounds of the resort. If major features are off-site then a resort is simply not a five-star. . .”** Mr. Speaker, this is simply not true.

So why would Mr. Ryan try to convince us of this when, in fact, only two out of the nine Ritz-Carlton Resorts have their own golf course? Why was it then laughed at when the First Elected Member for George Town brought an amendment that would basically allow most of the development but would not permit the development of the golf course which would mean the destruction of the mangrove? Why is that looked at as funny when they say, *‘Oh well, you want to have a Ritz-Carlton Resort, you want to have a five-star’* and then they have this checklist. Where did they get this checklist?

We got our information from the Internet. And in this information age, for those of us who are full-time and take the time to research some of these projects, we find that we come up with information that can, in fact, dispute the Government's learned position. Now

even this book that deals with resorts and great hotels, what we find true is that there is a difference between a resort and a hotel. So you can have a five-star hotel and not have a resort. But, clearly...and I think I would at some point like to table this information...you have the Ritz-Carlton in Cancun Mexico that is AAA Five-diamonds. The closest golf course is ten minutes from the resort, and it says here, **“Arrangements can be made through the Ritz-Carlton Cancun guest service.”**

So why is it that Members would mislead the people to believe that you cannot have a five-star, a AAA Five-diamond resort without a golf course? These are perhaps the developers' requirements. And there are no reasons why the developers' requirements should not be negotiated. If the Government has started with a proactive position, a position that was taking into account the wishes and concerns of the people, the Government would have started negotiations with the developer right away and said, *‘Stop here, sir. I see what you want to do. We welcome developers, but you have to understand that these are the social conditions in the country the economic concerns and so forth, the ecological concerns, let us strike a bargain.’*

This is exactly what the First Elected Member for George Town did in his amendment. The Government should have done this before. The Government gave the public the opinion that my meeting with Mr. Ryan was secretive, that the amendments were secretive, that the motion was secretive and that communication should be a two-way street. But it was the responsibility of the Government when it laid these papers on the Table of the Legislative Assembly to discuss the project with us, to give us the information. Had I been given the information, I would not have made certain statements to the press on 22 July that had to later be corrected by the Minister responsible for Agriculture and Lands.

The information that was in the press was taken from the Table of this Honourable House, even the acreage we were thinking that the Government was disposing of, over 300 acres of land, rather than 140-something acres of land. This is a professional place. The information that comes to the Table of this House should be correct, it should have been scrutinised first of all. So you can't blame the Opposition for not running to the Government to share the fact that they were filing a motion to debate this.

The National Team Government should have gone to the people with this particular request and asked the people. They would have been in a much better position to make a decision. They can't just sit there and make decisions based on so-called 'economics' without taking into consideration relationships that they have with the people—the relationship of trust, the fact that the people have trusted them with the decision-making authority in the country, and that they should follow the people's wishes, that they cannot take that authority and assume that they should run the country according to their conscience. If we can only depend upon people's consciences, Mr. Speaker, then God help us.

Laws were made to ensure that the general population had more on their side than the conscience of members of the society.

**Mr. Roy Boddén:** True!

**Dr. Frank McField:** There was no reason why they could not have taken the concerns of the people, the concerns that have been filtering in to the newspaper, the concerns that have been registered in the Vision 2008 exercise.

One Member said that there are certain Members here who have not even been to a meeting. I know that I have not been to a meeting because when the Governor came to this Legislative Assembly and started talking about Vision 2008, when I found out that it would be working through the office of the Honourable Minister responsible for Education, Aviation and Planning, . . . Because of my professional and personal experience with that Minister, Mr. Speaker, I told the Governor right away that the exercise would be politicised. And that it would not amount to anything because there would be a certain amount of disrespect for it and unless there was political will in this country to create the difference, it would never happen.

People have gone through the process of suggesting to Government over a period of time and nothing was done. But can't you see, from the letters in the paper, from the petitions, from all of this that people are suggesting to you that the Government should have a particular course of action regarding the Ritz-Carlton project? And nobody is hearing them. Well, what makes us believe that they will listen to the views of the people in regard to Vision 2008?

We know that with every report and with every study you can pull out what you want to pull out of it and you can get the result you perhaps want, or create the impression you want. And I think that is what the Minister for Education was trying to suggest when he was reading a different part of Vision 2008 exercise. He was trying to suggest that somehow what Vision 2008 is all about is getting a common ground where we know that we have to give up certain things in order to get certain types of benefits. But who are these benefits going to once we give up these things? Are they going to the pockets of individual politicians by way of their relationship with this development? Let's look at that at some particular point.

Let's look at the so-called hundred-and-so million dollars the people are going to make off of this project. What happens if this project ends up like a SafeHaven because obviously the SafeHaven developers did not develop that property for that property to be remaining there. They developed that property to sell, just like the Ryan developers are developing this particular piece of land to sell it. So, what happens if all this projected income that all of them are trying to get people to dance the fancy dance to doesn't come through?

There are a lot of factors that might cause it not to come through. And I will deal with the OECD Report and

some mention that was made in regard to how our financial institution might be adversely affected and how somehow there is a connection between tourism and the financial industry. So the financial industry is affected, the tourism industry is going to be affected in that sense too. I think Members were making that argument. What I am saying is, therefore, if that is so, then who can buy these very, very expensive homes and condominiums? The argument that one is making that we need to do this because of the other situation I think weakens the whole argument of destroying these mangroves without any kind of concern or consideration.

Can we afford to be so thoughtless in regard to the wishes and concerns of the Caymanian people? Can we treat our relationship with nature so carelessly in a day and age when we no longer have to plead lack of knowledge of environmental factors? Albert Einstein, who I mentioned this morning, observed "*The significant problems we face cannot be solved at the level of thinking we were at when we created them.*"

People have taken us back to Benson Greenall; and I wrote "Time Longer dan Rope." The developer was supposed to be that Benson Greenall from my fictitious imagination of the gentleman. And I made some very pertinent statements in that play that I wrote in 1979 ("Time Longer dan Rope") in regard to the developer because do you know what the developer said? When his wife says, "*This is a beautiful place, why destroy it? I can come here and feel free and it's so peaceful.*" He says, "*If I don't develop it, somebody else will.*" That is the kind of attitude we have here today. If I don't make the money somebody else will; it's gonna happen anyway, so I'd just as well benefit from it. Who cares?

There are people in this society who do not worship money as their god. There are people who believe that God is not a \$100 bill. Thank God for those people!

We talk about heritage. We talk about cultural heritage and natural heritage. We talk about the natural environment and the cultural environment. I hear people talking sometimes about Cayman culture and our heritage as though it has only to do with thatch rope. And now they are talking about our natural heritage as if it only has to do with mosquito swamps. And there is a certain thing of, Uh, mosquitoes! Uh, thatch roof! Uh, barefoot! Let's get away from the past. Let's get so far away from the past that nobody knows who we were, and yet we are talking about preserving culture and heritage in museums.

We need to preserve some things in life. We need to preserve some living things and not just dead artefacts. That is what we need to do. The National Trust is entrusted with that job, and that is all that those poor people are trying to do. Yet, they are considered to be interfering with the politicians' right to make decisions without question. No, Mr. Speaker, they are doing their job. They have more information about these things than most of us do.

And I would not come here and call myself an environmentalist by any means. I am a person who has always said let's concentrate on the social environment.

Let's prove that we could do something about that first. And I have always had a certain amount of mistrust for the so-called environmentalists. I agree. But, I must listen to people. I must give them the benefit of the doubt. I must give them the possibility to put their case to me and for me to put that case to this Honourable House and it does not make me dishonest because I am doing that.

If the other people who are opposing this amendment had spent a little bit more time paying attention to the concerns and the fact that the concerns were based upon scientific information, they would not have found themselves in this position. And I don't think that I am an opportunist simply because I listen to people and listen to the views of sensible people in particular. We want to see a balance worked out.

There has been talk about how this poor piece of mangrove is all cut up by mosquito research any way. And it wouldn't be any good to anybody anyway because all the mosquito research thing that is causing all the cancer (according to these people getting up here saying it is causing cancer)... Mr. Speaker, if we know it has been causing cancer, is this the kind of attitude we should have towards it? Shouldn't something have been done? There should be an emergency committee set up right now if that is the feeling of Members of the Government and others who support them. You can't say that these things are causing cancer, causing death in your society at a rate and then casually say, *'Well, this is the reason why. But we are not going to do anything about that, but I can tell you that is what is happening.'*

That is not what Government is all about, Government is about action, prevention, not saying well we're dying from mosquito research and this will help get rid of the mosquitoes so we won't have to die from what they are killing us with. I found that incredible for anyone to say.

That piece of land, and I have a photograph, is not in the condition that they say it is in. I would like to table this photograph so that future generations can come back and view what happened here today. A lot of people believe they can come here and destroy, destroy, destroy individuals, destroy people's properties, people's heritage and get away with it forever and somehow the sins of the fathers will not fall upon the children. Beware, beware. Not only did they misinform us in regard to the requirements, because truly here we have, and I will ask the Serjeant to make a copy of this so that we can lay this on the Table of the House. It came off the Internet.

**The Speaker:** So ordered.

**Dr. Frank McField:** They have allowed this Mr. Ryan, and I will have to deal with what I consider to be the relevant contacts starting eight months ago. I will go through the scenario, in terms of how this young gentleman has come to a position of being able to activate the Cayman Islands Government and get the Cayman

Islands Government to respond in particular ways to his requests.

Even though mangroves may be declining faster than rain forests, experts estimate that less than half of the mangrove forest that once covered the world's tropical coastlines are now left. Mangroves are one of the world's most species-rich ecosystems and help to protect coasts from storms and floods. They also serve as a valuable source of proteins for coral reef helping to filter out sediments run-off from construction and deforestation that can otherwise smother and kill the reef.

Do we want to smother and kill the reefs? Why do we have an environmental Marine Conservation Law? People have come to me and said, *'Frank, look at this. They tell us when we can go get lobster. They tell us where we can get conch from, how many conchs we can get. They tell us if we can use spearguns, they tell us if we can use nets, they tell us if we can use fishpots, and we have to obey what they tell us. Now they are telling us that they are going to destroy the very thing that produces all of these things.'*

**Mr. Roy Boddén:** A contradiction!

**Dr. Frank McField:** What a contradiction Mr. Speaker!

How can you talk about destroying these things for economic purposes when you tell the little man that he cannot go out and get enough conchs to sell because the tourists need to be able to see them in their natural habitat?

**Mr. D Kurt Tibbetts:** And then you kill them so no one can get any!

**Dr. Frank McField:** And then you kill them so that there is nothing available for anybody!

Some people don't like mangroves, regarding them as muddy mosquito-infested swamps. In the past their removal was seen as a sign of progress. So what is the point of preserving them? That is basically the attitude that we have experienced here. Oh them mosquito swamps. Yeah.

For a start, an estimated 75% of the fish caught commercially spend some time in the mangroves or are dependent upon food chains that can be traced back to these coastal forests and wetlands.

Mangroves also protect the coast by absorbing the energy of storm-driven waves and winds. Well, we just missed a hurricane. We see what Louisiana and other places look like. We are blessed, Mr. Speaker, but if we use our blessing foolishly, God will remove that blessing. We have good examples of that already in the Bible, that when you waste your inheritance foolishly it is removed from you.

So we know that when the National Trust attempts to somehow give us the impression that there is urgency in preserving these two last undisturbed patches of mangrove on the West Bay peninsula, it is important. It is important for the rain in that area, and for creating clarity in that area.



The wetland is important to protect, but what the good Minister for Education has tried to suggest is that we should have our environmental concerns in that area and let them fall in this area. Those are necessary. It is necessary to preserve the main wetlands, and it is also necessary to preserve those two last remaining patches of mangrove.

Another thing that is important . . . I have made the case already that if we allow Mr. Ryan to develop our land and destroy our mangroves, how are we going to prevent Mr. Ken Dart from destroying our mangroves on his own land that he came here and bought: West Indian Club and a few other places? He spent millions of dollars. What has Mr. Ryan invested in these islands? He probably invested a little bit of money in a few plans. Maybe the plans were not even drawn up here.

So what I am saying is that to allow this land to be taken out of the possession of the people for 100 years, to extend that alienation for 100 years will be detrimental to the people's existence in that it would adversely affect the marine life and even life on land, the vegetation in this country, in such a way that the people would lose not only socially but also economically. But to say that we have no right to the land because 52 years is left on it, that is just how they try to do this.

I have a report here from the Auditor General regarding SafeHaven. SafeHaven developed their land before they got an extension on the lease. In other words, they took the sub-lease that they bought from Mr. Benson Greenall or whoever might have had it, they developed the land, then they realised that they were going to have problems selling the condominiums and so they went back to get an extension of the lease for 100 years.

But the Auditor General says that if they didn't do that, once the land was developed it would mean in the year 2049 that the land would revert to the Crown, but not just the land, everything on the land. So if Mr. Ryan did not get an extension for the lease to 99, he would find that in the year 2049 all that he has developed would revert back to the people. That is what they are trying to protect.

In no way are people going to buy condominiums from him if they feel that they would revert to the people in the year 2049. That is why we are here discussing this issue. It is an issue being discussed because of the lease extension and because of the power we have as a Legislative Assembly under the Governor (Vesting of Land) Law to discuss the feasibility or the desirability or non-desirability of a lease extension. And the lease extension only becomes necessary because if there were no lease extension the developer would not be able to make his own pile of private profit.

We could have a hotel. And the Government valuator has already said that a hotel could be rebuilt on the site that the Holiday Inn is now, and they could recover their profits in the 52 years which they have remaining. So we know from the very beginning the reason why the Government has tabled this lease extension. It is not so much how we will benefit by way of im-

port duties, because if we take SafeHaven and the Yacht Club as examples, there is no proof that all of this development will be completed. This development will not be completed if the developer does not get the finances, and he will not get the finances if he cannot prove and demonstrate that he can sell this place. So what are we talking about here?

First of all he has to make contacts and there has to be more interest in this than what the people will get; there has to be some personal interest. If we want, Mr. Speaker, we can take a break because I will deal with the personal interest part of it later on.

**The Speaker:** At this time we shall suspend, but prior to suspending, it is my understanding that there will be an informal meeting at 2.15, so at approximately 3.30 we will reconvene.

**Mr. Roy Boddén:** Mr. Speaker, am I to understand that we will be going on until about 8.00 this evening?

**The Speaker:** That is correct. So we will suspend until 3.30 PM.

#### PROCEEDINGS SUSPENDED AT 1.00 PM

#### PROCEEDINGS RESUMED AT 3:47 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues, on Private Member's Motion No. 17/98. The Fourth Elected Member for George Town, continuing.

**Dr. Frank McField:** Mr. Speaker, this Private Member's Motion was brought out of concern and with the knowledge that people do interact with nature and there is a fundamental need to preserve the balance between the two. Thus we speak of our heritage as both cultural and natural. In fact, heritage is our legacy from the past, what we live with today and what we pass on to future generations. Our cultural and natural heritage are both irreplaceable sources of life and inspiration. More Members than the four Members of the Opposition should be concerned with the preservation not just of our cultural heritage, but of our natural heritage, i.e., the mangrove.

The Leader of Government Business, the Honourable Minister responsible for Education, Aviation and Planning is a lawyer. I have not disputed his qualifications. In being a lawyer, he knows very well that in a case that is being argued you can go in the debate from different angles. You can go in the debate from the angle of the credibility of the witness, not the information necessarily, or the evidence per se, but the credibility of the person delivering the evidence.

It is for this reason that I have had to pay so much attention in clarifying various insinuations that have been made to swing the debate away from my motion. In defending my motion, I have all the democratic rights to fight for what I believe and to see that my motion is treated seriously and is given the possibility for fair con-

sideration by Members of this Legislative Assembly, therefore the necessity to remove the so-called stigmas that have been so-said attached to my professional and personal past.

It was mentioned that I was unemployed for some 15 years. That was again done to me in this Legislative Assembly. But I have proof that I was not unemployed for 15 years, but I have been referred to in this country as Cayman's premier playwright. Mr. Speaker, intellectual productivity and intellectual activity is essential to any civilised society. We have seen the recognition of this as recently as the Government agreeing to buy the artwork of Miss Lassie Bush. The Government has paid a substantial amount of money for paintings and inspirations that were once regarded as being the result of people being a bit strange.

What I want to say is that there was also a contract that was awarded to write a history of the Cayman Islands. I think \$3,000 was paid for that, maybe more by the time it is all finished. It goes to show that one particular profession, one particular view of reality is not sufficient to establish a society with many dimensions and with the diversity necessary for productive and creative existence.

When I left here I went to England. In 1982 I had a commission to write a play which was entitled "No Place to be Nice." In 1992 I left here, and in 1993 produced a play in Germany, in Bremen, entitled, "Downside Up." Now a lot of people remember that particular play, "Downside Up." Mr. Speaker, I would just like to table a copy of the review that was written on Friday, 23 April, 1993, in Bremen, West Germany, and it will give the Leader of Government Business additional information as to the credibility of my PhD. because here in the city where I got the PhD (Bremen), it mentions that I was awarded a Doctor of Philosophy. I am highlighted here, and I would like to present this because I think it is absolutely important to dispel that notion that I was unproductive for all of these years.

**The Speaker:** So ordered.

**Dr. Frank McField:** We spend over \$350,000 per year in grants to the Cultural Foundation. I was one of the original people who started the Inn Theatre movement in 1978. I started it when I was working under the Minister for Education when he was the Member responsible for Social Development and I was a Social Development Officer. I went through the whole phase of the Cayman National Theatre Company, we saw the grant from Mrs. Helen Harquail, we saw the establishment of a theatre, the Cultural Foundation was established, money was granted, foreigners were brought in to do the job, still do the job, and I was not able to get paid for my abilities.

But because I was not paid for my abilities in this country does not mean that I was not productive and those of you who remember the last play I did at the theatre here was called "Flesh and Blood" and it was even televised. When did we have a Caymanian play televised? And it cost a lot of money to produce it and to

televisé it. I have had my plays produced in New York, London, Jamaica, Barbados, Bremen, Germany, and I have had offers to publish my material as well.

I am a writer. I always said that I was a writer. I have written extensively and I don't think that is doubted. But to say that because a person has chosen a more intellectual kind of life is to say that that life is wasted, useless or unproductive, or a sign of some type of weakness, is not fair.

So I am only saying that to show that I am as credible and as responsible—perhaps even more so because I have taken the difficult road to walk, I am not taking the easy road, and therefore I think that people can be sure that if I take up a cause that I can do so without financial reward; that I can be satisfied that the spiritual and moral rewards are sufficient for me to stand up for something. I don't have to have a special interest in order to take this up.

Now, there has been some mention of the fact that I changed my mind, or Members of this Legislative Assembly changed their minds. I have here two articles from during the 1980 election. I would like to table these also because I am looking at some of this being kept also later on for the younger generation or when we pass this place on that they can see that there was thoroughness in regard to the consideration to what we were doing.

If we are going to sell them down the drain, that future generation, I want them to know later on that I did my best to impress upon Members of the Legislative Assembly that the motion had merits, and the messenger should not be confused with the message. If the attempt is to discredit the messenger, at least let the message be heard. Let the message have some impact on what they consider to be their conscience.

I was concerned about development and the impact it was having on the society because I came from the social sciences and I understand the way in which values and ideas and so forth influence people. The article here brings back the money. **"Dr. Frank McField, former Social Development Officer with the National Council of Social Services made his second political appearance last night on Shedden Road where he spoke to a gathering of about 300 men, women and children who sat atop their cars listening attentively to the speaker. His main theme was uneven distribution of the benefits from the present booming economy which he said was falling into the hands of a small group of people. 'I am not against this,' he said, 'but the money should come back and develop the community as a whole. Come back,' he repeated."**

I have always been one who they have said was against foreigners and against developers. But, Mr. Speaker, there is a price, yes, that we must pay for everything which was made clear by the Minister for Education and the Minister for Tourism. But should the price that we pay be the price that the little man pays only, and not the big man? Because the big man has enough money to send his kids to private schools and to send

them overseas to finishing schools and to have them protected by the classism that they will develop to protect those kids from having contact with our kids.

Should the price not be paid by all? How is it being demonstrated by the Government that the price that will be paid for this rapid, uncontrolled development at this particular time will be detrimental to all and beneficial to all the same? There is no way they can guarantee that, no more than they were able to guarantee that between 1980 and the present time.

And those who remember the reading of Dr. Wint's report that was made to the Portfolio responsible for Social Services [will] remember what she said. The reason the family study was done was because of our concern that the fabric of our society had been contaminated, so to speak, by unregulated development.

Who can dispute that the social scars in this community are so pronounced that we only have to reflect and note the number of Caymanians sitting in Northward today? We only have to note the number of Caymanians suffering from chronic drug addiction in Cayman today. We only have to note the number of Caymanians who are single parents in this society. We only have to note the fact that a lot of them are having problems finding places to live because of the extreme prices of rent and because there is no money that they can borrow at a rate which will allow them to integrate themselves into a similar situation as was enjoyed by their forefathers: in other words, to make them landowners and homeowners.

This is the social aspect. This is the aspect that when we come and we talk about the fancy cars and we talk about the five-star hotels and we talk about the grandeur, that we don't look down in Rock Hole and we don't look down in Watler's Road and in Goat Yard and other places to see the uneven development they are trying to create in this country. And then they talk about third world countries and they talk about people who talk about leadership as though we are going to destabilise the country simply because we recognise the difference between leadership and management, saying that leadership is about doing the right things where management is about doing things right.

We are about doing the right things. It is our job to show the right things to be done. And so these little management qualifications that certain people have do not necessarily qualify them to be able to know what the right things to be done are.

**Mr. Roy Bodden:** Hear, hear!

**Dr. Frank McField:** That is what I am saying. Not to try to say that somehow stability is connected with certain people and it is when they talk about stability that it is important to take note. And if they say something is okay then it is supposed to be okay and it doesn't threaten the stability of the country. But we know that the stability of this country is being threatened by the social divisions in this society, social divisions that are

being caused by economic hardship for the people's of these islands.

These economic hardships are really the result of high rents, low wages.

**Mr. Roy Bodden:** Tell them.

**Dr. Frank McField:** Lack of training and encouragement. We have already dealt with the frightening aspect that very few Caymanians in 1996 worked in the tourist industry—1,206 to be exact with the Holiday Inn being closed thereafter, it means that fewer Caymanians than the figure I mentioned now work in hotel related industries, meaning condominiums, hotels, and restaurants.

Oh, we need to create this development because we need to create jobs for the Caymanian people. Nonsense! Nothing could be further removed from the intention of the National Team Government than to create jobs for the Caymanian people—especially not so in the tourist industry where they are seen as basically second class; where they are not wanted, where standards have been created and maintained that basically disqualify them from even being attendants at bars.

When I first came back to this country there was talk of some of us being away from the country in the 1960s. I was away from the country from 1964 to 1977. If I hadn't gone away, I wouldn't be here today in this particular capacity because I would not have had an education. So travel from one's homeland is not necessarily negative if when one comes back one is at least trying to make a contribution that will mean something at the end of the day.

But those days when I came back to Cayman and went to the old Galleon Beach where my mother used to work, and Pageant Beach, and I remember the Bernutes who used to have a private house here, because my mother worked there... My mother was one of the first women who worked in tourism here. She was born in Isle of Pines, Cuba and came here when she was about 15 years old. She's a Dixon from East End. My mother worked and she worked. She left and she went away. She worked as a domestic. But what happened to that generation of women? They are now in their 60s, like Miss June Walton and my mother and other women who worked. There was no such thing that they wouldn't want to work with foreigners, and work in these jobs. They did work in these jobs. What has happened in between?

What has happened is that the people who employ here have alternatives. In those days they had no alternatives, so they settled with the Caymanians and tried to improve them if they needed to be improved. So when my mother finished there, she had learned how to cook this, that and the other thing, and do this thing that way and the other way.

And in my play "Time Longer dan Rope" I reflect upon the positive role of the woman, the matriarchal type of issue. What we see there is that the new ideas, the ideas that will cause us to survive are coming from those women who have first contact with these devel-

opers. The woman says "If you don't get an education you will be in a bad position and have to work for people all the days of your life." That is what is said in "Time Longer dan Rope." She said, "If you don't get an education you will have to live on a reservation." And the woman there is saying that she hopes that the Caymanians don't become like the Indians who are all drunks and have to be put on reservations. That is being said in 1979 in that play, "Time Longer dan Rope" that was published as a book. A copy was given to the Minister for Education in 1988 after the election. I don't know what he did with his copy of "Time Longer dan Rope" I hope he has saved it.

I am saying all of this to say that benefits to Caymanians can only be distributed by way of improving the Caymanians' ability to take advantage of the opportunities. If we feel at this time Caymanians are not taking advantage of the opportunities, then we need to investigate and find out exactly why the Caymanian people are not taking advantage of these opportunities that are created in the tourism sector. Now there is all talk about the tourism sector being the most important sector and there is all this fear being created that if we do this and do that we are going to destroy this and destroy that. But when the people feel they have no benefits to gain, the possibility of destruction is more possible. But if the people are integrated into the industry and benefit directly and learn to appreciate why the industry is good for the country then the possibilities of stability are really there.

So for people to shout '*Not stable! Oh, they're gonna do this, they're gonna do that,*' those are the alarmists who have used those cheap tactics for years in this country to frighten people away from following people like Frank McField, and Steve McField, and Roy Bodden, and other people that I know of. I believe that a sociological approach to the development of the society is absolutely necessary. We have to look at the system. We have to analyse the system, we have to dissect the system to understand exactly what is wrong in the system, why the people are not performing at the level, why the people are not taking certain types of opportunities. Once we have done that, then we know what the cure should be.

This is what makes me a doctor of science, Mr. Speaker—not a doctor of the medical science, but a doctor of the social science in that I have the capacity to analyse and give a diagnosis of a situation and suggest a remedy that should be applied. In this particular case you really need to have the political apparatus with the will to apply these solutions for them to really happen.

As a matter of fact, Dr. Wint made suggestions, but if the Government did not have the political will to listen to what she had to say about social disorganisation and the possibility for disharmony in this society, and political upheaval, . . . Well, what can we do? She was only a foreigner they brought her here to do the study. They paid her for it, but if they don't want to take her advice, there is nothing Dr. Wint can do.

I have tried to give them some advice over the years, even free advice. I certainly would have been very charmed if I had gotten the [opportunity] to write the history of the Cayman Islands, and got all that nice money and everything. But, of course, Mr. Speaker, I am on the committee. But I certainly couldn't get the job. I am a Caymanian, and yet you hear the Leader of Government Business talking about how jealous we are of Caymanians.

Well, what about this Caymanian who has a qualification? What about me? Not just the First Elected Member for West Bay. Because we are jealous? I'm jealous because he is going to make some \$30 million perhaps. No, Mr. Speaker, the Minister for Education should think about other persons too who would like to have the right to practise not just their religion, but their profession in their homeland.

Debate is about interests. Debate is about the way the decision-making process is done. It is about the decision. Why is the decision being made to extend the lease? Is it because of the public interest? Or is it because of the private interest? This is an essential part of what I am debating. We can only know what the real influences are when we dissect the situation, separate it and look at it.

I would like to say again that the lease extension is only necessary to make private profit possible; that private profit could be possible without the lease extension. But that profit would have to be made by way of the hotel. Because if you build condominiums, and your way of making profit is in selling real estate, then it wouldn't make any sense to sell real estate if the real estate would go back to the people of the Cayman Islands within 49 years or 52 years.

I mean, which American is going to come and spend \$7 million, \$1 million, \$2 million or \$3 million for a condominium knowing that in 49 years, which is not a long time in that sense because, hey, if you buy it [when] you are 40 you might live until you're 80 or 90, or your children—that is not a long time to pay all that money. So the developer knows that he needs to have the lease extension. But we know that we could have a hotel there and that we could comply and accommodate development without the lease extension.

The Government knows this, Mr. Speaker. The Honourable Minister responsible for Tourism, Commerce and Transport knows this. We cannot be all things to all people. It is a small island and we have to decide some things based upon the size of our land and the size of our population and the ability of our population to adjust themselves to change. If there is no consideration of the ability of society to adjust itself for change... It is the same thing when you run a car at a speed that will cause the engine to burn up, or it's the same as running the car but not putting any water in it—you have the oil in the engine and everything, but the car has no water. It overheats it self-destructs.

If I were not a PhD of the Social Sciences, I think that my message could be dismissed easier. If I were not a person who has shown that somehow principles

other than money are important, I think it would be possible that my message could be dismissed. But there have been attempts to suggest that I have tried to have an economic interest in this project and the reason why I am debating against it is because that somehow did not come to fruition.

The First Elected Member for West Bay mentioned my being in the cemetery in West Bay on Mother's Day. I go out to the waterfront in George Town every Sunday morning, God willing I can get up. If I'm not going my wife asks, "Aren't you going to the waterfront?" because she knows that I go there and I talk to people who I know will not come to my office to talk with me because it is part of their culture. I have organised an office, but there are still people I have to meet on the streets. So I go there every [Sunday] morning and sit down and listen to them. Sometimes I talk, but mostly I listen. So there was one friend who came, parked his car and said that he had called the First Elected Member for West Bay and he had told him to meet him there. Mr. Speaker, I didn't know he was there. So the deal, whatever it was, was between the two of them. I went there and I only observed them talking and certain things like that. But the First Elected Member for West Bay can by no means say that I personally had any interest in any business with these people or that I expressed any interest. And I think the letter that I brought from Mr. Bruce Putterill shows my good intentions. So I need to have that clear.

I need to say that this particular dealing got started because some 18 months or so ago there was a piece of land, as the [First Elected] Member for West Bay said that was for sale. It was listed with Cambridge Realty, and is now part of the lands that are being disposed of. In other words, where a lease is being extended.

What was happening I think, is that they were selling their lease rights. So these people have traded this lease, although the person who originally came into the lease was Benson Greenall the lease has been traded on the open market for whatever they can get for it. So, of course, there it is. Someone sees it and they come in contact with a person who is a Member of the Executive Council.

I have some newspapers, Monday, 4 August, 1997, headlined, "Argyle Outlines Cayman Water Plans." Thursday, 21 August 1997, it talks about "Bugs to Meet CWC Board." Thursday, 31 July 1997, "Water Company shares sale OK." And then, Mr. Speaker, what I am trying to say here is that I was one of the persons who objected to Government's allowing the sale of the Water Company. The reason this is valid to the debate is the same reason why... because I am talking about believability regarding interest, whether the personal or the public interest has come into focus as being important. I have not tried to stop anybody from practising their profession. I am not jealous of anyone who benefits from practising their profession. But as representatives of the people it is noted that we must pay particular interest to see that our private and business interests do not conflict with our public duties.

Why, I asked, was the Government giving permission to sell the water company? We were told that all along, that the Executive Council had approved the sale of the Cayman Water Company; a water company that is different from the Water Authority, but in this particular sense they needed the approval. I went on Issues 27 and debated that. But the person who seemed to have been most involved in this was the First Elected Member for West Bay, who was an Executive Council Member at that particular time.

Very shortly after that, we had the First Cayman Bank. And here I have a paper, Thursday, 23 October 1997, and it says, "Liquidators Take Control of First Cayman." And then it says, "National Team requests Bush to resign." That's National Team, meaning the Leader of Government Business, Minister for Education, those persons who ran on that particular Manifesto, and we know well who they were and who they are. So, this is a third incident now, right? This particular deal, the Ritz-Carlton deal is said to have started some 18 months ago and it started as a result of one contact that one Mr. Ryan had with one man from Cambridge Realty called Mr. McKeeva Bush, the First Elected Member for West Bay.

I am not casting any aspersions, but it is my duty to scrutinise this situation; to try to explain why something of this nature has been able to come so far that it comes into our Parliament and creates a real division where we seem to have so many different persons expressing that they are withdrawing their interest in doing anything with this, or they have an interest for something. We need to actually, seriously, when we look at our Code of Ethics to pay some attention to this.

The Cambridge Real Estate Company has an enormous pecuniary interest in the Ritz-Carlton sweetheart deal. Cambridge Real Estate stands to make millions of dollars when the deal is signed, sealed and delivered by the Government for which the First Elected Member for West Bay is a part. The Government says it will get \$11 million for 99 years. Cambridge Real Estate can make up to \$30 million from real estate commissions. Now, if we were going to do the projection for what Government could make up to \$100+ million, then we have to do the projection for Cambridge Realty. I am not saying that this is realistic, because I still have reminded the House of what happened to the SafeHaven deal. They did not, in fact, sell the property so nothing has really been made. And it could be that we destroy this mangrove and nothing will be sold here either.

But, you said there was a rule of law that said no man should be a judge in his own cause. The First Elected Member for West Bay is technically not a judge in this House on whether Ryan gets this sweetheart deal or not because he says he will not vote on the sweetheart deal. But he has supported it and he has supported it so heavily, what is the difference between supporting something and voting for something? If I support it, hey, I might not have the vote but the fact is that I am allowed to persuade others that it is good.

Principles and ethics demand that a Member should not act in a case where he has any direct pecuniary interests however small in the matter before the House. Cambridge Real Estate has a direct interest in the outcome of this motion—a money interest that far supersedes any compensation the Caymanian people will receive for the destruction of their land, their environment and their future. The right and honourable thing for the First Elected Member for West Bay to have done would be to abstain totally from this motion he so emotionally supported. The interest of Cambridge Real Estate is the interest of the First Elected Member for West Bay, and those interests are not the interests of most Caymanians as he stated.

Mr. Speaker, there is a conflict of interests. And we are not speculating when we say that perhaps what the Member should have done was to state the fact that he had an interest and withdrawn from the debate, but, no, the Member found it necessary to speak words and to mobilise, I believe, other Members to behave in such a matter in the debate that has caused me to take up this position.

This [Hallowed] Hall is not a place to pass through things for special interests. There has been mention of my interests, and one supporter of the Leader of Government Business took it upon himself to fax around my interests to some people and to call certain people in regard to the fact that I had listed them as supporting me. I have here a document that proves that a two-hour television broadcast from West Bay (which the First Elected Member for West Bay did when he was returning from this particular scenario with the National Team) was paid for by one of the persons I have listed here on my register of interests. If I registered mine, why did he not register his?

#### MOMENT OF INTERRUPTION—4.30 PM

**The Speaker:** May I interrupt you for just one minute? I will entertain a motion for the suspension of Standing Order 10(2).

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 10(2) for the House to continue until 6.00 PM.

#### SUSPENSION OF STANDING ORDER 10(2)

**The Speaker:** The question is the suspension of Standing Order 10(2) for the House to continue until 6.00 PM. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 10(2) TO ENABLE THE HOUSE TO CONTINUE UNTIL 6.00 PM.**

**The Speaker:** The Fourth Elected Member for George Town, please continue. I apologise for the interruption.

**Dr. Frank McField:** Mr. Speaker, no problem. I was just trying to make it clear that when the Leader of Government Business has my register of interests and he flags it around, I had to do the same thing. I got his register of interests to flag around, and I also got the register of interests of the First Elected Member for West Bay to see whether or not this particular support had been registered, or this person had been named as someone who had contributed in this year.

Now, my register of interests, the Leader of Government Business said was sometime in February, but his is in March, his last one that he filed. It is marked 31 March, 1998. I filed mine in February, before he did, and I listed what I considered to be relevant support. I was not told by the Law that I had to disclose any particulars, it just said to register if you were getting any donations in any way.

The way politics is, I believe that persons do a better job when they try to treat all politicians equally, not having favourites, and not allowing themselves to be put in that position where they should just support one group or a few individuals, but they have an interest in political fair play.

Politics has developed in this country to an extent where we cannot finance it out of our pockets. If we do, we find ourselves being put in the position where we really have to go out there to do some things to get the extra money. I have said that over and over again. I am open to donations and contributions, I welcome them. I welcome anybody who wants to support my projects and my political movement, but I will not grant anybody any special favours as a result.

There is nothing wrong with that. It is ethically correct that everybody benefits from the credibility of the political institution. There is nothing wrong with members of society participating in the work that the politician is doing anymore than it is wrong for the congregation to support the minister in seeing that the church and the work of the church goes forward. But, when we take it out of context it is a completely different thing.

There has been more of this nature that Members of the National Team need to think about. But I am not going to say anymore at this particular time. Like my Mamma says, *'Get off my back.'*

The Third Elected Member for West Bay had much to say. He spoke about a lady who wrote a letter to the paper who he says, was the niece of Mr. Benson Ebanks. Again, the idea is to destroy the messenger because the message is so powerful. That letter was one of the most moving letters that I have seen written in the *Caymanian Compass*. As a matter of fact, this issue has caused many good letters to be written to the *Caymanian Compass* and the message is quite clear. The people are saying, *'Do not put us in a position that will cause us to lose what we consider to be part of our heritage—those last two remaining patches of mangrove on the Seven Mile Peninsula.'* I have brought that

message by way of petitions, I know that some people will look at those petitions nevertheless and disregard them. I could have gotten many more petitions, but I really did not go out there that much to try to collect any signatures myself.

The Third Elected Member for West Bay seemed to have the idea to take the debate from this angle because another person would take it from another angle meaning, at the time in which the total forces, the "Ayes", would come back together. Because you have to understand that the National Team has just divided their two "Ayes" as a result of some internal conflicts, but the two "Ayes" have come together in regard to the Ritz-Carlton deal.

The National Team has come together as a result of the Ritz-Carlton deal so the role each has played in the debate in trying to strike down the messenger, in trying to discredit the messenger, has to be understood. Not by saying that each has a personal interest, but maybe people are already talking (although they talked about my mentioning the year 2000) about getting their team together for the year 2000, and maybe this somehow influences the way in which they have related to this entire issue.

The Third Elected Member for West Bay said that he was against the Ritz-Carlton until, of course, he found out that I had arranged this meeting with Mr. Ryan, and after the meeting with Mr. Ryan he was convinced. How convenient, Mr. Speaker!

Maybe the Third Elected Member for West Bay should pay as much attention to his constituents' points of view as he has paid to Mr. Ryan's point of view, and maybe is being convinced at that time, would have changed too. Perhaps he would have changed and he would have reverted to the way in which he felt originally. There is no reason why that honourable gentleman should not be allowed to alter his opinion and vote with us on this motion. Mr. Speaker, I would take my hat off, if I had one, to that honourable gentleman if he were to vote with us.

I am fearful that what the honourable gentleman and his colleague from West Bay imagine is that I was going to be left out here by myself, poor old barefooted person, without a soul to support me. Well, thank God for answering prayers, Mr. Speaker, because I have support from three other able Members of the Opposition. And it is important that we make that difference and say "Opposition" because when something as important as this, when the country feels as important as it does, that what the Government is doing is not in the best interest of the people, you need an Opposition to at least articulate the true desires of the people.

There are people in this country who believe that politics has come to a level at which it is beginning to decline. I know there are some people who feel this also because there is a difference in the debate. But politics only reflects what already exists in the society. The divisions are there, they are apparent. We know they are there and therefore on the political level it will be reflected.

So you cannot have the same kind of politics today, in 1998, that you had in 1978. There is a change in the mood of the country. There is more conflict of interests, there is more competition in the general society, and therefore there will be more competition in the political arena. Companies are competing to see who sells the most; politicians are competing to see who gets the most votes. It is all normal and okay, as long as we come in here and do what we have to do and when we finish we go back outside and somehow pray and find a way of coming back together again. And sometimes, of course, it is not all that easy but at least we should.

Now, this doesn't mean that we have to be such friends, that, *'Boy, I can't vote against him because this is his motion and this and that.'* We have to get beyond the friend-friend thing!

**Mr. Roy Bodden:** True!

**Dr. Frank McField:** We are here to represent the people of the Cayman Islands. It is important that in representing the people of the Cayman Islands we understand that an issue like this should be passionately debated. If it were not passionately debated, it would only signal the fact that there is a failure.

There is talk about the fact that the Ritz-Carlton is not going to benefit the First Elected Member for West Bay any more than it would benefit the people of the Cayman Islands. But we know, first of all, that the Member will gain immensely. I have nothing against him gaining, because there was some talk by the Third Elected Member for George Town about the fact that some Members here got support from the National Team, otherwise they might not be here, and then they get up in here and start talking about this and that, but where would they have been without the support of the National Team?

I already documented the fact that I did not get the commission to write the history of the Cayman Islands, but I got a commission to write two plays. That commission kindly came from the Minister who was responsible for Culture at that time, the Honourable McKeeva Bush, now the First Elected Member for West Bay. I can tell you that I was grateful that that happened. I felt with all those years from 1978 that I got involved in theatre spending time in England, New York and Germany doing theatre, that for me to get a commission was not necessarily meaning that somehow I should owe anybody any favour or that anybody should owe me any favour. That was part of my profession at the time. I deserved it and I got it.

So, if anybody is referring to me when making reference to National Team support, then I am saying that if I got any support from the National Team that was monetary, it was by way of that. And that I worked for, that I sacrificed for earlier, and I am a Caymanian. If they can pay people at the cultural foundation level all the money they do pay them, they could pay me a little \$24,000 for the year to write the two plays. Mr. Speaker, they are paying over \$200 thousand for the history. I

have read chapters of it. I could have done the same work, Mr. Speaker, but I am a Caymanian. And yet, at the same time, the same Minister, the same First Elected Member for West Bay, was the Minister for Culture at the time in which this grant was given to write the history, and I'm a PhD.

And now they want to say that we begrudge Caymanians? We begrudge him for making his money from Cambridge Realty? Nonsense! I wouldn't begrudge him. He would be the last person I would begrudge—

**Mr. W McKeeva Bush:** Thank you!

**Dr. Frank McField:** I like to see him get something! Mr. Speaker, I practically love the man! But I have a job to do.

*[Members' laughter]*

**Dr. Frank McField:** I have great respect for the man. He came in here, Mr. Speaker, the First Elected Member for West Bay, and his debate was emotional about what he had done for the people of the Cayman Islands. But that should not mean that because he has done his job well, that now somehow his reward should be in this particular matter. I would like the Member to continue to do his job so that one day we can put him out there with Mr. Jim Bodden as a national hero. That is the reward I think the gentleman should have.

*[Members' laughter]*

**Dr. Frank McField:** Not that the gentleman should necessarily be seen at this particular time in a situation where there is obviously a conflict of interest.

**Mr. W McKeeva Bush:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order, please.

**Mr. W McKeeva Bush:** The Member has been referring to this matter of interests and explaining it for quite a while. I am wondering how much longer he is going to repeat this. You will recall, Mr. Speaker, that our Standing Orders permit me to speak in the debate and not to vote. I did not put that Standing Order there, it has been there since we had Standing Orders. In fact, May's *Parliamentary Practice* allows that. I am just waiting to see how much longer the Member is going to continue.

**The Speaker:** That is really not a point of order, but you certainly did give notice, and you wrote me a letter as well prior to the debate on this motion, when this motion was filed.

Please continue, Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, in any case, I am about finished there.

There is a point that I keep trying to make in regard to the Ritz-Carlton concept. I have some information—scientific information—and all of it has been gotten off the Internet. It is being made available by the Australian Government, the United Nations Green Peace and organisations like that. So there has not been any compromise that any Government Department, or any related department has made in regard to Government information. I would just like to make that clear.

Here is something else that we took off the Internet about the Ritz-Carlton Company. It says, "**The Ritz-Carlton Hotel Company is service driven and therefore employee driven. They create a workforce of multiple skilled individuals performing broad duties, rather than unskilled, easily replaceable people in narrowly defined jobs.**" Multiple skills. What do we mean by multiple skills? Have any idea?

What they are saying, Mr. Speaker, is that the person has to be pretty qualified. Their entire concept of excellence and their desire to reach and maintain a five-star standard will create a kind of regimentation, whether or not that is self-motivated or imposed. In this case it would not be imposed, it would have to be self-motivated, so if you are not self-motivated you would be out.

First of all, you have to look for those types of multiple skills. You have to be able to do more than one thing. So you wouldn't be creating jobs necessarily for your unskilled people. This is an upscale hotel and they are going to have upscale staff. And if we look at the Hyatt, the Westin, the Marriott, they are not going out of their way. . . . I have had a few telephone calls with people at the Westin, and I can tell you that those persons were rude to me. They don't care. They push us around. They have no respect for politicians, or anybody. And you think that the Ritz-Carlton company is going to come in here and just do everything that we want them to do, and cooperate with us?

No, Mr. Speaker. We know that that is an old salesman's trick. That is like trying to sell us this thing to drink to get rid of rheumatism that we see in the movies. This salesman job that the Minister for Tourism has tried to come in here and do, Mr. Speaker, ha! Mr. Speaker, if he hadn't had the assistance of the First Elected Member for West Bay, . . . Gee, I don't think anybody would be supporting the project at this time. But we know the people have affection for the First Elected Member for West Bay and anything he is associated with. It is difficult to get some people sometimes to see anything else. I know.

But the truth is, the Ritz-Carlton concept, when they come in they are going to insist upon a standard. Do we have people who want to go through that at this moment? We know that we have some people who are well-off in this society, and their children are going to study law. Their children are studying accountancy, medicine, and business management and other things like that. But those people's children have all kinds of



positions and opportunities open to them today. They are not necessarily going to go to the Ritz-Carlton. At the end of the day we will hear them say, *'Well, we couldn't find any Caymanians to fill the slot, so we gave them a work permit because the Caymanian is not interested.'*

There is not one of us in here responsible for any Portfolio who doesn't hear *'But the Caymanians don't want it.'* Well, if you know the Caymanians don't want to bend to the standards at this particular time, why are you creating the opportunities? If you have knowledge that the people are having a degree of weakness in adjusting themselves to these institutions, why are you creating the opportunities? Then you know that you are not seriously creating those opportunities for Caymanians because consciously, if not subconsciously, you know Caymanians are not going to try to take advantage of those opportunities anyway. And you know consciously or unconsciously that management like the Ritz-Carlton is not going to spend time trying to educate the Caymanian people.

Why do we have the scholarships offered? Hundred scholarships! It's the cheapest thing to offer now, because you don't have to pay any money. My point is that Mr. Ryan has no money. He is a promoter, he is not a developer. He is promoting a project. He has made contacts, he is putting a deal together. If he had money, the first thing he would have said is, *'Let me put this money in an escrow account.'* So that whatever happens I come to deal with you and we don't deal with, *'Boy, if you give me this, then I will give you this; but if you don't give me this then you are not getting nuthin' from me.'*

That is not good negotiations, you know. Show your good faith. Show your trust in the whole situation. You would come in and say, *'Look, here is a certain amount of money for scholarships for your people. Here is the money for the people who are too old and are being displaced by the closing of the Holiday Inn, here's the money.'* You wouldn't keep the money and say, *'Boy, when the Government signs the lease, when the Governor puts his John Henry on this then you get the money.'* Mr. Speaker, that is almost like holding them hostage—holding us, in this Legislative Assembly hostage.

Holding the Government of the Cayman Islands hostage? Humph! I don't know why I can see that and other Members cannot. If we don't sign our John Henry, do you know what is going to be said? *'Well, you were the ones who made it all bad for them poor old West Bay people who were working down the hotel all dem years and now dey can't get nuthin' just because of un-nah.'*

No, Mr. Speaker, Mr. Ryan should come a little better than that. If they are going to take the people out of their jobs, if they are going to break down the hotel, if they are going to do all of those things before the lease is even signed. . . they have done all of this without the lease even being signed. If they are going to do all of these things, the question is: Why not give these people

their money? Why hold it up until the deal is signed? Do you know why? Because there is no money until the deal is signed.

I have been told by very reliable sources that Mr. Ryan's father has been bankrupt in Canada twice. And my source told me, not because he is not a good builder, they say he is a fantastic builder but he extended himself too far. I bring this up to say that the urgency of this matter in putting these things together has not to do with the urgency of getting the best deal ever, and we can't wait too long because if we wait too long they are going to go someplace else. Who is going to go someplace else? The land is not going anyplace. If Mr. Ryan goes someplace else, another person will come back because he doesn't have any money; he is a promoter. He's not like Mr. Dart who has billions of dollars, who came in here and bought up. Mr. Dart has money, he doesn't have to go around trying to get people to finance his projects. Okay? So it is important.

It is not that I am promoting Ken Dart because certainly that is not what I am intending to do, but I am intending to show the difference between a developer who has money and a promoter who doesn't have money who is basically a speculator, who is trying to get, because of his political contacts, because of his contacts with certain law firms, access to a lease extension that will then allow him to bring in this money to be able to build these condominiums.

Now, the hotel on the beach, look at how that would work. They want deferment of duties in order to improve their cash flow. Well, if they had money they wouldn't have to be worried about cash flow. One of the things that Mr. Ryan told us in the meeting that certain Members of the Backbench had with him was that the reason for this was to improve the cash flow. That's the deferment. But if you have money, why do you need to defer? You come up front and pay. Hey, we need the money. *'Here it is, good people. You're doing me a good job, you know, I'm gonna be nice. No, you gotta wait for it until we can turn over some money.'*

The condominiums have already started to be reserved. And that means that people have to put up money. The lease hasn't even been signed yet. There is no guarantee. How can these people be working on the assumption that this is going to happen? Is that legal, Mr. Speaker?

Wait a minute! They are selling what they don't have. They are selling plans. They are selling air. They are selling words. They don't have the lease. What if this Legislative Assembly uses its power and goes along with this motion? Or is that not possible? Are we just debating it to show the people that we debate it?

Mr. Speaker, It could be possible that we vote, and I hope at the end of the day that it will not be just four of us voting for it, but that we have a change of mind.

One of the things the First Elected Member for George Town dealt with, was the lack of information in the way the Government dealt with this entire situation and the way in which the people have come to conceive of this situation as one of the good examples of the fact

that Government means that people are there to do things for their own benefit and will do things the way they want to do things regardless of what people say.

They are selling the condominiums. Is it because they need money? They can't wait until we get through with this process? Have they been guaranteed that this process will conclude in the affirmative for them? How do they know? How can they read our minds? Have we been telling them that this is so? How do they know, Mr. Speaker, that this Legislative Assembly will vote to extend that lease to 99 years thereby making it possible for them to develop real estate properties that can be sold for millions of dollars? They do not know.

If our country has become so predictable because of the waving of dollars, then it's a sad time. But I am saying that the Humphreys who owned the lease extensions, . . . I have sympathy for the fact that they did a study and they found out that it would cost more to renovate the hotel than to destroy the hotel and perhaps reconstruct something different.

But like someone said in a letter today, I think, they made their money off the hotel. They have helped tourism to develop. But like some persons say to me too, it wasn't the backwater like they try to paint it sometimes. There were a lot of men who went to sea and sent back money too to help develop this island; Mr. Greenall and the tourists were not the only ones who developed the island, we have to think about the Caymanian seamen and their contribution as well. So the picture that was painted in here about what tourism has done by itself is not entirely correct because we have to also look at the contribution which the Caymanians have made.

We do thank Mr. Greenall for kick-starting tourism, we do thank the Humphreys for getting involved in the Holiday Inn, but they were private investors. They have made their money. The Government and the people of the Cayman Islands have no responsibility to them. So we should not be considering the extension of the lease because of their predicament. They had their time. They made their money. They have served themselves well. If the hotel must come down, they can certainly find other persons to invest in the creation of a hotel that can be located on that property for the next 52 years.

Now, this whole thing about all the countries in the Caribbean would jump to have a hotel like this, they tried to do a hotel like this in Bermuda—a Ritz-Carlton—and it didn't go through because of ecological reasons. So, for the Minister for Tourism to say this is the best deal, and that any country in the Caribbean would jump for it, is to forget that there are people in the world who have other things in mind besides the dollar. In Bermuda, where a new hotel has not been built in some 28 years, this has been the case. They have said that they cannot entertain the Ritz-Carlton.

I also have some information that goes to show that the Ritz-Carlton hotel is just a management company. The Ritz-Carlton company is a management concept. It is not an ownership concept. So we have to distinguish between the ownership concept and the management concept. This is very important because the

managers can pull out anytime if they have a problem with the owners. And I have information here that I got off the Internet which shows that the Ritz-Carlton is being sued in the United States for many millions of dollars because the owners accused them of not managing or whatever. It says:

**“At 12:01 AM on Saturday the Ritz-Carlton stripped the hotels of most items bearing its logo and removed records saying the owners had refused to pay \$4 million in management fees and made hotel improvements. The company left a transition team in place at the hotel which no longer has identity.”**

There are several cases of where the Ritz-Carlton management companies have pulled out. Where did this whole idea that the Cayman Islands is getting a Ritz-Carlton resort come from? Who said that? Where's the contract? What are the contractual agreements? If they can pull out of agreements in these particular cases, couldn't they pull out of an agreement then? Would we have a Ritz-Carlton if they pulled out?

**“The original suit filed by the owners in 1995 claimed that the management group had demonstrated fiscal irresponsibility and was not adequately operating the hotels. The suit asks for \$200 million in damages and is currently in the pre-trial stage in New York.”**

This goes on to talk about the fact that the Ritz-Carlton and Marriott International came together in 1995, March 6. The reason why Marriott and Ritz came together was because, it is being alleged, that Ritz-Carlton wants to put some of its assets into Marriott so that when it answers these suits against Ritz by these owners that Ritz will not have to pay up all this money. So Ritz is looking for places to do things.

But it is not true that the Ritz-Carlton Management Company is, at this particular moment, a company that people are rushing out to get into their countries. It is not true. It is the farthest thing from what is correct. And there are reasons people are not doing so.

There are also reasons why the Ritz-Carlton group, of course W. S. Walker and Company is the lawyer for the Ritz-Carlton, Orren Merren is the lawyer for Ryan and Hunter and Hunter are the lawyers for the Humphreys. Okay? I know all of that. And somebody mentioned the fact that nobody mentioned W. S. Walker and Company so I just wanted to bring that in...

Now, the Ritz-Carlton Company has made other attempts in this island to find properties and to get people to invest in properties so that they could manage. So there is a point at which the management company becomes an investment company as well, where the management company decides because of the amount of money which it makes from managing properties it can them become an investor because it has made profits, and now it can put some of the profits into encouraging companies to develop so it can manage them.

As a result, they have offered \$25 million to the Ryan Developers to construct a Ritz-Carlton or properties that would suit their specifications, let us say. Now,

if somebody is going to lend me \$25 million to develop properties that fit my specification; if I have just gone to a man who has a hotel that has been around for a while and it is going to cost a lot to be renovated, I can say, *'Look, you can come in and be a part of this development too. So I don't need to pay you for the lease you have.'* And they are going to come in with \$25 million. *'I have some contacts who are going to get the Government to extend the lease that is going to make it possible for us to build condominiums and by way of building the condominiums we can make a profit that we can then do other things with. So we are not going to wait until the hotel is operating in order to make profits because we wouldn't be able to do that. But we can make the profits from selling the condominiums because of the concept of pre-selling.'* And then they get the deferral of duties and it puts them in business, and any little person can do that.

I could do it, Mr. Speaker. I am explaining how it works, but I don't have the contacts. I don't have the influence. I am a Caymanian! You see? So this is what we have to look at when they are trying to sell us this Ritz-Carlton. This five-star concept. But that appeals to people because what people see is this magnificent resort. That resort on the other side, there is no way that that is going to be built.

What I would like for the Government to do is say to the developer, *'Look, put some money into a fund just in case you don't succeed in attracting the kind of investment at the end of the day to build what you say you are going to build on that side so, at least, if you destroy the mangroves we can be compensated for that destruction.'* Now, for them to say that what we get out of it is safeguards that we get the \$6 million if it doesn't go through, and we still don't get back the land because the lease is still in the hands of the original lessee, I think that is the case.

In any case, what we have to guard against is the destruction of the mangrove that would not be commercially viable if they could not get the 100 year lease extension so by giving them the 100 year lease extension we are giving them permission to destroy the mangrove because it would not be commercially viable for them to exploit that property without the lease extension. So the culprits are those who extend the lease.

It is quite clear that no attempt by that motion is being made to invade these people's right to the lease for the next 52 years: that they are quite at liberty to exercise their rights and to build within reason whatever it is they want on those properties. But that mangrove on the other side has been there for over 40 years and nothing has been developed on that. Why do we think that anything will be developed on it now, if the lease is not extended?

We had a case in point at SafeHaven where they did a development, and once they did the development they realised that people, Americans in particular, would not purchase the condominiums so they came back for a lease extension to 99 years. These people are not waiting until they do the development, these people are

coming for the lease extension from the very beginning and they are doing that because, again, they are not like the Matalons.

The Matalons are developers, they have money. They are like Ken Dart. They are not like Mr. Ryan who is a promoter. Matalons could come and develop before even talking about lease extensions because the sole purpose of their being here was not to speculate and make money, but to develop. That is what they first did, and then they tried to get terms and conditions that would allow them to do this.

I have said that I am not promoting the Matalons, or the Darts, but I would like for there to at least be competition based upon cooperation. The SafeHaven property is there. Government has already extended the lease on that particular property. Why is Government going to extend the lease on the property butting and binding the SafeHaven property to do the same thing when it has not been proven feasible to develop condominiums and sell condominiums on that particular side, especially if they are going to go along with what they say and that is, not to destroy the mangrove storm buffer? How are they going to come into the North Sound? How are they going to have access to the North Sound? How are these very wealthy people for whom these lots are being developed going to access the North Sound without the destruction of the mangroves on that 300 foot buffer zone? How are they going to do that? Maybe they are going to make some kind of arrangement with the SafeHaven developers. I don't know.

I am saying that the golf course there is a fine one. We have other amenities that we can attract people with, like our sea, the clarity of our water and the fish in the water that will now be threatened by this situation. We have that, so it is not just golf that people come to look for, it is also the marine activities. Why, then can't this developer, this promoter, this person, look to use those facilities since I have already indicated that nine of the Ritz-Carlton Resorts that exist, only two have their own golf course. Nobody has tried to refute this information, and I will give way on a point of order for anybody to get up in here on a point of clarification point out to me that these are not the facts.

If nine, or seven out of the nine resorts can do without having their own golf course, then why can't this one here? In other words, what they are saying is that they need to have these amenities close to them, but they do not necessarily have to own them because again we say the Ritz-Carlton is a management company not an ownership company.

Members of Government, Members of the National Team Backbench have tried to portray the Ritz-Carlton as a development company and not as a management company. That is to misconstrue the entire situation. Mr. Ryan and other individuals are the developers. He will probably find someone who will decide to own the hotel, but the Ritz-Carlton doesn't own any properties, they manage properties. The people of the Cayman Islands will not be getting into a deal with the Ritz-Carlton. In

fact, they are getting into a deal with Mr. Ryan and his colleagues. And we see this in terms of DevelopCo, HotelCo, and CondoCo, the different companies he is forming.

He has a problem in regard to strata titles. And there is already an objection that has been made by Mr. Charles Adams (I think) to the Planning Board in regard to this. They are asking... because what happens is that if you buy a condominium on a piece of land, you have a title to the land because of the condominium. So if the hotel and the condominiums are on the same piece of land and I buy the condominium, I have, by way of buying the condominium, title to the hotel because the land has title to the hotel.

So that is a legal thing that they still have to sort out. What is happening here is that we have several different things: We have Mr. Ryan going to the Planning Department to get his plans passed. Some people believe that because the Planning Department has passed the plans that Government has given approval. In this situation Government is wearing three hats, at least: (1) Planning Department, regulators (2) Owners of the land and (3) they are also those persons entering into the agreement.

The fact that we are putting ourselves into this type of situation, the First Elected Member for George Town mentioned this in regard to the amendments to the Planning Regulations in that he saw that somehow perhaps these regulations were being tailor made. That was a concern.

Now we are going to find where certain things need to be changed in order to accommodate this. But this is not the way you go about doing business. How does the little man feel when he wants to build a house, and they are not willing to do any reassessment of the situation in order to accommodate his conditions and his requests, but they are willing to do that for someone like Mr. Ryan?

Of course, I know I am being criticised by some of them saying, *'Well, you see him? He never had a job in his life so he doesn't know nuthin' about money'* and blah, blah, blah, blah. But the people know better. They know that they are not treated by their Government the same way persons coming into this country are treated. And that is one of the big considerations that we have to be making at the moment.

So what are we going to do about the fact that this development company, Ryan and Company, needs to sell these condominiums in order to be able to continue the development? How are we going to work that out? Are we going to be looking at another amendment that is going to be brought before the Legislative Assembly to make this possible? How are we going to do this? I would like to prophesy and forewarn. When is the legislation coming to be able to allow this to happen?

Mr. Speaker, how much time do I have, please?

**The Speaker:** Madam Clerk? (Pause) Fourth Elected Member for George Town, we will get that for you in a minute.

**Dr. Frank McField:** Thank you, Mr. Speaker.

This says that the Strata Title Registration Law (1996 Revision) strictly forbids the mix of condominium units, strata lots and a hotel on the same parcel. This is clear from the definition of strata in section 2 of the law that permits the creation of strata lots on a parcel on which there are buildings other than hotels. Subparagraph (a) says **"it is thus clear from the above reasons the developer in this case could never register a strata plan and thus there could never exist condominium units that could be transferred to the purchaser."**

If they are selling the condominiums already, are they not in breach of the law? When I went to England . . . and I know there has been some criticism of the fact that I did that. But I spent my money and I went over there and I was able to also register this concern that I have in regard to this particular development at this particular time. I was told by the Members of the Foreign and Commonwealth Office that this was a local matter and that it would have to be dealt with locally. But, if you are not prepared to deal with certain things from a point of view of the law, to begin to accommodate them without the law being amended is to defeat the whole principle of the rule of law which is the basic most important principle in our democracy.

When the law becomes something that you can flex and bend at the wish of everybody, or special groups, then we are in for trouble. If a developer or a speculator or a promoter can come in here and get this type of treatment, I think other people will want it. The law does not permit what the Planning Department has been told will happen. Therefore, by way of the law, for them to be collecting money to sell condominiums without having first gone through all of this, is, as far as I am concerned, totally illegal, if not immoral.

The Government of the Cayman Islands is associated with this. One can understand my wanting to debate this particular motion was not looked at in the best light. Why it was made out that I was just debating this motion because I failed to remove the Minister responsible for Lands and to get his position on Executive Council so that I could be close to my good friend the Minister for Education and prop him up for the next few years. Mr. Speaker, come on. Gee!

I am debating this motion because it is important that history views the actions of all those Members of the Legislative Assembly regarding this issue. In the debate we have found more reasons to believe that private interests, rather than public good, is the cause for the Government being willing to entertain the extension of this lease in order to make it possible for condominium developments to occur.

What would Cambridge Realty be selling if condominiums were not built? They would not be selling anything because the hotel would be built and if only the hotel is built, you can't have condominium sales and so forth.

An interesting thing too that we have heard about why Cambridge Realty was chosen to sell these condominiums was because of the experience they had in selling Britannia. Why wasn't Century 21 chosen? They have experience. That is an international company.

**The Speaker:** You have been speaking for three hours and twenty-seven minutes.

**Dr. Frank McField:** So, Mr. Speaker, again I think that I am suggesting that there is a political aspect of this particular arrangement that needs to be looked at. The public needs to know that the National Team went through a very difficult period when the First Elected Member for West Bay was removed from Executive Council. He came over on the Backbench—and like the good Backbencher he is, things started to change in this Legislative Assembly. And before you know, the Backbenchers seemed to have been in control. Of course, this must have frightened greatly the Leader of Government Business—only five of them having to deal with the brunt of us on this side. Especially having had the good talk of the First Elected Member for West Bay helped us greatly.

Now, we went through the Censure Motion. The House seemed to have been divided, again, according to this. Now we come back to this and now, from the point of view of the National Team buddies, everybody seems to be chummy-chummy again. So it looks like chickens have gone home to roost. Looks like I'm not the only one thinking about the year 2000. Looks like other people might be thinking about how they might be able to get back by the year 2000 by supporting this. So there is a lot of politics in this particular situation but politics and economics are always very closely connected. So I would not do what some others have done in that they have said that I am the only one who expressed any kind of political rhetoric in these halls.

The investors are looking for a stable environment rather than special deals. If we look at that we find that most investors who have come to the Cayman Islands over the last 30 years have been looking for a stable environment and not for any special deals. At least that is what I believe. I may be wrong, not having the business sense that some other Members have, but that is my belief.

The situation is whether or not the incentives which we are about to give will erode revenue base, whether or not the deferrals will erode the revenue base, and can Government really afford, in gambling and saying that they are going to have this \$100+ million revenue to give the deferral for that particular period of time because we might see that we need the money now and I believe that the environment we are offering the developer is a stable environment. It is a good competitive tourist environment and we should not have to offer at this particular stage in our development any incentives to developers.

We should consider offering some incentives to the people of the Cayman Islands. We could think about the

incentives the developer seems to be offering to the people of the Cayman Islands by way of the 100 scholarships, but where he is asking us to do the deferrals for three years for import duties, and that must be about 20% or so of his building cost, where we are actually giving up something, he is not really giving up anything at the moment because he knows that he is not going to have 100 people even if he gives the scholarships. We know that. If that was the case, the Minister for Tourism would have had a lot more people applying to him. So even if people do use these scholarships, we are talking about some time in the future, we are not talking about in the next five years or so. So he has good time to make his profits, if he does make any, and to put the money in there for the scholarship fund.

When we spoke of the OECD, the Third Elected Member for George Town mentioned it in his debate. He mentioned it in order to show why we need to do the Ritz-Carlton project. I went to a meeting that the Government had after its return from London. And once I understood that there would be a gag order on me, I said to them that if I were to hear anything in that meeting that I could not tell the good people of the Cayman Islands, then I refused to be a part of the meeting, and I walked out of the meeting so that I couldn't hear anything that I couldn't say. My thing is, don't let me hear it, because I am going to say it. Don't let Frank McField hear it, because he is going to say it!

So I respected the fact that they would like to play that role knowing that they believe that some things should be told to some people but other people shouldn't know anything, I decided to move myself away from that particular situation. Mr. Speaker, I think I am capable of analysing the exact position of the OECD and of the British Government. And those of us who have been following information that has been provided to members of the public in Britain would be able to come and have the same information at the same time the Leader of Government Business has access to.

To try to pretend that they know some little thing that we common people should not know is to try to mystify their position. But they don't know anything that I don't know because good logic helps us sometimes to understand exactly what is taking place. I said before—and this is relevant to the debate because we are saying that the financial industry and tourism are the pillars of our economy and if one is going to be affected, we need to be building up the other one. In other words, if the financial system is going to be affected, then we need to be building up the tourism one.

But the Financial Secretary, who went on this same expedition, this so-called, fact-finding mission that the Third Elected Member for George Town went on, said in a headline in the *Caymanian Compass*, "OECD initiatives will not affect the financial system here." So if the Financial Secretary is saying to us that the initiatives are not going to affect the financial industry, whom do we believe?

I mean this is now when you get a disparity in positions. You get the Third Elected Member for George

Town who went on the same mission as the Financial Secretary coming here at this particular time in the debate making a statement which I believe contradicts what the Financial Secretary has said, which means that we don't need to worry about anything. If we don't need to worry about anything why have they now tried to turn this debate into a situation that is saying the OECD... we are going to get our this, and this is going to happen, and now we really need to develop tourism and get a five-star resort right now because if we don't get it right now what is going to happen is going to be sad for us. Mr. Speaker, scary, scary, scary.

I believe what happened when they went over to England is that because the position of the OECD was based not upon scientific research and evaluation but upon advertisement and speculation about areas like the Cayman Islands and so forth and so on, that they were told they would have to arrive at a much more scientific definition of what harmful tax initiatives or measures or areas were.

So we are going through the stage of actually compiling for them so that they can more accurately look at our situation and it goes on, and on, and on. The process is not only that we have to get information, they also have to have information. They have to gather information because obviously the OECD committee that has examined harmful tax competition in the world didn't look at too much of the reality because if they had, they would not have come up with some of the sweeping generalisations they did make.

Once we look at Vision 2008 and we see how the Government right now is still ready to throw some of the things out of the door in order to do the Ritz-Carlton project, then we understand that the OECD is only a group of people who have gotten together from specific countries. They might make recommendations, but that does not mean that their Parliament will go along with those recommendations. In other words, those Parliaments might throw those recommendations out the door for expediency as fast as our Government has already thrown out some of the recommendations from the Vision 2008 exercise.

Again, I am saying that we have to look at historical precedents to understand the difficulties that even these so-called powerful G7 and G8 countries will have in institutionalising world-wide a tax regime that in fact would be uniform. To have uniform behaviour without regard to tax practices is as ludicrous as I have ever heard—please, sir, never believe that that is ever possible.

The American Revolution was fought because of taxation. And right now the Americans have created a surplus and they don't even know what to do with the surplus because now they have a new political problem because they have a surplus. In other words, the world is producing at a rate. So I don't believe that even rich people in America, that politically powerful people in America who make speeches about taxes believe that we should have one uniform tax system for people even in our own country that there should be a different approach; that, in fact, we cannot politicise the tax issue to

the point where we see taxation as a means of redistributing wealth and creating equality within countries and equality between countries. I believe that politically that is flawed, I believe that that will turn up in some of the debates in the United Kingdom Parliament, and Parliaments in other countries.

Now, right now we have a change in the Government in Germany. This might also prove to be important, probably more important than a lot of people here think. But I have watched the development of the SPD in Germany over the years and I do believe that it is going to mean something and we have to follow these things also internationally.

My suggestion to the House, rather than give away the people's land because we are afraid of what these initiatives are going to do for us, that we pay more academic concern to the initiatives to realise whether or not the initiatives are practical or not... and that has nothing to do with Baroness Simpson. Because she says that she is for them does not mean that they are possible. She is expressing the position of her government and the commitment of her government and she would be wrong if she didn't express those commitments, at least to other people, but it does not mean that she might not have the same kind of reservations about whether or not it is applicable and practical as Mr. Blair himself might have.

Mr. Speaker, what is going to happen to the Parliaments in Scotland? What is going to happen to the Parliament in Wales?

**The Speaker:** Could I interrupt you for just one minute? Can we get back to the motion for the final moments.

**Dr. Frank McField:** How many final moments?

**The Speaker:** Would you get back to the motion please?

**Dr. Frank McField:** Mr. Speaker, the motion we are talking about has to do with the arguments in favour or against. I am saying that it has been presented by the Third Elected Member for George Town that one of the reasons why we need... and I have heard people in my constituency saying that the reason why we need the Ritz-Carlton is because of this OECD thing.

**The Speaker:** Really, with all respect, I can't tie Germany and Scotland into this debate.

**Dr. Frank McField:** All right, Mr. Speaker. It is very far away from us, but the truth is that we have made the assumption that it affects what we do here. And that was the only purpose because the OECD concept is important because the financial institutions and the tourism industry have developed hand-in-hand from the early period of the 1970s when, as some people talk about the fact that the Samson (sic) suitcases were coming from the Bahamas, meaning in fact that they were taking it out of one of these so-called third-world unstable coun-

tries to bring it to this first-world stable country. That the development of the two . . . so if we are predicting a decline in one, we are predicting a decline in the other.

I am saying be of good faith. Look at the situation. Use our historical knowledge and our contemporary possibility to have access to information by way of the Internet to assess the situation in such a way so that we make a decision that does not put the country into greater turmoil because we have gone again and created development that has been so traumatic and so fast. As I have used the example, that this project if it is also done on the heel of the Ken Dart project is like hooking up a rocket to a car. In other words, that we might be able to recognise where it has gone, but we won't recognise it after it has gone because the car will be totally shattered by the rocket.

Are we going to be able to recognise the Cayman Islands? Are we going to be able to recognise our heritage? Are we going to be able to recognise our land? Are we going to recognise our accents? Are we going to be able to recognise our faces and our faith again after all of this has happened to us again? The question is: Do we really need this project at this particular time, or is this project just for the convenience of those persons who are sure to benefit from it?

Mr. Speaker, as we observe the House moving to get the numbers to do the vote, we would like to thank the Minister responsible for Lands for gracing the House with his presence at this late stage of the debate. We hope that that is an indication that he will vote his conscience and that his conscience will mean that he will vote with the people of these islands, meaning that he will vote for this motion; that he will vote to say that there should be no destruction of the mangroves on the Seven Mile, West Bay peninsula; that there should be no extension of the lease, and that this would not mean driving away development because development can reasonably occur on that five point something acres of land where the Holiday Inn once stood.

Again, in summing up I would like to refer back to the very important role the seamen played in this society. We all have great praises for all the people who have come into the island from abroad and helped Cayman develop. We need to have a little bit more praise for those seamen who went abroad and risked their lives on the high seas and brought money back to the island.

Mr. Speaker, I can't deny that the Third Elected Member for Bodden Town is coaching me and telling me to say that you would appreciate that, Mr. Speaker, because you were a master mariner.

*[Members' laughter]*

**Dr. Frank McField:** Mr. Speaker, I must tell you that what these ears hear the mouth is going to say! But it just goes to show that such a beautiful compliment could only be formed by the Chef of Flowery Language!

In summing up I would like to ask Members of this Honourable House to forgive me if there have been incidents when I appeared to be more than polite, or less

than polite, more so. Also, I would like to explain again that when I started with this Private Member's Motion . . . when I started conceiving the fact that it was necessary to have a debate on the subject, I began by myself. I spoke to the Third Elected Member for Bodden Town and he was willing to second the motion; we were not sure at that particular time whether we would get support. But I would like to pay a special compliment to the First Elected Member for George Town, and the Elected Member for North Side, for joining us in this. At times I did not want to sit down in a reasonable matter and discuss these issues because I was afraid that somehow I might not have been as convinced as I should have been. And I expressed that without any reservations. I also need to make it clear that I did not go out deliberately to try to put a wrench in anybody's spokes. It was not easy for me to even conceive of debate in a certain way that I might somehow upset my friend, the First Elected Member for West Bay.

So, Mr. Speaker, doing this type of position and this type of opposition is not easy. Nobody should think it is easy. But it is necessary because all sides have had a chance to air their views, whether or not we agree with one another, in the final analysis it is all part of the democratic process. And, again, in summing up I would just like the Honourable Minister responsible for Education to know that I do expect my ExCo seat, and I do not expect that he will be giving me one, and so I feel it will be my task to remove him completely when the time comes so that we can have some enlightenment and some advancement.

Like the Bible says, Light is what we seek. We are in search of light, the journey for light in development and enlightenment. Certainly there will not be any development and enlightenment in a country if the person who is responsible for education continues to say that if you do not have a business that somehow you are of less worth than someone who has a business. I pray that the good people of this island will understand that there are more sides to this situation than that good Member tries to tell us.

Mr. Speaker, I have used the word 'advancement' and I have been told that I must be careful in using these words because some people will twist and turn them, but I don't think that I have a fear of that. I have a different relationship with that because my whole process and my whole being has been twisted and distorted by certain people for so long, it won't be nuthin' new!

*[Members' laughter]*

**Dr. Frank McField:** If ever they did see the Devil, they saw me because it was always . . . and I have tabled already the *[Member turned away from microphone]* paper with that honourable gentleman and me on the same front page, 1980. See, one looks like this, and one looks like this! Our fate, Mr. Speaker, is more bound together than one would imagine.

**The Speaker:** You have four minutes to go.

**Dr. Frank McField:** Okay.

*[Members' laughter and applause]*

**Dr. Frank McField:** And Mr. Speaker, I shall use those four minutes.

There is one thing I would like to say about the Minister for Education, he has a sense of humour.

**Mr. Roy Bodden:** True!

**Dr. Frank McField:** And sometimes it is good that he has a sense of humour. I have not always agreed with the Minister for Education, we more or less, with the National Team support I must admit that I believe that the Minister for Education did assist me a little bit. But the Third Elected Member for George Town must remember that his team was full, so I didn't have any space to get assisted there.

*[Members' laughter]*

**Dr. Frank McField:** So, Mr. Speaker, if I took a little bit of support from the good Minister for Education and the National Team, it was because at least I knew that they had a little bit of space for a little bit of support from somebody who was not on their team. It's part of the style of that Minister to do what is politically expedient because he once said when he was elected that he had politics down to a fine art. I can tell anybody that he is one of the best politicians that I have come across because when he pulled that thing off with that Censure Motion, I had to take my hat off to him; I had never seen that kind of struggle before. And I can afford to compliment him. Why shouldn't I? I would just like for him, one day, to give me my compliments too because somehow, Mr. Speaker, I deserve a few.

*[Applause]*

**Dr. Frank McField:** And I would still like to find out if he ever read that play "Time Longer dan Rope" and what he did with his copies *[Members' laughter]* because I made sure that he and Mr. George Smith got their copies.

And maybe, if I didn't have my own briefcase to bring to this Legislative Assembly the Minister and I might get on very well because I might be able to carry his. But my problem is that I have my hands full, and I have no space for his briefcase; therefore our relationship has to be different than it was— or than he would think sometimes the traditional relationship should be like.

I would like to ask him to now support the motion. I would like to remind him: Don't make my job easy in terms of removing him in that year 2000 because he has a contribution to play in this Parliament. I would never deny that. Although he might deny that I have one to play. And you don't want to forget the Dr. Hortor Memorial Hospital. You *don't*

*want to forget that* time longer 'dan' rope. Remember the money will be spent, the deal is struck, but the Caymanian people will remember, will remember, will remember!

**The Speaker:** I shall now put the question on Private Member's Motion No. 17/98. All those in favour please say Aye—

**Mr. Roy Bodden:** Mr. Speaker. Remember, sir, if it pleases the Chair, in my debate I requested of the Chair to put the various sections, sir, so that we could vote on them individually, and the Chair gave that undertaking.

**The Speaker:** If that is the wish, we shall so do.

I will put the question on the first resolve section: "**BE IT NOW THEREFORE RESOLVED THAT the report laid on the Table by the Honourable Minister responsible for Agriculture, Environment, Communications and Works on 17th July, 1998, concerning Government's proposal to grant permission to these entities to utilise Crown Lands, namely Block 12C, Parcel 215; Block 12C, Parcel 11; and Block 12C, Parcel 216, in the West Bay Section of Grand Cayman, for the development of a Ritz Carlton, be rejected;**"

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

**Ayes & Noes.**

**Dr. Frank McField:** Can we have a division?

**The Speaker:** Certainly, Madam Clerk, would you please call a division?

**The Deputy Clerk:**

**Division No. 13 /98  
(First Resolve Section)**

**AYES: 4**

Mr. D Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle

**NOES: 10**

Hon. Donovan Ebanks  
Hon. Richard H. Coles  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. Julianna O'Connor-Connolly

Mr. John D. Jefferson, Jr.  
Mr. Linford A. Pierson  
Miss Heather Bodden

**ABSENT: 2**

Hon. Joel Walton  
Mr. D. Dalmain Ebanks:

**Mr. W McKeeva Bush:** *Under the Standing Orders I cannot vote for this matter.*

**The Deputy Clerk:** Four Ayes, ten Noes.



**The Speaker:** The Noes have it. The first resolve section fails.

**FIRST RESOLVE SECTION NEGATED BY MAJORITY.**

**The Speaker:** The second resolve section: **“AND BE IT FURTHER RESOLVED THAT the entities be granted permission to demolish the present Holiday Inn hotel and construct another HOTEL only on Block 12C, Parcel 11, on which it presently stands;”**

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

**Ayes & Noes.**

**The Speaker:** The Noes have it.

**Mr. Roy Bodden:** Mr. Speaker, may we have a division?

**The Speaker:** Certainly.

**The Deputy Clerk:**

**Division No. 14/98  
(Second Resolve Section)**

**AYES: 4**

Mr. D Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle

**NOES: 10**

Hon. Donovan Ebanks  
Hon. Richard H. Coles  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. Julianna O'Connor-Connolly  
Mr. John D. Jefferson, Jr.  
Mr. Linford A. Pierson  
Miss Heather Bodden

**ABSENT: 2**

Hon. Joel Walton  
Mr. D. Dalmain Ebanks

**Mr. W McKeeva Bush:** *My position remains the same.*

**The Deputy Clerk:** Four Ayes, ten Noes.

**The Speaker:** The Noes have it. The second resolve section fails.

**SECOND RESOLVE SECTION NEGATED BY MAJORITY.**

**The Speaker:** The third resolve: **“AND BE IT FURTHER RESOLVED THAT the Government exercises its power under section 33 of the Development and Planning Law (1995 Revision) to acquire that portion of the properties designated as Public Open Space**

**under the Development Plan 1997 and assign this said property to the National Trust of the Cayman Islands.”**

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

**Ayes & Noes.**

**Mr. Roy Bodden:** Can we have a division?

**The Speaker:** Certainly, Madam Clerk, would you call the division please?

**The Deputy Clerk:**

**Division No. 15/98  
(Third Resolve Section)**

**AYES: 4**

Mr. D Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle

**NOES: 10**

Hon. Donovan Ebanks  
Hon. Richard H. Coles  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. Julianna O'Connor-Connolly  
Mr. John D. Jefferson, Jr.  
Mr. Linford A. Pierson  
Miss Heather Bodden

**ABSENT: 2**

Hon. Joel Walton  
Mr. D. Dalmain Ebanks:

**Mr. W McKeeva Bush:** *Mr. Speaker, my position remains the same.*

**The Deputy Clerk:** Four Ayes, ten Noes.

**The Speaker:** The Noes have it. The third resolve section fails.

**THIRD RESOLVE SECTION NEGATED BY MAJORITY.**

**The Speaker:** The fourth resolve section: **“AND BE IT FURTHER RESOLVED THAT the Government assign to the National Trust all that undeveloped land as identified above, to take effect on the expiry of the present lease, to be held undisturbed on behalf of the people of the Cayman Islands in perpetuity;”**

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

**Ayes & Noes.**

**The Speaker:** The Noes have it.

**Mr. Roy Bodden:** May we have a division?

**The Speaker:** Certainly.

**The Deputy Clerk:**

**Division No. 16/98  
(Fourth Resolve Section)**

**AYES: 4**

Mr. D Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle

**NOES: 10**

Hon. Donovan Ebanks  
Hon. Richard H. Coles  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. Julianna O'Connor-  
Connolly

Mr. John D. Jefferson, Jr.  
Mr. Linford A. Pierson  
Miss Heather Bodden

**ABSENT: 2**

Hon. Joel Walton  
Mr. D. Dalmain Ebanks:

**Mr. W McKeeva Bush:** *My position remains the same.*

**The Deputy Clerk:** Four Ayes, ten Noes.

**The Speaker:** The Noes have it. The Fourth resolve section fails.

**FOURTH RESOLVE SECTION NEGATIVED BY MAJORITY.**

**The Speaker:** The motion fails.

**PRIVATE MEMBER'S MOTION NO. 17/98 FAILED.**

**The Speaker:** Under Standing Order 31 I have given permission to the First Elected Member for West Bay to make a personal explanation.

**PERSONAL EXPLANATION  
Standing Order 31**

**Mr. W McKeeva Bush:** Mr. Speaker, The Fourth Elected Member for George Town during my debate on 23 September said that I was *telling a lie*. In fact, he said that I was telling a bloody lie when I said in the debate that he had brought a constituent to see me on Mother's Day when I was in the West Bay Cemetery attending to my grandmother's grave. Mr. Speaker, I have a letter from a constituent of mine who was with me attending to her grandmother's grave and I pass it to all Members and I will read it:

"This is to tell you that on Mother's Day of this year Dr. Frank McField came to the West Bay cemetery between 8:45 am and 9:30 am to see Mr. McKeeva Bush. I saw Dr. Frank McField give Mr. McKeeva Bush some papers and heard Dr. Frank McField talking about the Ritz-Carlton. Mr. Bush took the papers and said that he would tell the peo-

ple when he had a chance. Mr. Bush was at the West Bay cemetery taking care of his grandmother's grave and he had taken me to put flowers on my mother's grave on Mother's Day.

"Dr. Frank McField" and, Mr. Speaker, I am not calling the constituent's name out of respect for that constituent, "was there. Mr. (sic) Frank McField did talk to Mr. Bush about those things, and he should not say different. Yours truly, [signed] Iva Powery." I will pass this to all Members, Mr. Speaker.

I also have copies of the brochure of the company and the Fourth Elected Member's constituent's business card which I will pass also to each Member of the House, but I will not lay it on the Table as I have said for the sake of respect of his constituent. I have also a letter from the developer to his constituent regarding the inquiry which I will read. Again, I will leave out the constituent's name.

"Following your meeting in early May with Dr. Frank McField and Mr. McKeeva Bush, the information on your company was forwarded to me at the request of Dr. McField through Mr. Bush. This information has been reviewed with interest by our project team. Upon reviewing the file I noticed that you had not been contacted to acknowledge receipt of your material. Please be advised that we have the information you provided on file and they will be included on the list of local suppliers when bid documents are distributed. As the development and construction of the Ritz-Carlton Grand Cayman Resort advances, we will soon be in a position to distribute documentation for initial bidding on the project. Should we require additional information in advance of the document distribution our project team will contact you. If you have any questions, please feel free to contact our project manager at our offices. Thank you for your interest in our project."

Mr. Speaker, the interest that I have has been disclosed to the people of this country and to this Honourable House as is required by the Standing Orders of this Honourable Legislature. There is no wrong committed by me or my company, Cambridge Real Estate Corporation. We are Caymanians doing business honestly and legally.

My interest was disclosed. I hope that those complaining who have an interest in this matter by whatever means will be as honest and disclose as soon as possible. Thank you.

**The Speaker:** I shall now entertain a motion for the adjournment of this Honourable House.

**ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I am very happy to move the adjournment of this Honourable House until 10.00 AM on Monday.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM on Monday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 6.10 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 5 OCTOBER, 1998.**

| Super Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|-------------|---------------------------|-------------------------------|
| SS15        | 1                         | 0                             |
| SS12        | 1                         | 0                             |
| SS9         | 1                         | 0                             |
| SS8         | 7                         | 2                             |
| SS7         | 2                         | 2                             |
| SS6         | 3                         | 5                             |
| SS4         | 9                         | 6                             |
| SS3         | 8                         | 11                            |
| SS1         | 21                        | 9                             |
| Total:      | 53                        | 35                            |

| Medical Salary Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|----------------------|---------------------------|-------------------------------|
| HSD                  | 2                         | 16                            |
| HSC                  | 0                         | 9                             |
| HSAB                 | 1                         | 9                             |
| HSB                  | 0                         | 1                             |
| HSSBC                | 0                         | 3                             |
| Total:               | 3                         | 38                            |

| Nurses Salary Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|---------------------|---------------------------|-------------------------------|
| HS9                 | 2                         | 0                             |
| HS8                 | 1                         | 0                             |
| HS7                 | 1                         | 0                             |
| HS6                 | 7                         | 1                             |
| HS5                 | 3                         | 4                             |
| HS4                 | 4                         | 14                            |
| HS3-5               | 1                         | 1                             |
| HS3-4               | 1                         | 4                             |
| HS3                 | 17                        | 44                            |
| HS2                 | 1                         | 0                             |
| HS1                 | 21                        | 18                            |
| Total:              | 59                        | 86                            |

| Administrative Salary Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|-----------------------------|---------------------------|-------------------------------|
| AP4                         | 5                         | 6                             |
| AP3-4                       | 35                        | 26                            |
| AP1-3                       | 45                        | 15                            |
| AP1-2                       | 50                        | 22                            |
| AP3                         | 2                         | 0                             |
| AP1                         | 3                         | 1                             |
| Total:                      | 140                       | 70                            |

| Teachers' Salary Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|------------------------|---------------------------|-------------------------------|
| T6                     | 2                         | 0                             |
| T5                     | 1                         | 4                             |
| T4                     | 4                         | 9                             |
| T3                     | 17                        | 15                            |
| T2                     | 34                        | 74                            |
| T1                     | 37                        | 133                           |
| TAS                    | 6                         | 4                             |
| Total:                 | 101                       | 239                           |

| Uniform Salary Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|----------------------|---------------------------|-------------------------------|
| P6                   | 2                         | 1                             |
| P5                   | 12                        | 0                             |
| P4                   | 11                        | 1                             |
| P3                   | 56                        | 9                             |
| P2                   | 89                        | 24                            |
| P1                   | 271                       | 160                           |
| Total:               | 441                       | 195                           |

| Technical Salary Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|------------------------|---------------------------|-------------------------------|
| TH9                    | 1                         | 4                             |
| TH8-9                  | 4                         | 4                             |
| TH8                    | 3                         | 20                            |
| TH7-8                  | 15                        | 23                            |
| TH6-8                  | 18                        | 11                            |
| TH6-7                  | 48                        | 35                            |
| TH6                    | 2                         | 4                             |
| TH5-7                  | 1                         | 2                             |
| TH5-6                  | 31                        | 15                            |
| TH5                    | 21                        | 11                            |
| TH4-5                  | 8                         | 0                             |
| TH4                    | 4                         | 0                             |
| TH3-5                  | 8                         | 2                             |
| TH3-4                  | 17                        | 6                             |
| TH3                    | 10                        | 2                             |
| TH2-4                  | 33                        | 6                             |
| TH2-3                  | 32                        | 18                            |
| TH1-5                  | 1                         | 0                             |
| TH1-4                  | 1                         | 0                             |
| TH1-2                  | 1                         | 0                             |
| Total:                 | 259                       | 163                           |

| Secretarial Salary Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|--------------------------|---------------------------|-------------------------------|
| E5                       | 1                         | 0                             |
| E3-5                     | 11                        | 1                             |
| E3-4                     | 63                        | 10                            |
| E2-3                     | 15                        | 10                            |
| E1-2                     | 110                       | 33                            |
| Total:                   | 200                       | 54                            |

| Clerical Salary Scale | No. of Caymanians in Post | No. of non-Caymanians in Post |
|-----------------------|---------------------------|-------------------------------|
| C2-4                  | 11                        | 3                             |
| C1-4                  | 113                       | 33                            |
| Total:                | 124                       | 36                            |

**Grand Total:** 1,380 916

**TOTAL:** 2,296

**EDITED  
MONDAY  
5 OCTOBER 1998  
10.30 AM**

*[Prayers read by the Third Elected Member for George Town.]*

**The Speaker:** Proceedings are resumed. Item No. 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Third Official Member, the Honourable Minister for Tourism, Commerce and Transport, the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture. They will all be arriving late this morning.

Item No. 3, Presentation of Papers and Reports. The Community College of the Cayman Islands Annual Report 1997–1998. The Honourable Minister for Education, Aviation and Planning.

**PRESENTATION OF  
PAPERS AND REPORTS**

**COMMUNITY COLLEGE OF THE CAYMAN ISLANDS  
ANNUAL REPORT 1997/98; and  
FINANCIAL STATEMENTS OF COMMUNITY COLLEGE OF THE CAYMAN ISLANDS  
31<sup>ST</sup> DECEMBER, 1997 AND 1996**

**Hon. Truman M Bodden:** Mr. Speaker, I beg to lay on the Table of this Honourable House, the Community College Of The Cayman Islands Annual Report 1997/98 and the Financial Statements of the Community College of the Cayman Islands 31<sup>st</sup> December 1996/97.

**The Speaker:** So ordered. Do you wish to speak to it? Please continue.

**Hon. Truman M. Bodden:** Yes sir, just briefly.

Mr. Speaker, the 1997/98 academic year was very demanding and also rewarding for the Board of Governors, the Faculty and staff of the Community College. The College had numerous achievements in this academic year but the most significant was the wide recognition and acceptance of the Associate Degree Programme. This programme is less than two years old and has matched and even surpassed other West Indian institutions whose courses have been in existence for much longer periods.

The first of this acceptance was the World Evaluation Services recommendation to upgrade every grade except an "A" that was awarded by the Community College to approve and upgrade every Grade A. In addition, the organisation recommended all credits for transfer. The World Evaluation Services is an established agency used by American Universities to assess transcripts of foreign institutions.

Continuing on from this success, is the acceptance of the Associate Degree Alumnae as transfer students. It should be noted that three institutions offered scholarships to the graduates. In addition, British Institutions have accepted students and their achievements from the Community College. These institutions include Nottingham Trent University, University of Brighton, University of South Hampton and the University of Surrey.

The College's Extension Community Service offerings have enjoyed an increase in enrolment in this academic year. These offerings are divided into two categories—College Scheduled and Contract Courses. The scheduled offerings include academic courses such as "O" Levels as well as vocational and developmental courses. The contract courses are customised vocationally or professionally orientated offerings. The Community College's clients for these courses include the Cayman Islands Government, educational institutions such as Truth for Youth, and private sector establishments such as Caribbean Utilities Company.

Mr. Speaker, I would like to state the present programmes that are at the College because from time to time we are asked. In the certificate programmes there is Construction, Electrical, Hospitality, Accounting and Computing. In professional development, Government and Nursing. The number of Caymanians in the certificate programmes that I mentioned earlier such as Construction and Electrical were 59, and non-Caymanians 27. So there were 68% Caymanian attendance.

In the Associate Degree Programme, the following are offered: Accounting, Business Administration, Computer Science, Hospitality Management, Physical Science, Office Administration, Mathematics, Natural Science, Social Studies, Literary Studies, History, non-degree programmes, Economics and Condominium Management.

Mr. Speaker, evening classes consist of a total of three evening courses, with course enrolment of 396, giving an average class size of over 15 students in each class. These courses are: Bookkeeping and Accounts – two classes; Key-boarding, Work Processing, English for Business Communication 1, Commercial Numeracy, Introduction to Excel, Introduction to Computers – three courses in that; Keyboarding and Typing, Introduction to Windows 95, Introduction to Word Processing, Architec-

tural Drawing, Basic Electrical Installations, Basic English Skills, Bookkeeping and Accounts Level II, Company Law for Secretaries, Electrical Licensing preparation, English as a second Language, Human Resource Management, International Cooking, Contract Law for Secretaries, SAT Preparation, Conversation Spanish – two of those, Wood Working and Cabinet Making, Child Development, English Language, Mathematics, Principles of Accounts, Customer Service Skills and Telecommunications Wiring. There are 22 short Computer Courses that are offered, two courses in Windows 95; there are six courses in Excel 97 beginning from Introduction and going through Intermediate. There are six courses running in Words 97 from Introduction to Intermediate, there is Web Page development, Project Management, Peachtree Computerising Accounting, Internet and E-Mail Concepts, three courses running in that, Access 97 and assessing computer needs.

On the professional courses, there are nine. Course enrolment is 131, average class size 14.5 persons in each class. There are Accounting Revisions, Accounting and Investments, there are two classes, Business Communications, two classes, Business of banking, two classes, Understanding Accounts and Business Law.

Now, the other area from the Report that I would like to touch on, Mr. Speaker, is found on page 17 and it is a list of the American Colleges and Universities that recognise the Community College's associate degrees and allow transfer of credits in accordance with the articulation agreement. They are: Oakwood College rated competitive, St. Leo College, rated competitive, Stetson University, competitive, University of Illinois – competitive, University of Miami which is rated very competitive, and Webber College, competitive. It is very important, Mr. Speaker, because in a very short period of time the Board, together with what will be our new President under the Law--the Principal of the College--has brought the Community College through great strides and when there is recognition by very competitive universities, it is really quite a feather in the Community College's cap.

As was mentioned earlier, out of the British institutions, there are eight that recognise and they are at page 18. I read some of these before and also the University of the West Indies (UWI). The articulation there which was quite long has now been completed. At UWI, the articulation related to three campuses in their faculties of Science and Technology, Pure and Applied Science and Natural Science in Agriculture and recently process has begun an Accounting Business Administration and Hospitality Management which is hoped to begin the articulation process this coming year. It is quite a long process, especially with some of the universities, to get the acceptance.

Mr. Speaker, I would like to also point out that other accomplishments enjoyed in the academic year included the Phase II expansion of the campus, the air-conditioning of two classrooms and an agreement with Cable & Wireless to provide one free Internet terminal beginning in September. I would like to especially thank Cable & Wireless, not only for the Community College

but also for each of the Government and private schools that they have provided one free internet terminal for.

Along with these successes there were also a few disappointments including a reduced enrolment in the certificate and professional programmes and in both cases, the Community College has developed a plan to address these problems.

Mr. Speaker, I would like to thank the Principal of the Community College, the Chairman and the Board of Governors, the lecturers, the staff and everyone who has contributed towards making the Community College the success it is today. I would also like to mention that local scholarships to the Community College, ICCI and the Law School, those guidelines are well in preparation at this stage. I believe that this will also be a boost to our local institutions here. I wish the College continued success and I will do everything I can to assist it and promote it for the betterment of the Islands.

**The Speaker:** Did you wish to speak on the Financial Statements or have you concluded?

**Hon. Truman M. Bodden:** Mr. Speaker, that is fairly self-explanatory. The only thing I would say on that is that I would hope that we could have the hall completed—at least the money appropriated for that to begin this coming year, sir.

**The Speaker:** Item No. 4 on today's Order Paper. Questions to Honourable Members/Ministers. Deferred question No. 178 standing in the name of the Third Elected Member for West Bay.

## QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

### QUESTION 178

**No. 178: Mr. John D. Jefferson, Jr.** asked the Honourable Minister for Agriculture, Environment, Communications and Works to say what district road maintenance has taken place in 1998 and to provide a breakdown of expenditure in each district.

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

**Hon. John B. McLean:** Road maintenance activities carried out in 1998 include vegetation control (bush cutting), road sweeping, hot-mix patching, shoulder repairs, road re-construction and fencing repairs.

The breakdown of costs to date, by district is as follows:

| Activity         | East End | North Side | Bodden Town | George Town | West Bay |
|------------------|----------|------------|-------------|-------------|----------|
| Bush cutting     | 24,595   | 11,939     | 60,241      | 72,529      | 58,592   |
| Road sweeping    | 0        | 658        | 1,595       | 1,925       | 48       |
| Hot-mix patching | 6,351    | 803        | 54,507      | 51,736      | 13,383   |

|                      |         |        |         |         |        |
|----------------------|---------|--------|---------|---------|--------|
| Shoulder Maintenance | 12,111  | 1,958  | 50,770  | 127,286 | 13,141 |
| Road Re construction | 63,047  | 104    | 110,223 | 56,245  | 8,612  |
| Fencing              | 0       | 0      | 0       | 0       | 328    |
| Misc.                | 110     | 0      | 120     | 110     | 209    |
| Totals:              | 106,214 | 15,462 | 277,456 | 309,831 | 94,313 |

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you, Mr. Speaker. Can the Minister state what funds were available to the Public Works Department for the year in the road maintenance vote?

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

**Hon. John B. McLean:** Mr. Speaker, the Chief Engineer has the right when roads are in dangerous situation to go ahead in conjunction with the Finance Department to have the maintenance work carried out and in order to keep the staff and the roads in order, he actually has operated in that way. I really do not have a breakdown of the figures. I will be glad to give them to the Member at a later date.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Thank you, Mr. Speaker. I wonder if the Honourable Minister can say the reason for the difference in the sums of monies spent in road maintenance between all the other districts, almost in the hundreds of thousand dollars but in the district of North Side a mere \$15,452?

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

**Hon. John B. McLean:** Mr. Speaker, it is my understanding that funds which have been identified here were spent with regard to the need at the time for the various districts.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Thank you, Mr. Speaker. I wonder if the Minister could explain road reconstruction in the district of North Side costing only \$104?

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

**Hon. John B. McLean:** Mr. Speaker, it must have been a very small piece of road, I presume, and it was probably just a sand seal patch.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, seeing that it has been a while since we did a district road visit, I wonder if the Honourable Minister can confirm whether or not we do have some visits scheduled before the Budget Meeting for 1999?

**The Speaker:** Hon Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Thank you Mr. Speaker, yes sir, we do have and I think a memorandum has already been circulated to Members. The reason why we really have not done it before now, we tried our best but most times it was the time of year when we did have some funds that everybody was taking a vacation at different times and it was just impossible to put everything together.

**The Speaker:** Are there any further supplementaries? The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Thank you, Mr. Speaker. I am wondering whether the Minister could say when this work took place, particularly in the district of West Bay. He might have said so, but I was not here. If he could tell me when this took place. I see a particular mention of bush cutting, is that the on-going work on the roadsides? It does not mean that you were cutting McKeeva Bush, right?

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

**Hon. John B. McLean:** No, Mr. Speaker, he is correct. The annual thing that we do is to keep the roadsides clean.

**The Speaker:** If there are no further supplementaries we will move to question No. 180 standing in the name of the Elected Member for North Side.

### QUESTION 180

**No. 180: Mrs. Edna Moyle** asked the Honourable Minister responsible for Education, Aviation and Planning to state how often and the length of time the Reading and Behavioural Disorder specialist visits the North Side Primary School.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddan:** The specialist staff is assigned to schools based on the number and category of needs identified at those schools. Currently, North Side Primary has the smallest percentage of special needs' students with 12 students identified as being in need of

services from the Learning Behaviour Disorder Specialist.

Accordingly, the specialist visits the school one day a week for at least five hours. Among the duties performed at this time are conducting initial assessments of specific needs, designing individualised education programmes, referring students to the multidisciplinary evaluation team for more in-depth assessment, teaching individuals or small groups of students, liaising and consulting with teachers and parents on programmes to be followed up in the classroom and at home when the specialist is not available and monitoring and evaluating students' progress.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries. The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Thank you Mr. Speaker. I wonder if the Honourable Minister could tell us how many members are there on the specialist staff?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Seven for all schools.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Thank you, Mr. Speaker. I notice the Honourable Minister answered that in a very low tone of voice. I could agree with him too if out of sixty students in the district of North Side Primary School, twelve of those children have been identified. I can just wonder about the other schools. I wonder if the Honourable Minister would say if he feels that the department is achieving sufficiently with just spending one day a week for five hours in the district of North Side to deal with twelve students?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I have consulted with the Chief Education Officer and he feels that that is sufficient for the twelve students at North Side.

**The Speaker:** Are there any further supplementaries? There are no further supplementaries. We will move on to question No.181, standing in the name of the Second Elected Member for Bodden Town.

### DEFERRMENT OF QUESTION 181 Standing Order 23(5)

**No. 181: Miss Heather Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning,

what is the status of the pending application to subdivide land around the Betty Bay Pond in Breakers.

**Hon. Truman M. Bodden:** Mr. Speaker, I am wondering if I could delay that question [181] for a later date, please. I am sorry; I should have asked that at the beginning.

**The Speaker:** Certainly, the question is that under Standing Order 23(5) that [question 181] be deferred for a later sitting. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. QUESTION 181 DEFERRED UNTIL A LATER SITTING.**

**The Speaker:**

The next question is No. 182, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 182

**No. 182: Mr. Roy Bodden** asked the Honourable Minister responsible For Community Affairs, Sports, Women, Youth and Culture to state what has been done to enhance the status of women in the Cayman Islands since she assumed the Ministry.

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

**Hon. Julianna O'Connor-Connolly:** Since assuming the Ministry in November 1997, various actions have been taken to enhance the status of women in the Cayman Islands. These actions include public education and awareness programmes, activities to ensure an informed and aware public, and policy development to ensure a structure through which the needs of men and women can be met to eventually enhance the status of our family.

The public education projects and programmes are coordinated through the auspices of the Women's Resource Centre. The Women's Resource Centre with its primary focus being to assist women to empower themselves through information and education was officially launched on 25<sup>th</sup> November, 1997, during my tenure as Minister of Community Affairs, Sports, Women, Youth and Culture.

Through the Women's Resource Centre, the programmes which have contributed to enhancing the status of women have been extended to the community. These programmes include a forum on Domestic Violence, a forum on the Maintenance Law and a seminar on weight preoccupation and eating disorders. Through participation in these programmes, women in the community have been able to extend their knowledge of



these subjects and make informed decisions to their advantage betterment.

In order to ensure that the Women's Resource Centre provides the type of services needed to improve the status of women in our society, the Ministry conducted a preliminary needs assessment to ascertain what services women who use the Centre would like to see in place. This questionnaire was taken from a small sample of persons who had attended programmes offered by the Centre. The main issues arising out of this were the issues of domestic abuse, parenting the family, and child maintenance. As a result of this small sample, many of the activities of the Women's Resource Centre have been as a direct reflection of the needs expressed.

The Ministry has joined forces with the Employee Assistance Programme (EAP) in addressing the need for parent skills development. The EAP offers a parent skills workshop through the Women's Resource Centre. There are several women's support groups that are held at the Women's Resource Centre facilitated by various community organisations, including Alcoholics Anonymous and the Legal and Befrienders Clinic. All these programmes, by providing public education and awareness, enhance the status of women in the Cayman Islands.

At policy level, the Ministry is setting up a structure through which policies to enhance the status of both men and women in our society can be implemented. The first step in this process has been setting out a Policy Direction. Within the next few weeks, the Ministry will be formalising these directions into a policy statement for submission to Executive Council.

Having done this, the Ministry will also formalise a project document on an office for women's affairs as dictated by Motion No. 1/95 through the ongoing research process in the Ministry. The Ministry, subject to budget funds being approved, also intends to carry out a survey on the status of women and provide gender training across Government to encourage a gender-aware approach to all Government policy. These activities, both at the programme level and at the policy level, all serve and will continue to serve to enhance the status of women in the Cayman Islands.

## SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. The Minister has said that there was a questionnaire which was taken from a small sample of persons who attended programmes offered by the Centre. Can the Minister say if there are any plans to have a wider survey done possibly on a national scale which will attempt to ascertain some of the common problems experienced by women and by inference, the family? Also, can the Minister explain to the House whether any attempt will be made to incorporate some of the findings of the family study into the Ministry's policy on women?

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

**Hon. Julianna O'Connor-Connolly:** Mr. Speaker, the Ministry is working with UNDP with a view of doing a national survey with a view to ascertain and identify the problems which are common for women in our Caymanian society as it relates to the Report. It is my understanding that that report was at some stage taken to Executive Council. I have directed the person responsible in the Ministry that when I take within the next few weeks a policy statement and the policy per se, that we will also try to get the confirmation and or acceptance of the report from Executive Council at that time.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Thank you, Mr. Speaker. I am wondering whether the Honourable Minister can say if when she says that she is going to formalise the project document on an office for women's affairs, is she meaning a unit within the Ministry or otherwise? As I understand it, there is an officer in the Ministry in charge of Women's Affairs.

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

**Hon. Julianna O'Connor-Connolly:** Thank you, Mr. Speaker. It is our view to set up a unit because we are finding that one person cannot deal with the policy as well as the programme because in addition to that, there are other responsibilities in the Ministry which that person has to deal with, sir.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna M. Moyle:** Thank you, Mr. Speaker. In an earlier question the Minister gave as one of the policy directions: To encourage the prospect of women acquiring the skills needed to contribute equally in the decision-making process in the various levels of our social stratifications.

Seeing that we already have women who have these skills, is the Ministry doing anything to assist so that [during] these decision-making processes in the Government-- particularly on the future of these Islands-- women are involved and taking a part in representing the Cayman Islands overseas?

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

**Hon. Julianna O'Connor-Connolly:** Thank you, Mr. Speaker. That concern by the Elected Member for North Side, is also a concern of the Ministry especially in recent times. I am sure the Member will appreciate that in the most recent of cases there was very little per se, that could be done before the fact. I will at the earliest opportunity express my concern to the parties related in mak-

ing that decision, because like her, I too believe that women have not only formed a very integral part in the development of the Cayman Islands, but women indeed can continue to do so given an equal opportunity.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries moving on to question No 183 standing in the name of the Third Elected Member for Bodden Town.

I will entertain a motion for the suspension of Standing Order [23 (7)&(8)] that we can continue Question Time beyond 11 AM.

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

**Mr. W McKeeva Bush:** Mr. Speaker, I so move for the extension of time.

**Mr. D. Kurt Tibbetts:** I beg to second that, sir.

**The Speaker:** The motion has been moved and seconded. Those in favour please say Aye, those against No.

**Ayes.**

**The Speaker:** The Ayes have it. Question Time continues.

#### **AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

**The Speaker:** The Third Elected Member for Bodden Town.

#### **QUESTION 183**

**No. 183: Mr. Roy Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning under what circumstances does the Government allow a developer to fill and develop land higher than the level of the adjacent road.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, as part of a subdivision, if the land is low lying, the developer is required to bring the property up to a level of four feet above the Vidal Bench Mark. For all new development, surface water is required to be contained on site.

#### **SUPPLEMENTARIES**

**The Speaker:** Supplementaries. The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Minister say then if it is the responsibility of the developer in these cases to ensure that surface water does

not impede or does not become a nuisance to road users and the developing and the adjacent land owners by ensuring that such a flow is either trenched or culverted so that it drains to a place where it is not a nuisance?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, the answer to that is yes, and I would actually like to see private drains near roads, being kept free so that the water will go into them and be contained. If the drains on the private property near to the road are not maintained properly, then water goes into the road itself. I think maybe the time has come when there needs to be a 'tightening up.'

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Looking at the opposite side of the coin: First of all, is road construction--that is public roads--considered development?

**The Speaker:** The Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I have to look that up in the Law to make sure. (Pause) Section 2 of the Development and Planning Law states: "**Development has the meaning assigned to it by section 10(2) and "develop" has a corresponding meaning;...**"

Section 10(2) states: "**development" means the carrying out of building, engineering or other operations in, over or under any land, the making of material change in the use of any building or other land, or the subdivision of any land, except that the following operations or uses of the land shall not be deemed for the purposes of this Law to involve development of the land,...**" And, there are some exceptions.

This Law binds the Crown, so development of a public road that is not caught under the Roads Law, as such, would be caught under this Law, I would think under one law or the other. Mr. Speaker this is getting into an area where perhaps a bit of research would need to be done if you want a specific answer on it.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you, Mr. Speaker. The reason for that question is to ask if when the Government, through whatever agency it uses, is constructing or rebuilding a road, does the Government find the onus on itself to ensure that the run-off of water from that road does not go into people's properties?

**The Speaker:** Honourable Minister for Education, Aviation and Planning.

**Hon Truman M Bodden:** Mr. Speaker, the Government has a duty to ensure that water running from its land does not run onto other people's property. I would think that that is law. Now what I am not sure about--and maybe the Legal Department would have to look this up--but there are two laws that deal with this area, one is a statutory type of civil or criminal liability and it would be civil trespass that we are looking at and the other one would be the normal common law trespass. Under the normal common law trespass that binds people, generally, if you cause anything to go from your land to another person's land, which is not just obnoxious but which could cause damage, or which is a nuisance, could create a civil liability.

[Inaudible comments]

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, if the Minister does not mind, I will turn it into a question, but I want to explain something. Why I asked that question is because we are all cognisant of the fact that on the one hand we have the public screaming for better roads, and such the like; on the other hand sometimes when these road improvements are done you have the individual home or business owners being directly affected--Smith Road being one of the most recent examples.

I am not suggesting that Government is not doing what it has to do to take care of the problem. I am only asking the Minister for an undertaking that while we understand that that is the situation, perhaps whenever any of that type of road construction or redevelopment is being done, we can ensure that everything is taken into consideration so that those land owners [suffer] no negative effects.

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, as the Honourable Member appreciates, I do not have direct responsibility for roads but I will pass that on. I think that what the Member said is reasonable. If Government is going to do something that is going to cause a lot of water to go into somebody else's property, it is necessary to put a well or do something to retain it. I know it does create a problem because I have been into developments where at one time we were trying to put a road and raise it, but the raising of the road was going to basically cause flooding into houses. I think the Honourable Member probably... (*Members inaudible comments*)... Well there is choice: either the road remains flooded or we raise the road and water goes into people's yards because the wells in those areas could not take the amount of run-off water that was there.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries, that concludes Question Time for this morning.

Moving on to Item 5 on today's Order Paper, Other Business. Private Members' Motions.

The Honourable Minister for Education, Aviation and Planning.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

**Hon. Truman M. Bodden:** Mr. Speaker, I have been requested by the mover that we put Motion No. 21/98 for the Complaints Commissioner before the Referendum Law which is No. 23/98. Unfortunately, I did not raise this with the Business Committee, so it did not get put on. I would ask, sir, that it be changed to take the Complaints Commissioner first, and the motion on the Referendum Law, second.

**The Speaker:** I shall put the question to the House. The question is that Private Member's Motion No. 21/98 precedes Private Member's Motion No. 23/98. Those in favour please say Aye, those against No.

**Ayes.**

**The Speaker:** The Ayes have it.

### AGREED. PRIVATE MEMBER'S MOTION NO. 21/98 TO TAKE PRECEDENCE OVER PRIVATE MEMBER'S MOTION NO. 23/98.

**The Speaker:** Private Member's Motion No. 21/98, Appointment of a Complaints Commissioner to be moved by the Third Elected Member for Bodden Town.

### PRIVATE MEMBER'S MOTION NO. 21/98

#### APPOINTMENT OF A COMPLAINTS COMMISSIONER

**Mr. Roy Bodden:** Mr. Speaker, I beg to move Private Member's Motion No. 21/98 entitled Appointment of a Complaints Commissioner standing in my name and which reads as follows:

**"BE IT RESOLVED THAT the Governor consider the appointment of a Complaints Commissioner as called for under Section 49N subsection (1) and (2) of the Cayman Islands (Constitution) (Amendment) Order, 1993."**

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, thank you. I so move to second that motion.

**The Speaker:** Private Member's Motion No. 21/98 has been duly moved and seconded. Does the Mover wish to speak to it? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, this move to effect an office of complaints commissioner (as it is called in the United Kingdom and as it is articulated in our constitution) is indeed not a new move since Private Member's Motion No. 5 of 1989 in our Legislative Assembly which was moved by this Member was passed at that time. Before coming to that part in the debate which is specific to our jurisdiction, I want to lay some general principles which I have found informative and I think they will certainly serve to enlighten, if not to remind, other honourable Members who were here during the initial debate when this motion was brought to the Legislative Assembly.

I want to take this opportunity also, Mr. Speaker, to say that in discussing the matter informally with some of my colleagues, I was a little surprised to find that there is some misunderstanding on the part of the role of this complaints commissioner, or ombudsman as I prefer to describe it, vis-à-vis the role and responsibility of Members of the Legislative Assembly.

The notion of a complaints commissioner or ombudsman, is certainly not a new notion. The system has been around for a very long time and I think the literature bears out that this position was made popular in the Scandinavian countries, Denmark, Sweden, Iceland and Norway which have a long and rich tradition in the development of the office of ombudsman.

The office has also been popularised in the Commonwealth—Australia, New Zealand, Canada and the United Kingdom's Westminster have complaints commissioners. I have also found out that the office of ombudsman, as it is called, is popular and a widely established office in the Caribbean particularly among the countries of the Commonwealth Caribbean—Barbados, Jamaica, Guyana, St. Lucia and Trinidad, just to name a few. All have established offices of ombudsmen which are very effective and which have become very popular over the years.

I am reminded of that quintessential conservative and himself a Member of Parliament, Edmond Burke, when he was giving a speech at one time to the sheriffs of Nottingham: when he remarked on the role and responsibility of a representative of a Parliament, a Member of the Legislative Assembly. Edmond Burke said that such a person has three major responsibilities:

(a) In the first instance he has to be a leader. He has to be able to lead his constituents and to lead his people from point A to point B, particularly in terms of modernisation, development, a sophisticated political establishment and the construction of a modern state.

(b) That person also has to be an educator. He has to be able to ascertain and to be able to teach and enlighten his constituents on the pros and cons of situations which confronted them in their daily lives.

(c) The third responsibility, Mr. Speaker, is one which I would like to function on because I think that, of the three listed by Edmond Burke, it is the most important. He said that the representative has to be: a buffer against the Government; the representative of the people; an ordinary Member of Parliament, an ordinary Member of the Legislative Assembly had to be a buffer between his/her constituents and the Government.

It is largely as a development of this last responsibility listed by Edmond Burke, that I see the role of a complaints commissioner or ombudsman; assuming because the way the Westminster system has developed, and certainly in our jurisdiction and other parts of the Commonwealth, it is well nigh impossible now for a Member of the Legislative (or of Parliament) to be an effective buffer between his people and the Government for in performing such a role, we have some limitations. And, I will get to these limitations a little later as I develop my presentation.

Suffice it to say at this point that there are certain things we cannot do because as a Member of the Legislative Assembly, I have no legal or constitutional means of questioning certain things. I am limited to the approaches I can make in the bureaucracy in the Civil Service, Mr. Speaker, because I have little or no authority, except of course in the Parliament, to question certain administrative behaviours. I cannot easily go outside of the Parliament in making certain enquiries and certain queries.

So that one reason why it is necessary and why this office of complaints commissioner, or ombudsman, has evolved is exactly to meet this need because under the Westminster system (and indeed any other systems where the ombudsman or complaints commissioner is utilised as a public office) there can be no greying of the area.

And this is important and interesting, Mr. Speaker, because it will serve to clear the misconceptions and doubts held among my colleagues who do not see the office of ombudsman or complaints commissioner in competition to their role as a Member of the Legislative Assembly or as a representative of the people; or who see it as an obstruction to what they themselves can achieve as a Member of the Legislative Assembly or a representative of the people.

My argument, Mr. Speaker, is that indeed it is not that the roles are not in competition; that the offices are not in competition; that they are not in contradistinction; but rather that they are complimentary to each other—one enhances the effectiveness of the other if understood and if set out properly.

It is interesting to find the definition of an ombudsman as set out by the International Bar Association. In a Conference held in Berlin, August 21 – 23 (way back in 1980), the ombudsman or complaints commissioner as an official to whom any person aggrieved by an administrator's omission can complain. The definition was set out as follows: that the ombudsman or complaints commissioner was an officer established by the constitution or statute headed by an independent high level public

official who is responsible to the Legislature or Parliament who receives complaints against Government agencies, officials and employees and who acts on his own motion and on his own volition.

In setting out that definition, it is important to note at the outset that the ombudsman or complaints commissioner has no authority and indeed is precluded by law to investigate or to delve into any Government policy or policy matters. So at the beginning I want to draw the distinction between the role of the Ombudsman and the role of the Member of Parliament, or in our case, the Member of the Legislative Assembly.

As a Member of the Legislative Assembly, that is our primary responsibility, particularly if you find yourself in the position in which I find mine: namely that of being an Opposition Member. I can query the policy of the Government, I can put the Government on the spot with regards to policy matters, I can ask the Government why did you take step A and not step B, explain to the Parliament the reason for this decision.

Mr. Speaker, with the ombudsman, that is outside his parameters. The ombudsman is precluded by statute and law from doing that. What the ombudsman can do that I cannot do is, he can go to a Minister and say, *'Mr. Minister, I have a complaint that someone working in your office has been denied certain information or has been wronged in this way. I would like to examine the files, I would like to set up an appointment with you to discuss this case and to investigate and find out whether it can be substantiated or not.'* As a Member of the Legislative Assembly we cannot do that. The ombudsman can then decide whether there is justification to take the matter further or whether the person has a complaint which cannot be substantiated. We cannot do that. That would be a serious trespass and a greying of the area.

So, right away, one fundamental difference expressed is that the ombudsman or the complaints commissioner simply cannot question and investigate any policy of Government; rather, they can investigate into what is mal-administration, what is perceived as an injustice or wrong doing on the part of someone – someone justifiably not receiving a promotion; someone who believes they have been aggrieved by not receiving an increment or whatever, which are things that we as Members of the Legislative Assembly cannot delve into.

We, on the other hand, can ask the Government to explain their policies. We can ask them to explain to us why such a policy was adopted against another policy, or why such a policy is pursued when indeed we believe it is counter-productive. So, Mr. Speaker, the two are completely different and contrary to what some people may believe, there is no duplication or the Ombudsman does not take away the importance of the role and responsibilities of the Member of Parliament.

Mr. Speaker, not too long ago, we accepted that we would like to set up a committee to investigate into the possibilities of developing a Freedom of Information Act. Well, I see the office of a complaints commissioner or ombudsman as uniquely and peculiarly alike; indeed, I would say that it follows as a natural corollary to this,

because I would see this office as being one from which these requests emanate. So the setting up of the office of ombudsman is a natural corollary to the setting of a Freedom of Information Act.

One of the advantages of such an office is that it is a relatively inexpensive procedure that is provided for investigation into complaints made by those who feel that they have suffered an injustice. Mr. Speaker, one of the primary responsibilities of such an office is that of initiating investigations.

Now it is important to note - and this is the reason why the motion was worded the way it was – that our Constitution was quoted in the Motion. Section 49N subsections (1) and (2), and I shall read what it says, **(1)“Subject to the provisions of this Constitution, a law may make provision for an office, functions, jurisdiction and powers of a Complaints Commissioner.” (2)“The Complaints Commissioner shall be appointed by the Governor acting in his discretion after consultation with the Executive Council, by instrument under the public seal.”**

Mr. Speaker, I want to make this point at the outset that the reason we worded the motion like this, is because we recognise that it is necessary for a law to be made to bring this into effect and since the Constitution already makes provision for that, it would be redundant for the motion to ask for a law to be made. So, in setting out the Private Member's Motion the way it is, it is to be assumed that if the motion is accepted, Government will then set the mechanisms in place for the law to be made so that the office can be established.

I have, on a few occasions that I can remember in debates in this Legislative Assembly, made mention of the office of ombudsman, certainly in the debate on the Private Member's Motion No. 5/89, I elaborated to a great extent on the experience I had while studying and living in Canada and also from what I have read about the office of ombudsman.

Before I go much further, I want to speak more on this business of the principal responsibility of the Ombudsman--that of initiating investigations.. Mr. Speaker, there are three recognised methods which the Ombudsman initiates an investigation:

(a) Firstly, a complaint is made by an individual or a body corporate alleging that the complainant has sustained an injustice as a result of a fault in the administration.

(b) In the second instance an investigation can be initiated when a Member of Parliament--and here Mr. Speaker is where there is a further demarcation of the two distinct and different roles between the complaints commissioner or the ombudsman and a Member of the Parliament. An investigation can be initiated when a Member of Parliament (or a Member of the Legislative Assembly) requests the ombudsman to investigate a matter on the ground that a person or group of persons may have sustained an injustice.

This is similar to the procedure in the United Kingdom where it is a long-standing tradition that it is for a parliamentary representative to champion the rights of

his constituent. It goes back to the point I was making that if one of my constituents comes to me and says, '*I have a problem in the department in which I work, and I have suffered an injustice; I believe I have been passed over for a promotion*'; I, Mr. Speaker, as a Member of the Legislative Assembly cannot do anything about that because we have a strict separation of powers.

The only thing I can do about that, Mr. Speaker, is hold my constituent's hand and pray. I have no authority to pick up the telephone and call any head of department, any supervisor and indeed, if I do that, there are some Ministers of Government who would only be too happy and willing to come down here and say that I do not know what I am doing, I don't deserve to be in the Parliament, I am stepping out of my bounds or worse! But, I could request the ombudsman to carry out such an investigation. I could go, or write, to the complaints commissioner bringing to his attention the fact that my constituent, or a group of my constituents have made this complaint and request him to investigate it.

(c) In the third instance, the ombudsman may conduct an investigation of his own volition or on his own motion in circumstances which he considers that a matter ought to be investigated on the grounds that some person or persons may have suffered an injustice. So the ombudsman can do so without anyone asking him to do so. He may on his general knowledge or on a specific case, it may be something he has heard on the radio, seen on the television, read in the newspaper, or is simply made aware of by other circumstances. He may decide of his own volition to investigate into the matter.

In any of these three instances, the complaints commissioner or the ombudsman has a free discretion as to whether or not he will initiate, continue or discontinue an investigation. Only the ombudsman can decide that. Such discretion is practically absolute because no one attempts to interfere with him. His discretion and his authority are almost sacrosanct and absolute to the point where anyone trying to interfere or to subvert can be cited for contempt and can suffer serious sanctions if proven guilty. If the ombudsman or complaints commissioner believes that the threat of subversion is serious enough, he can take the matter to Court and usually, the Courts will allow him to continue upon the investigation.

Mr. Speaker, this is important because we as the Members of the Legislative Assembly have no such guarantees. We have no such recourse because we have to remember our behaviour can easily in many circumstances, be construed as having a certain bias. Certainly, against certain complaints with regards to the administration and the bureaucracy of the Civil Service itself.

So, Mr. Speaker, it is necessary in a modern and developing democracy to establish such an office for the protection and the rights of citizens beyond which the Constitution does not allow to be provided for by the representatives or Members of Parliament.

Now, Mr. Speaker, I have always been interested in the concept of a Citizens Advisory Bureau. And I remember on one or two occasions speaking with His Ex-

cellency the Governor and mentioning the effectiveness of such a bureau, particularly in a democracy like the Cayman Islands. I know that in some jurisdictions in the Commonwealth these advisory bureaus are very effective. They allow the man on the street ready access and an avenue to directions in which he or she can get common complaints redressed or receive guidance to agencies which will provide some redress and recourse to having their complaints investigated.

In Jamaica, these citizens' advice bureaus serve a very important function and Jamaica is a country which has an ombudsman. As a matter of fact, Jamaica has a special ombudsman dealing with political matters namely, they make the distinction of calling him the political ombudsman, whose role and responsibility is to deal strictly with political matters in addition to the office of Ombudsman which deals with the ordinary matters of investigations into complaints and injustices experienced in the bureaucracy. In addition to that they have these citizens' advisory bureaus.

I believe that our jurisdiction which is relatively small need not have all of these mechanisms; I mention the Citizens Advisory Bureau for the mere fact that it is a mechanism to which I have a great personal interest which I believe is also an effect way. If we check it, Mr. Speaker, many of the ordinary grassroots people who have to access information are intimidated under certain circumstances and they lack the knowledge and sophistication of knowing how to tap into certain of these resources. In many cases where it is necessary to have money in order to initiate certain investigations or to have certain complaints redressed, these people suffer because not in every circumstance are they in a position to provide what is necessary as a retainer to investigate into certain matters. So there is merit to providing some of these agencies and mechanisms.

Mr. Speaker, in the Cayman Islands, and until I have information to the contrary, I believe and I am suggesting that we could suffice with just the establishment of the office of Complaints Commissioner or Ombudsman.

Mr. Speaker, it is that point in time when my throat is getting dry, so I would welcome a break.

**The Speaker:** We shall suspend proceedings for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.46 AM

#### PROCEEDINGS RESUMED AT 12.43 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 21/98, the Third Elected Member for Bodden Town continuing.

**Mr. Roy Bodden:** Thank you, Mr. Speaker.

Prior to taking the suspension, I had been making the point that in some jurisdictions the complaints commissioner or the ombudsman is invested with the powers

of the high court in terms of his authority to summons witnesses, to receive evidence on oath, to generally obtain evidence by entering appropriate premises, and requesting to inspect documents in the course of his investigation.

Mr. Speaker, I have to make the distinction here again. These are legalities from which Members of Parliament and Members of the Legislative Assembly are precluded. We cannot take these kinds of actions, so again I come back to the point that this is one of the distinctions between the two bodies. Also, it is a fundamental precept that the office of Ombudsman or Parliamentary Commissioner is constituted under the belief that the traditional structures which obtain in the bureaucracy cannot be reasonably or humanly expected to protect the administrative rights of ordinary citizens—hence the need for a special person and a special office which is set up to investigate into and with the specific ambit of protecting the rights which may be infringed upon or which in many cases it is deemed to be denied.

I am very familiar with the system as it exists in Canada and I want to take a little time now to say that nine out of the ten provinces in Canada have ombudsmen. The tiny province of Prince Edward Island being the exception. When I first learnt of the role and importance of the office, although I had known about ombudsmen before, it was actually when I lived in the society that I became very interested from reading the newspapers and from on one or two occasions reading the report of the ombudsman to the House of Commons and to the Provincial Parliament in Ontario.

I recall, Mr. Speaker, that there were a number of ombudsmen who made their mark in the Canadian system but two come to mind because I think more than anything else, that these two ombudsmen had vast international influence as well as national respect.

The first one was the ombudsman for Quebec, a gentleman by the name of Louis Marois. What is important is that—and I am going to make this point later—while it is seemingly natural for such a person to have a legal background, it is not entirely necessary. Indeed, the gentleman who was the ombudsman for Quebec, Mr. Louis Marois, was, prior to his being appointed Ombudsman, he was occupied outside of the law. One of the later ombudsmen of Quebec was indeed a Commissioner of the Royal Canadian Mounted Police, but it was Louis Marois who set the trend because his reports to Parliament were later used as text books at colleges and universities as well as international references for those interested in articulating and developing the work of the ombudsman.

The other person, the ombudsman of Ontario, was a gentleman by the name of Arthur Maloney with whose work I became familiar, although I never really met him close up. He was a very prominent criminal lawyer before obtaining the office of ombudsman of Ontario. What is important about this man, I believe is, he, even more so than Mr. Louis Marois, set the office of ombudsman into a high profile. A very popular office which was accessible to all levels of the society and his reports to the

Parliament were not only informative but they were entertaining.

I remember on one occasion there was a major development between an investigation which he conducted and the provincial Government of Ontario. It had to do with a decision regarding the Ontario Labour Relations Board. To demonstrate the independence of the office of the ombudsman, I think this is the classic textbook case, what happened was that Arthur Maloney, as ombudsman, made a ruling which the provincial Government of Ontario did not accept and did not accede to. As a result of that, there was a showdown. Well, one would realise that the funds for the establishment and running of the office of ombudsman comes from the Government, the parliamentary vote. So the Government, to prove its ultimate superiority and to show it was in control, because of what they considered an embarrassment they decided not to vote any funds for the Office of Ombudsman the next year. So the office had to close down.

It also happened that in that year there was a provincial election. The Opposition used the denial of funds and the closing of the Office of Ombudsman as a major campaign plank against the incumbent Government. Need I say that the incumbent Government of Premier Bill Davis lost the elections just on the basis that they refused to accept the report of the ombudsman because they saw it as an embarrassment and a slight against the Government. I think that is a classic textbook case which demonstrates how the office works independently of Government and how it is nevertheless an influential office, although funded by the Government.

The International Bar Association in its annual conference, and certainly those that I have researched, pay credence and high respect to the office of ombudsman in the various countries of the world. And I want to make a brief quotation from one of the attendees at the conference of the International Bar Association in 1978 dealing with the principal aim of the ombudsmanship and its role and function in those countries in which it is set up. Larry Hill, the attendee, states that the principal aim of the ombudsman is **“the protection of the human rights of citizens in respect to complaints against Government. The Ombudsman is precluded from investigating matters pertaining to the policy of Government. His competence is thus limited to complaints related to the procedures and practices of the bureaucracy.”** And he goes on to say that the ombudsman is a **“tool for managing bureaucracy but not a generalist tool. The office specialises in those administrative reforms that directly impact on citizens.”**

The following is given as some characteristic features of Ombudsmanship: **“The Ombudsman is independent of the bureaucracy and reports only to Parliament. He is directly accessible to the citizen. And that is in the Caribbean as in most jurisdictions. The Ombudsman has powerful tools for investigation. He can inspect agency premises, examine agency records, examine witnesses, and require the production of documents. The Ombudsman can initiate an**

**investigation and publish reports on his investigations both to the Parliament and to the public. Finally, the services do not carry a monetary value. It is important to note that the Ombudsman cannot overturn administrative decisions. He/she can only make recommendations."**

In this section, I want to quote briefly from Arthur Maloney, Ontario's first ombudsman in his address to the second international Ombudsmen Conference. Arthur Maloney said, **"It is often said that the Ombudsman is the voice of the ordinary man. The common experience of all of you, and certainly my experience, was that the great majority of cases that came to my attention came from people who are poor and disadvantaged."** This is evidently so because of the need of such persons to interact with the bureaucracy because of their comparatively greater dependence on Government for welfare, housing, health, education and other social services.

During the break I was informally speaking with the Second Official Member, and he was telling me that he is very familiar with the concept of Citizens Advisory Bureaus. As an attorney in private practice he sometimes volunteered his services at some of the bureaus. You will recall my saying that in jurisdictions where these bureaus operate, people seeking advice are referred to attorneys and to legal counsel, which may not necessarily be available on a daily basis at the bureau. Appointments, however, are set up where they can confer with attorneys—usually volunteers who give their time free because they recognise that this is a kind of service that is necessary in the community and as good corporate and civil citizens they give this time. And quite often these are persons who a) either do not know how to access certain types of information; b) in many cases may not have access to the financial resources to get this information in the first place. I also said that it is not uncommon for these types of bureaus to act in tandem with the complaints commissioner's office, or with the office of the ombudsman.

In our case in the Cayman Islands, as per the Constitution, and as per this Private Member's Motion, we understand that we would have to make a law and that the ultimate appointment of such an officer would rest with the Governor. Indeed, the motion was worded so that it was extrapolated from the Constitution. It does not specify the making of a law, but if you read it in tandem with those sections of the Constitution referred, you will know that implicit in the motion is the necessity for a law to be made. It is also understood that the appointment will be made by the Governor, probably on the advice of the Executive Council.

Now, having said that does not in any way preclude the successful person, or the appointed Parliamentary Commissioner or Ombudsman; that does not preclude his/her independence. For it is understood that such an office, to be effective, must have a certain amount of independence. So what is my vision? I see this office and this officer acting in much the same way as our Auditor General acts now. The monies for the running of

the Auditor General's office comes from the public treasury, but the Auditor General has a certain independence and while he is primarily responsible to the Governor, the complaints commissioner or the ombudsman would be an independent officer, similarly, and his responsibility would lie primarily with the Parliament, i.e., the annual reports would be laid on the Table of the House and in many instances many jurisdictions such reports are debated, but that need not necessarily be. However, the Parliament has access to them and in addition to that, the complaints commissioner, or the ombudsman, makes such reports available to the press.

I say that to say that there is nothing which says that the reports are confidential. They can be laid on the Table, and even before they are laid on the Table of Parliament, or simultaneous with their laying on the Table, they can be made available to the press. I contend that this facilitates and strengthens the democratic process. So I believe that if—and we have already accepted the Freedom of Information Act—I believe that the appointment of a complaints commissioner or an ombudsman is an important corollary to that Act. Indeed, I see it as a necessity, because I don't know how we can have an effective Freedom of Information Act without a complaints commissioner or ombudsman.

I believe that I have made it plain that such a position does not erode the authority or the work, or the influence of the Members of the Legislative Assembly; indeed, I see it as complementary. I have also laid out the fact that it is not an impediment to the Government by virtue of the fact that the complaints commissioner or the ombudsman does not have any authority to investigate into the policies of the Government. I have laid out the fact that it is usual that the complaints revolve around matters which Members of the Legislative Assembly and, indeed, Ministers, cannot deal with now, namely, administrative matters which may involve someone being denied a promotion; someone being denied an increment and matters to this extent which neither Members of the Legislative Assembly nor Ministers under our system has any legal or Constitutional authority to delve into.

As far as our jurisdiction goes, I do not see the establishment of this office as an impediment in any way to the system as it operates now, and I contend that as we evolve, particularly as we talk about reforming the public sector, we will see that the establishment of such an office provides an important and integral avenue which is not now available.

I hope that all Honourable Members will see the motion for what it is worth and I would expect to hear an informative and enlightening debate. Certainly, I respect the democratic right of Honourable Members to take positions different from those I have articulated. But in the interest of good debate I would expect that any—how should I put it—any reservations will be aired in an intelligent, informative and balanced view so that I can be in a position to provide an informed reply.

Mr. Speaker, I want to end on this footnote: In a manner of speaking, it really doesn't matter to me



whether the motion is accepted or rejected. Let me put it this way: Of course, I brought the motion believing that it is the right thing to do, and it advances us along the route to which I think all of us are aspiring to go. But if the motion is defeated, I am of sufficient maturity that I will not take it as a personal affront. Indeed, all I will do, God willing, is wait until the six months are up and bring it back again. So, while I will be a little disappointed if it is rejected, I won't consider it the end of the world. And Honourable Members who know me know that if there is one quality I have, it is resilience.

Having said that, I implore all Honourable Members to approach this with an open mind and give it the best shot in the interest of improving our society. Thank you.

**The Speaker:** At this time we shall suspend proceedings until 3.30. It is my understanding that informal meeting commencing at about 2.30.

#### PROCEEDINGS SUSPENDED AT 1.05 PM

#### PROCEEDINGS RESUMED AT 3:37 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 21/98. Does any other Member wish to speak? The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker. Private Member's Motion No. 21/98 states, "**BE IT RESOLVED THAT the Governor consider the appointment of a Complaints Commissioner as called for under Section 49N subsection (1) and (2) of the Cayman Islands (Constitution) (Amendment) Order, 1993.**"

The Cayman Islands (Constitution) (Amendment) Order, under those sections sets out the following:

- (1) **Subject to the provisions of this Constitution, a law may make provision for an office, functions, jurisdiction and powers of a Complaints Commissioner.**
- (2) **The Complaints Commissioner shall be appointed by the Governor, acting in his discretion after consultation with the Executive Council, by instrument under the public seal.**
- (3) **No person shall be qualified to be appointed as a Complaints Commissioner if he is, or has been within the preceding three years, a Member of the Legislative Assembly; and, subject to such exceptions as the Governor, acting in his discretion, may authorise in writing, the Complaints Commissioner shall not hold any other office of emolument either in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.**
- (4) **The office of the Complaints Commissioner shall become vacant—**

**(a) at the expiration of the period specified in the instrument by which he was appointed;**

**(b) if he resigns his office by writing under his hand addressed to the Governor;**

**[(c) if he becomes a Member of the Assembly;]**

**(d) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, or for contravention of subsection (3) of this section."**

**(5) "In the exercise of his functions, the Complaints Commissioner shall not be subject to the direction or control of any other person or authority."**

Mr. Speaker, what the Constitution makes clear, is that before the Governor can be called upon to appoint a complaints commission, which may be a complaints commissioner... but subsection (1) makes it clear that there has to be a law that will make provision for the office functions, jurisdictions and powers of a complaints commission. So until that happens, and a law is in place providing for a complaints commission, then a commissioner, or commissioners, under that cannot be appointed.

The range of what is referred to in some countries as an ombudsman, in other countries as a commissioner, in the United Kingdom as a parliamentary commissioner, and what goes into that law can be considerably varied. I know that the mover of this motion has actually gone into some detail, for example with the Canadian Ombudsman. From the United Kingdom's point of view, and I would like to read a bit of this because it will give some insight into the approach that has been taken by the United Kingdom. It says:

**"The Parliamentary Commissioner Act of 1967 provides for a Parliamentary Commissioner Administration be appointed by letters patent. In 1977, ten years later, the Government agreed that in future before an appointment was made it would consult the Chairman of the Select Committee on the Parliamentary Commissioner of Administration. His salary is charged to the consolidated fund. He may be removed on an address from both Houses and be excluded from membership of the House of Commons. He is an Ex-officio member of the Counsel and Tribunals."**

The next two sections are important, and this I am reading from Hood Philips *Constitutional Administrative Law*, 7<sup>th</sup> Edition, page 655. **"A person who thinks he has suffered injustice as a result of maladministration of a department or authority of the central Government may complain to a member of**

the House of Commons in writing within 12 months from first having notice of the matter.

The Commissioner has the discretion whether or not to conduct an investigation. An investigation is conducted in private. The principal officer of the department or authority concerned must be given an opportunity to comment on the allegation. The complainant has no right to appear, but the Commissioner may see him if he thinks fit. The Commissioner has the same powers as the High Court to require a Minister, civil servant or other persons to furnish information or produce documents excluding proceedings or papers of the Cabinet or a Cabinet Committee [the Cabinet is the equivalent of our Executive Council here].

There is no Crown privilege at the investigation stage, but a Minister may claim Crown privilege in respect of the publication or passing on of documents or information if there disclosure would in his opinion be prejudicial to the safety of the state or otherwise contrary to the public interests. The Official Secrets Act would prevent the Commissioner from including such information in his reports." That is in a concise way the breadth of the Parliamentary Commissioner in the United Kingdom.

The next section deals with departments and authorities covered. "The departments and authorities in respect of whom the Commissioner may investigate complaints are set out in Schedule 2. They include most of the central Government departments but do not cover local authorities, public operations, the police or the national health service. The list may be added to or reduced by order in Council. The instrument being subject to annulment by resolution by either House. Matters excluded from investigation are set out in Schedule 3 [and I will only be reading those that are listed here, but the list is fairly extensive].

"The excluded matters within the functions of the departments listed in Schedule 2, namely, foreign relations, action taken outside the United Kingdom except by consular officials, the Government of Her Majesty's Overseas Dominions, extradition of fugitive offenders, investigation of crime, security of the state, including passports, civil or criminal proceedings in any court, court-martial or international tribunal, the prerogative of mercy, medical matters, commercial contracts, personnel matters of the armed forces, civil service, teachers or police, the grant of honours and Royal Charters. The list may be reduced by order in Council."

So, firstly, it would appear that a law will have to be drafted setting out in some considerable detail exactly the extent within the Constitution that is sought for the commissioner, or the commission, I should say, to deal with. That has to set up a procedure whether we would follow that in the United Kingdom in which complaints are made to members and that is then referred onto the commissioner.

Then there is a hearing in private by the commissioner who has the power to allow a person to appear, if he wishes, or to produce documents, and then there is the question of disclosure, and the law would have to be specific on this, what could be disclosed, what could not be, and the categories of those. Excluded from this, is a list of many things: some that are relevant to us here as a dependent territory and some that are not. But quite a few of those included here, would be relevant. For example, it says personnel matters. We have no armed forces, but of the civil service, teachers or police. The reason there is... I believe, police and teachers are under separate areas of personnel. It also deals with matters which are before either court, civil or criminal matters so the sub judice rule applies to it. They do not cover local authorities, public corporations, the police or the national health service.

It says, "Where the Commissioner conducts or decides not to conduct an investigation, he must send a report to the member concerned. When he conducts an investigation he must send a report to the principal officer of the department concerned. If he thinks injustice has been caused and that it has not been or will not be remedied, he may lay a special report before each House. The Commissioner must lay a general report annually before each House on the performance of his functions. And he may lay special reports from time to time. The Commissioner's report shows annually a large percentage, often over 50, of complaints that fall outside his jurisdiction."

I don't think the example it gives here is relevant, because it dealt with the question of compensation of inmates of German concentration camps as opposed to ordinary prison camps.

So the principle, which is very clear and exists in the United Kingdom and in other countries, varies considerably depending on the jurisdiction, is one that is well accepted, it is in our Constitution. Obviously, what is set out in the Constitution here is fully accepted by the Government. And we abide by the Constitution.

The position as I see it, is that what now has to happen to operate this section is for a law to be passed in accordance with subsection (1) of the Constitution to make provision for what procedure there is. And I should say, obviously anyone can introduce a law in the House. Until that happens, Mr. Speaker, the Governor's power to appoint the complaint commissioner does not arise.

So I think the motion, regardless of what the intent may be, is one which deals with the appointments of a complaints commissioner. And under the Constitution, that cannot be done. In fact, the motion itself is outside of the Constitution because the Governor cannot appoint a complaints commissioner until a law is done. It will have to be looked at, obviously, in the light (I guess) of laws that have been dealt with in the United Kingdom and elsewhere. But from what I can see of the Constitution itself, the Constitution obviously being a United

Kingdom legislative measure, an order in council, would appear to me to be based substantially on what prevails in the United Kingdom itself. I believe that a complaints commissioner, would serve a useful purpose. It has been accepted in the Constitution. It is one of the sections that does, however, require legislation to implement it. And I would think that it will, to a large extent, be legislation that would follow more along the lines of the English Parliamentary Commissioner.

**Mr. D. Kurt Tibbetts:** That's what you want!

**Hon. Truman M. Bodden:** It doesn't matter what I want. It is not a matter of what I want. Mr. Speaker, this is one example where perhaps if prior to the motion being brought — since we're always talking about communication — where perhaps if the mover had gotten together or tried to communicate with other members in the House, the motion may have been somewhat simplified. I'm just raising this... As you can hear Mr. Speaker, there is a lot of grumbling on the other side. But I am just saying, since we were talking about communication before, it goes both ways. The motion cannot be implemented under the Constitution because there is no law under which it can be implemented. Therefore, the motion, in my view, must fail and this motion should only properly be brought after a law is in place, because the Governor cannot, under the Constitution, appoint a complaints commissioner or a complaint commission (it would be his choice as to what he wishes to appoint) until the law is properly in place that would give the power to appoint a complaints commissioner.

So, the Constitution itself, Mr. Speaker, does not give the power to appoint a complaints commissioner. And that is basically what we're saying—under this Constitution there is no power to appoint a complaints commissioner, and therefore the Governor cannot appoint one. What is required is a law which makes provision for all of these functions to be put in place, after which an appointment could be made.

Mr. Speaker, I have tried to be brief on this because this motion as the Government sees it, is one which cannot be implemented at this stage. Thus, we will have no choice, under the Constitution, but to vote against it. Thank you.

**The Speaker:** Does any other Member wish to speak? (pause) The floor is open to debate. The First Elected Member for George Town.

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

Before attempting to justify the need for the creation of a complaints commissioner in the Cayman Islands, I just wish to do the best I can to explain the point that the Minister for Education was making in his contribution as to why the Government cannot accept this motion. The motion reads: "**BE IT RESOLVED THAT the Governor consider the appointment of a Complaints Commissioner as called for under Section 49N subsection**

**(1) and (2) of the Cayman Islands (Constitution) (Amendment) Order, 1993."**

When we looked at the motion—and perhaps I will have to use his same arguments, but looking at it with a different interpretation—When we did the motion and we referred to subsections (1) and (2) of section 49 N of the Cayman Islands (Constitution) Order, 1993, we specifically looked at subsection (1), which reads, "**Subject to the provisions of this Constitution, a law may make provision for an office, functions, jurisdiction and powers of a Complaints Commissioner."**

So when we asked that the Governor consider the appointment of a complaints commissioner as called for under this section, we not being lawyers, were looking at it from the point of view that once we made reference to this subsection that it automatically meant that a law would have to be made to provide for the office. Therefore, in asking the Governor under the provisions of the Constitution to consider the appointment of a complaints commissioner we knew full well that it meant creating a law.

Now the Minister is saying, at least my understanding of what he is saying when he spoke on behalf of the Government, is that because in the motion itself it does not say: *BE IT RESOLVED that a law be made to make provision for the office, functions, jurisdiction and powers of the Complaints Commissioner, and then another resolve section asking the Governor to consider the appointment.* If that is what the Minister is saying is wrong why the Government does not except the motion...

Mr. Speaker, on more than one occasion in here I have known the Government to make amendments to Private Members' Motions and to move amendments to Private Members' Motions. I am saying that if the Government were minded at this point in time to accept the intent of the motion, and if the Government is saying that the motion is not worded the way it can accept it, then certainly—and I have no doubt that the mover concurs with this thought—the Government has every option to move an amendment. I can speak only for the mover and myself, but if the Government only has that problem, let it move the amendment which allows it to accept the motion and certainly we will accept the amendment.

While I heard what was said, and while I have just explained why the motion is worded the way it is—because we presupposed the fact that a law would have to be made—if it has to be spelled out about the law, then we can certainly save a lot of time, take a short break, ask for your indulgence, get the amendment worded, get it passed out, and perhaps we can move on and look towards making that law. I wonder if we can get some indication from the Government if it is prepared to do that. (pause) We hear what we want to hear when we want to hear it, Mr. Speaker. It seems obvious that is not what the Government wants to do.

Mr. Speaker, I can assure you that this motion is another motion with pure intentions. One can almost call it apolitical. The motion is part of a vision and it was brought because there are those of us who believe that

we need to be moving forward as a country toward the direction of transparency and accountability. We recently passed the freedom of information Private Member's Motion, and given what I have heard today, I am only led to suspect that the only reason the Government accepted that one was because it could not find a way out.

But, Mr. Speaker, the Government also mentioned communication, and that if we had perhaps discussed the motion with them in detail we might have had a different result. Let me walk on two sides of the road. Let me walk on the first side: Okay, so we moved the motion, or rather, we drafted the motion and it was passed out. We did not discuss it with the Government. So the Government is saying that if we had discussed it with them maybe they would have found a way to accept it.

Mr. Speaker, the Minister did have some slight informal discussion about the motion. Up until this morning it was my understanding that perhaps the motion could well have been accepted under the premise that a law would have to be created and then we would move on.

Again, Mr. Speaker, while I am not a lawyer, I do not concede that the Government cannot accept the motion because it would be unconstitutional to do so. The mere fact that the specific subsection which calls for the law to be created, mentioned in the motion (as far as I am concerned) reflects that we understand and accept that the law has to be made first.

Mr. Speaker, the other side of the road is, I say—and I have no choice this afternoon but to say—I don't know what happened in between the informal discussions and Government taking its position. I don't know who said what, or who got a different thought-process, but it is obvious now that the Government does not want a complaints commissioner in this country! The mover of the motion was quite eloquent and informative in his presentation. He explained in detail the role of the complaints commissioner, or the ombudsman as it is commonly referred to.

Let me just say, Mr. Speaker, that I caution the Government with the thought of making it obvious that they are not minded to support the appointment of a complaints commissioner. I cannot accept that the reason why they cannot accept the motion is because of the fact that a law has to be created before the Governor is asked to consider the appointment of a complaints commissioner. We just gave the Government the option.

In fact, I am going a little bit further now; since the Government would not answer me, Mr. Speaker, I am asking you for a short recess. The motion is not completed yet and we are going to create the amendment that they are saying has to happen and then we're going to see if they will accept the motion. So with your permission, sir, a short recess.

**The Speaker:** If that is the wish of the House we shall suspend proceedings for fifteen minutes.

## PROCEEDINGS SUSPENDED AT 4.11 PM

## PROCEEDINGS RESUMED AT 4.55 PM

**The Speaker:** Please be seated. Proceedings are resumed. I will entertain a motion for the suspension of Standing Order 10(2) to enable the House to continue beyond the hour of 4.30. The Honourable Minister responsible for Tourism, Commerce and Transport.

## SUSPENSION OF STANDING ORDER 10(2)

**Hon. Thomas C. Jefferson:** I am pleased to move the suspension of Standing Orders to allow us to go on until 6.00 PM.

**The Speaker:** Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

## AGREED: STANDING ORDER 10(2) SUSPENDED.

**The Speaker:** The First Elected Member for George Town, continuing debate on Private Member's Motion No. 21/98.

**Mr. D. Kurt Tibbetts:** Thank you.

I also wish to thank you for allowing that short suspension and on your advice, the amendment I mentioned prior to the suspension will be moved upon the completion of my debate on the motion.

Mr. Speaker, the complaints commissioner, or ombudsman as it is commonly termed, can be described as an official to whom any person aggrieved by an administrative act or omission can complain. The way that we envisage a complaint commissioner in these islands is not in line with what the Minister for Education referred to as the parliamentary commissioner in the UK. The way we interpret it would simply mean that the complaints commissioner would perform the kind of role of ultimate review when every other form of redress available to the citizen has been exhausted. Then there will remain the possibility of action being taken by an ombudsman.

Mr. Speaker, from time to time during my debate I will be using the term, ombudsman, but in context it is the same as called for in the motion, namely, the complaints commissioner. I just say that so it will not be misconstrued. Usually this office is established by the Constitution of a country or by a law of parliament. This is simply to ensure that the office maintains neutrality and total independence from the Government and the administrative organisations complained about. That is to say that the ombudsman or the complaints commissioner will be totally separated from whom he may have a complaint against.

My understanding is, and the way we would like to see it, is where the office receives and investigates complaints from the public against any part of the Government system; but also to have discretion to commence investigations of alleged mal-administration at its own initiative. In short, the complaint commissioner's office is an office of last resort for the citizen.

When his office finds a complaint to be justified, we see this situation where that office will recommend a remedy to the agency or organisation of Government concerned. And of course, it may publish a report on that investigation to Parliament, or to the complainant, or both. But to make it very clear, Mr. Speaker, that office, we do not see as making binding decisions. This is where we distinguish it from a court, from a tribunal, or from an arbitrator.

We see the ombudsman as being accountable to Parliament, but not to the government of the day — whoever that may be. As I said before, we see it as being very essential for the ombudsman to be independent of the Government. The reason is so that the public can have confidence in the ombudsman being totally impartial and that any investigations which his office might involve itself with, for instance the administration of Government, the people will not believe that it is impossible to get the right decision.

Of course the purpose of any investigation by the ombudsman would be to independently and partially establish the facts surrounding the complaint. And, Mr. Speaker, when we speak about the facts surrounding complaints, let's put it into our own perspective here. I will try to prove how valuable that post could be to all concerned.

On one hand we have in several different areas today... I am sure that as representatives we all hear people coming to complain about being treated unfairly in different given situations. We have situations to do with the Immigration Department, with Personnel, and we can go on down the line. On the one hand there are individuals in the public who will make accusations about the manner in which situations are handled by any arm of the administration. There seems to be no redress. Those of us who might politely try to investigate certain situations will obviously get the story in a different light from the administrative arm of Government.

On many occasions we, the representatives of the people, have to walk away from the circumstances. And if it should be known, we really don't know where the truth lies. We also face circumstances where, if we're not successful in our attempts to assist constituents, we either find ourselves thinking that we are impotent in the position, or perhaps the occasion will arise when there is some type of anger which occurs because the situation does not seem to end in a satisfactory manner. If we had such a post as a complaints commissioner or an ombudsman, whose office had access to the facts, circumstances which prevail in our country today would not occur in that fashion for several reasons— one of the most important being (looking at both sides of the coin), the people who are in the public and who complain if

they know that there is an agency or an office that has access to all the facts, and will make independent judgment as to whether or not their complaint is valid, chances are if the complaint is not valid they are not going to take the chance because it would expose them.

On the other side of the coin, the various agencies in Government who perform their jobs, abiding by whatever laws or policies are in place will have access to prove that they have acted in every situation in the correct manner. I dare say on many occasions we do not find that happening and we find dissatisfaction right across the board.

So I believe that for all that may be said about the office of the ombudsman is very important. This office will not interfere in the administrative practices of the Government. It is simply there if a situation cannot be resolved by going through the proper channels; it will be there, should we get the office, to simply look into situations that cannot be sorted out by other means. Mr. Speaker, in today's world that is very important. And I believe that it is very very important for the people of the country.

The mover of the motion mentioned that the office of complaints commissioner should not be thought of as one which will interfere with the work that we as representatives perform for our constituents. He is quite right and I do trust that it will not be seen in that light. Mr. Speaker, I do not have a problem letting it all hang out and talking about it just the way it is.

Many times a big part of the popularity of representatives in this country has to do with how conscientious we as representatives are in trying to address the individual needs of our people. I do not have a problem with that because that goes with the turf. I have not been around as long as many others, but I believe I have been around long enough to be able to talk about that, because I live it too. But you see, Mr. Speaker, the beauty about what we're saying is that we do our best, given certain circumstances. When the road ends for us, if we have this office, then all is not lost for the members of the public if we cannot satisfy the situation that they put to us. So from that point of view I would hope that it is understood the role that we see being played by the complaints commissioner.

If we look at an example we will see that there is sometimes difficulty in regard to evidence. The person who is aggrieved might be unable to prove an injustice has occurred because he has no evidence-- no access to relevant documents or information in the possession of an authority or an official, or a department. It is possible sometimes that the official or department involved may make a decision without giving reasons. Consequently, the basis on which a decision is made might not be known. That person, or that department, might simply hide behind a wall of silence. I am not making any accusations, but we are talking about putting a system in place where there will be no room for doubt.

So when we say that if we had the office of a complaints commissioner it would serve one and all the right way. It is simply the last resort to resolve whatever the

matter is, to satisfy all concerned. And while I make no accusations, there are people who have come to me and cited instances where they say they cannot get information. This has happened to them; they have been penalised in this manner. But they are not told why they are being penalised, they are not told why the decision is being made.

If you get enough of the public with that thought-process it is obvious that there will be a total lack of confidence in the system. And while one may be prepared to say that there are but few situations like that, I beg to differ. I am not saying that in all instances--or even in the majority of instances, that it is the Government agency who is at fault. I am not saying that. But I am saying that as in most other instances, perception becomes reality! This one tells the other one and by the time you know it you have a whole situation spread across your society whereby either an individual or a department of Government is said to be the worst thing that ever happened in the world. Having an office such as this would ensure that the truth is known. I believe that that is very, very important.

One of the other aspects to look into, is that one of the chief advantages of the complaints commissioner's office is the inexpensive and simplified procedure involved compared with the court system. In other words, the inexpensive and simplified procedure which is provided for the investigation of complaints made by those who feel they have suffered an injustice.

I have had several occasions where people came to me about certain situations. When I tried to look into it on their behalf what I ended up having to say to them was, 'Listen, I hear what you are saying and even if I believe everything you were saying to me the only way that you might get this matter resolved is to take it to the courts.' Chances are that nine out of 10 people who find themselves in that situation do not have the money to go to court. And it is not impossible for certain people who are making decisions to have knowledge of that and to weigh the odds and know that the situation will die there. So I am saying that we have a responsibility to the people of this country to provide for this office so that not only can natural justice prevail for them, but also to ensure the integrity of our system of Government because it works both ways.

When we talk about legislation having to be created as is called for by the Constitution, we would tend to believe that the governing words of the Ombudsman legislation would have to be faults in administration. Faults in administration cover many forms, and I will name a few of them: it might be a delay; it might be a bias; unfair discrimination; failing to give proper advice; discourtesy or harassment; failing to follow recognised procedures, or it might be that one is faced with harsh and unworkable procedures. While we would like to say that these things do not occur, we cannot say that. So as we keep widening the parameters under which we look into the situation, we find that there is just cause to look about creating legislation to allow for this office to exist.

I made mention in passing of The Freedom of Information Motion, the Private Member's Motion recently passed. If the country by way of whatever reforms and initiatives we're looking into now, is to move forward, we have to find ourselves in a situation where we have a legislation for freedom of information because this is very, very important.

Since some of us have started to tout the two words "transparency" and "accountability" I have noticed that some others have taken it on themselves to prostitute the meaning of those two words to try to suit arguments that they build. But, Mr. Speaker, I am a plain person and I do not have to 'frill up' words to talk about it. And let me say this here and now: When we talk of transparency and accountability there is a whole sequence of actions that have to take place in order for this to really occur.

The relevance of what I am talking about--to the office of ombudsman--is simple. Once we get freedom of information legislation in place, Mr. Speaker--and let us give an example that anyone can understand: that freedom of information means that the entire public sector has to act with transparency. What it means is, that outside of the given circumstances specified, any decision taken by any form of Government must be able to be shown to the public. It means that no longer will there be this shroud of secrecy. It means that when people have applications for whatever their endeavours are, they don't have to worry if this one or that one is on the Board because this one or that one don't like them. I hear it all the time. If Members choose not to address it like that, that's up to them. But I know I hear it all the time. Whether it's true or not, I hear it. And because we cannot afford to be seen to be operating like that, was the first call that we made -- which was a call for freedom of information.

Once that is in place, Mr. Speaker, when people try to go and get information, the other importance of the office of ombudsman is because you have to have something parallel to that situation which will allow for that situation to work... Meaning, if I go to any arm of Government to seek information and I am told that I cannot get the information, in order to ensure that that is working the way it should be working, there must be some office which can decide whether I have the right to get that information, or whether the Government agency which has decided not to provide information has a right to withhold information from me. This seems kind of complicated, but it is not. I pray to God that we get going, sir, because once we get the country working in that fashion so many things that cause trouble today are going to fall way. Believe me, they will.

So while it almost seems like a complicated situation, Mr. Speaker, it is with the people and functions of the Government in mind that we are calling for this additional legislation. There have been those in the past who may have seen this office as a whip for somebody's back, or for the Government's back. But we cannot look at it like that, because if the office is created and functions properly, if that office is a whip for Government's

back then it should be—because it means the Government is not functioning the way it should.

If the Government is performing its task—and that is not just the elected arm of Government, let me make that clear; I mean the entire operation and the entire function of Government.

We have to create situations where we have checks and balances throughout the system. And this is one of them. In my mind, once we get to the point where such an office is created, after the euphoria of its existence falls away, its mere existence is going to assist in the smooth running of Government. People will know that if they deal with situations in a certain way—on both sides of the fence—that there is redress. In certain instances nowadays there is none.

Let us look at it. I am sure that all of us in here who are representatives of the people, have found ourselves in a position where we have had to throw up our hands and say *'I am sorry I cannot help you. There's nothing more I can do.'* It happens all the time. I am not suggesting that we change to certain situations in order for that not to occur. I am saying that because of how we are, we need to incorporate the ways and means that the citizens of the country can have proper redress whenever the need arises.

Mr. Speaker, the mover went into a few ways of initiating an investigation. I don't think that I should go into that, but there are a few areas that I would like to deal with which I think are very relevant, to kind of open our eyes so that we can get a better picture of what I am talking about.

I would like to make a quick quote from a book called *The Ombudsman Caribbean and International Perspectives*. I won't bother to say which section or anything like that, but when I read it we will understand what I am saying. I quote: **"I submit that if the first 11 years of ombudsmanship in Jamaica teaches anything, it is that we will best meet the cause of the ombudsman concept by searching for, and developing men and women who have faith in themselves and this institution; who substitute resolution for faint heartedness; and who are of a determined and courageous mind with firm opinions and the will to assert and pursue them. Men and women strong enough to look politicians in the eyes and disobey their peremptory commands; to sweep under the carpet the refuse from the Augean stables, and independent enough to resist their invitation for reward; to turn the lamp of scrutiny to other than dark, shadowy and obscure places; men and women imbued with a vision burning with a mission, motivated by a passion to let justice roll down as waters and righteousness as a mighty stream."**

Those are some real powerful words. And perhaps a bit stronger than others may have chosen to quote from, because one could easily say that that was quoted referring to a certain country that has problems that we don't have. Mr. Speaker, it is for that reason that I sought your permission to quote from this book because I am

saying, *Let us do what is right so that we employ 'prevention better than cure'*. That is what I am saying.

There are other areas that can be discussed. There were a few sections that I was going to quote from, but the mover 'bested' me because he moved the motion. But there are still just a few other pieces of literature that I would like to refer to, trying to prove the importance of such an office, even though we don't have it.

With your permission, Mr. Speaker, I would like to give a few short quotes from the Report of the Ombudsman for the Year Ended 30 June, 1997, in the country of New Zealand. The Honourable Third Official Member and I, fortunately for us when we were in that country in February we were able to visit the office of the ombudsman and get literature and we had a very informative talk with the gentleman.

At the beginning of this report it has Statement of Purpose, and I quote: **"Ombudsmen are independent officers of Parliament appointed by the governor general [that is in their case] on the recommendation of the House of Representatives. Their function and sole output is to investigate and form opinions on the merits of complaints from citizens about the administrative acts and decisions of Government agencies at central, regional, and local levels and to conduct reviews of decisions, to decline to release official information requested under the Official Information Act."** (Again, relative to their legislation).

They then quickly refer to the relevant outcomes of the purpose of the office. **"The outcomes sought by the ombudsmen are: 1) to resolve grievances occurring in the process of public administration; 2) to improve the accountability of the public sector for its administrative actions and decisions; and 3) to enhance public confidence in public sector administration; and 4) to promote open Government by effective review processes for requests for information made under the Official Information Act and Local Government Official Information and Meetings Act."**

While they have their own legislation, Mr. Speaker, what I have just read shows the purpose that the office serves in that country. And while I am not sold on everything that they do in New Zealand, certainly the principles which are touted here are easily principles which not only we could apply, but we should apply for ourselves.

Mr. Speaker, there are some other areas which I could address. But I know that the mover has more to say, and I believe that we have built a case showing at this point in time how important it is for the country to move forward by creating a law which will allow for this office of complaints commissioner to be created. I hope that members see fit to understand the importance of this office. God forbid that this motion is looked upon with political sides being drawn.

I want to say to the Government—and this was specifically mentioned. I notice it was mentioned twice by

the Minister for Education about communication and co-operation. I am not afraid to say that what has been happening to us is what I refer to as the 'last-lick' syndrome. I know what has been happening to us. I'm not afraid to talk about it. The Government looks from its point of view by taking certain positions. Some members of the Backbench have found themselves looking at it in the same light. But I am not above being able to cooperate. Now, the Minister for Education will obviously have taken the line that it works both ways. But I can stand up and say the same thing too! And mean it just as much as he does! So let us see how we are able to coexist in the future.

I want to say that I personally do not involve myself in a motion just because it sounds good or looks good. I am not going to stand up here and build a case for something that I do not believe in. Trust Me. So I am part and parcel of this motion because I can see it starting me straight in the eye that at this juncture in our history that the office of complaints commissioner is very necessary.

I also understand the way it works. When we talk about freedom of information, and that motion having been passed, and we talk about creating the office of complaints commissioner if this motion is to see safe passage. I know it is going to take a while for it to happen but we have to start somewhere. If we don't start somewhere it will never happen. And so many things have been left like that, that it is time we were more conscientious about the needs that surround the country.

This is not one that any individual should look at to see how it will place him from his own political perspective. This is simply a situation that we believe is necessary for our people, and we see it having total benefit to the country — not just to the individual who will find himself with the ability to have redress in certain circumstances, but to the whole function of Government. It will certainly give more confidence to the people in the way the Government operates if we do have this office.

Mr. Speaker, I not only commend the motion, but I believe in the motion. I firmly believe in it. Just to remind you, sir, as I conclude my debate on the motion itself, that I am going to be seeking your permission to move the amendment.

**The Speaker:** Do you wish to move the amendment now?

**AMENDMENT TO  
PRIVATE MEMBER'S MOTION NO. 21/98**  
*Leave Granted – Standing Order 52(2)*

**Mr. D. Kurt Tibbetts:** Thank you, very much, Mr. Speaker.

In accordance with the provisions of Standing Order 25(1) and (2), I, the First Elected Member for George Town, seek to move the following amendment to Private Member's Motion No. 21/98, by:—

- (ii) inserting, at the commencement, the following resolve section: "*BE IT RESOLVED THAT the Government consider presenting to this Honourable House a Bill to make provision for the office, functions, jurisdiction and powers of a Complaints Commissioner, as called for under section 49N (1) of the Cayman Islands (Constitution) (Amendment) Order, 1993;*" and
- (iii) by inserting the word "*AND*" before the word "*BE*" in the existing resolve section of the Motion; and
- (iv) by deleting "*(1) and*" in the second line of the existing resolve.

**The Speaker:** Do you have a seconder?

**Mr. Roy Bodden:** I beg to second the amendment.

**The Speaker:** The amendment has been duly moved and seconded. The question is that Private Member's Motion 21/98 as circulated to all Members is now open for debate. Does the mover wish to speak to it?

**Mr. D. Kurt Tibbetts:** Thank you.

These amendments are a result of the position taken by Government with the original motion. As I understand it, the Government's position was simply that it could not accept the motion as it was, because a law would have to be created before the Governor could be asked to consider appointing a complaints commissioner, meaning that section 49N(1) of the Constitution which reads: "**Subject to the provisions of this constitution, a law may make provision for an office, functions, jurisdictions and powers of a Complaints Commissioner.**" That section would have to be acted upon before subsection (2) could be acted upon which reads: "**The Complaints Commissioner shall be appointed by the Governor acting in his discretion after consultation with the Executive Council, by instrument under the public seal.**"

So, what we are saying is that as lay persons, when we thought to word the motion because the wording included subsection (1) and (2) of section 49N we presupposed that the motion included the making of a law when we talked about asking the Governor. The Government has said, '*No, you cannot do it that way.*'

So when we move these amendments now the motion as amended will then read: "*BE IT RESOLVED THAT the Government consider presenting to this Honourable House a Bill to make provision for the office, functions, jurisdiction and powers of a Complaints Commissioner, as called for under section 49N (1) of the Cayman Islands (Constitution) (Amendment) Order, 1993;*" and *BE IT RESOLVED that the Governor consider the appointment of a Complaints Commissioner as called for under section 49N (1) of the Cayman Islands (Constitution) (Amendment) Order, 1993.*"



What that means is that the amendments we have called for are putting everything in line. We are spelling it out. We are asking that the Governor, or, rather, sir, in order of sequence, that the Government consider presenting a Bill for safe passage through this Honourable Legislative Assembly to allow for a complaints commissioner. Once that is accepted then we ask that once the law is in place the Governor then consider the appointment of a complaints commissioner as called for under the relevant subsection.

The mover and I have done our best to put forward the case for a complaints commissioner. We have listened carefully to Government's position and understanding to the best of our ability the Government's position, we have sought leave of you, sir, to make the necessary amendment in order to allow the Government to be comfortable with the motion. We trust that as we understand this to have been the only problem, having solved that problem now the Government will consider accepting the motion as amended. We now wait to hear the verdict, sir.

**The Speaker:** Does any other Member wish to speak?

As the First Elected Member for George Town stated, I gave permission to waive the two days' notice that would normally be required for this motion to go forward. Does any other Member wish to speak? (Pause) The floor is open for debate. Does any other Member wish to speak? (Pause)

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, Private Member's Motion No. 21/98, the Appointment of a Complaints Commissioner has been amended in such a way as to now conform with what is required by way of the Constitution in that it now encompasses section 49N (1) of the Cayman Islands (Constitution) (Amendment) Order, 1993.

I am not as familiar with this concept of ombudsman as other Members, and it appears that this particular institution has been floating around this country for some time. The concept of a complaints commissioner as we know it, or would like to know it in this country, . . . and it's important that we stress, as we would like to know it, rather than as it is known elsewhere since it appears that this particular institution functions slightly different depending upon the need which is recognised by the particular jurisdictions that have instituted such an office.

So I had a brief look at the reports of the Constitution Review Commission and some of the notes and concerns. When the Constitution was reviewed as a result of Private Member's Motion of 3/90 (I think) which led to this review of the Constitution two concerns that Members had were the need for a referendum law to be encompassed in the Constitution and for this particular office of ombudsman or complaints commissioner.

Apparently their concern was so genuine and so unanimous that it led to the two particular persons doing the review and drafting of the new Constitution and making the new amendments (Amendments to the 1993

Constitution) that these particular sections which I am now speaking of, the complaints commissioner, was placed within the Constitution. So the fact that it finds itself in the Constitution, the fact that this particular part of the Constitution has never been activated is the question.

Why would it find itself in the Constitution if there were not concerns by the Backbenchers--the National Team Backbench at that particular time it would have been called-- who were confronting the so-called Progress and Dignity Team at that time? The group somehow felt that in all fairness perhaps there should be an institution that is a bit more impartial in the way it deals with complaints from the public in particular, whether or not those complaints be made against the Government or other Members of the Legislative Assembly that were not part of the elected Government, or whether or not those complaints were made against members of the Civil Service, or whatever.

I think the fact that this motion is now before the House goes to show that there is a continuing concern for this particular establishment of a complaints commissioner's office and that this is the result of the fact that the problems which were noted back in 1991, or 1992 when the review was being completed, continue to exist today. In other words, these particular difficulties which a complaints commissioner would deal with do not appear and disappear as a result of any particular government being in power.

What is noticeable is the fact that the Leader of Government Business who was a Member of the National Team Backbench at that time, and who obviously seemed to have favoured the idea at that particular time, did not bring any Government Motion since 1992 (since they have been elected) to see that such a commission was set up.

Now that this is being brought by the First Elected Member for George Town, and the Third Elected Member for Bodden Town, it would suggest that the Government is being helped and reminded of the fact that this complaints commissioner's office was something noted by all Members at that particular time. A great majority of those Members, are still in the Legislative Assembly today and form part of the elected Government. This particular need that they recognised is now also recognised by new Members of the Legislative Assembly.

So it goes to show that there is an agreement that somehow in the political arena in a democratic society, that somehow there should be some neutral organisation to which persons affected by the institutions in that society can make their complaints--persons who are removed as much as possible from partisan politics. To deny people that access; to say that it is not important because they have the reigns of power in their hands; to treat it as if it is something that can be postponed forever and ever; to not make a start with establishing this institution as we have started with the health insurance law, the pensions law; when we are explained to all the time that when these are started they are not perfect, but we have to start some place.

I think the same argument can be made in this particular case when the mover, the First Elected Member for George Town, is saying *'Let us make a start. We will put down this desire. You know what it is we want, you know what we need, you have been involved in recognising this need and going so far as to see that this particular need was already placed within the framework of our Constitution.'*

So we all know what we need. We all know what we are talking about. What we have to work out is basically the semantics, the wording, the formula.

This motion is simply stating that we—

**The Speaker:** You are speaking to the amendment. I simply said you are speaking to the amendment, not the motion. If you wish to continue, go ahead.

**Dr. Frank McField:** The amendment is what I am speaking to... as I was saying, we are all conscious of what the desire is here. I think it is quite clear that what the mover and the seconder want to have established is for Government to begin going through the necessary motions to bring into being a complaints commissioner's office and that later on the Governor can appoint a complaints commissioner as is provided for in the Constitution.

Now, when we ask Why should people be given the [opportunity] to complain to a complaints commissioner rather than to the person they are complaining about? Because there is always a joke in this country that the persons you are complaining about are the persons you are complaining to. Now, the little man (as some people like to refer to the citizens out there) will understand this. The reason why this complaints commissioner's office is necessary, is so that people no longer have to complain to those they are complaining about. That is simply put. The little person who wants to complain is now protected—this law will protect that person by removing the situation away from us, the little person having to complain to the person we are complaining about.

There is not much more that I would want to say on this, other than that the Government knows well that when people complain about persons in Government they are usually directed to those persons they are complaining about. And that this particular institution—the complaints commissioner's office—would make it possible for the persons to complain to someone who will not have an interest in harassing them, or victimising them, or penalising them because of their complaints.

I think the justification in my supporting this particular amendment is that it would in time evolve an institution that would make it possible for the little man to be able to have his complaints listened to and attended to without the politicians working on them and perhaps then using it against them. Thank you.

**The Speaker:** Does any other Member wish to speak? No other Member wishes to speak? Is it my understanding that we go on to 7.00 o'clock rather than 6.00

as we previously said? The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Mr. Speaker, it depends upon the will of the House.

**The Speaker:** What is the wish of the House? That we continue on until 7.00? Those in favour of going on until 7.00 please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

Does any other Member wish to speak to the amendment? If not, does the proposer wish to exercise his right of reply?

**Mr. D. Kurt Tibbetts:** Thank you.

For the love of me I cannot understand why it has become a habit for the Government, seemingly out of disdain when they so choose, to not even address certain issues brought by other Members. But as long as I am here there is one promise that I make: I will not stop trying. Even if some others don't, I believe in what I am doing.

It is a pity that the Minister for Education is not in the Chamber. He sometimes believes that I say what I like to say when he is not in the Chamber, and I really wish that he were in the Chamber.

Mr. Speaker, I want to bring a matter to the attention of the Government. I have before me the notice of amendment which was Government Motion No. 4/93 entitled, Recommendations for Constitutional Change. That Government Motion was moved by the Honourable Truman M. Bodden, at that time the Member for Education, Culture and Aviation. It was tabled in the Clerk's office on 23<sup>rd</sup> September, 1993, and it was passed by the Legislative Assembly on the same day.

On page 14 of that document, and with your permission I will quote (it has already been quoted) section 23, . . . and bear in mind that this is a Government Motion and it was being moved by the present Minister for Education, who is the Leader of Government Business, who replied to the original motion calling for the complaints commissioner. Section 23 reads:

**"The Constitution shall be amended by the addition, immediately following part V A, of the following new Part:**

**"PART V B  
Complaints Commissioner**

**Appointment of Complaints Commissioner**

**49N. (1) Subject to the provisions of this Constitution, a law may make provision for the office, functions, jurisdiction and powers of a Complaints Commissioner.**

**"(2) The Complaints Commissioner shall be appointed by the Governor acting in his discretion**

after consultation with the Executive Council, by instrument under the public seal.” (This was read before by the same Minister, but I am reading it again to show...)

“(3) No person should be qualified to be appointed as a Complaints Commissioner if he is, or has been within the preceding three years, a Member of the Legislative Assembly; and, subject to such exceptions as the Governor, acting in his discretion, may authorise in writing, the Complaints Commissioner shall not hold any other office of emolument either in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.

(4) the office of the Complaints Commissioner shall become vacant-

- (a) at the expiration of the period specified in the instrument by which he was appointed;
- (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, or for contravention of subsection (3) of this section.
- (d) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, or for contravention of subsection (3) of this section.

(5) In the exercise of his functions, the Complaints Commissioner shall not be subject to the direction or control of any other person or authority.”

Now, Mr. Speaker, what I just read, as I said, is part and parcel of Government Motion No. 4/93 which was moved by the now Minister for Education, Aviation and Planning. It was passed in the Legislative Assembly. That means that the Government was in total agreement for this amendment to come to the Constitution.

As we have amended the motion, given the arguments brought by the Government, our humble submission is: If the Government has the disregard for its own actions that it is showing now, what else are we to expect? As far as we are concerned, if the Government in its wisdom in 1993 saw fit for these amendments to see safe passage through this Legislative Assembly—and, of course, that Minister is always one who treads very carefully when it comes to matters surrounding the Constitution...

Now what we are saying is that as the Constitution calls for this to happen, notwithstanding the fact that 49N(1) says “. . . a law may make provision for the office . . .” because I know they can come with their little funny arguments. But if the Government was not minded that such an office should be created, then it certainly would not have brought these amendments.

So I think it is fair comment that if the Government is not now minded to support this motion then it is because of who is bringing it! Then, that is pure politics! And the people of this country have suffered at the hand of pure politics for too long.

I want to say one more thing again: The motion and its amendment is purely brought to this Legislative Assembly with a firm belief that the country needs to move forward and this is one of the directions which will see us in better stead. For the Government to take this so lightly that it even refuses to talk about it is sacrilege to the people of this country. And the little people referred to by the Fourth Elected Member for George Town in his contribution, even though tonight as they listen they might not quite understand, because perhaps I may have failed as one of the people who spoke about the motion to put it in the right language—but they will understand. And if the Government chooses at this point in time to reject the motion then one of my jobs will be to show it up every time the need is exposed for such an office when the people of this country find themselves with no recourse to get justice.

Mr. Speaker, I am going to stay on an even keel. I am going to plead with the Government to support these amendments. I am not going to do what I might be tempted to do because I really believe that creating such a law and appointing a complaints commissioner is truly in the best interest of the people of this country. So I am going to leave it at that and I am going to send the plea out once more and ask the Government to support these amendments.

Not only do I ask the Government to support the amendments, but I ask all of the other representatives on the Backbench who will have listened to the arguments laid down to see it fit to support this Motion with its amendments in order that at least this will be one more hurdle overcome in our efforts to best serve the people of this country.

Thank you.

**The Speaker:** I shall now put the question on the amendments to Private Member's Motion No. 21/98. Those in favour please say Aye. Those against, No.

**AYES and NOES.**

**Mr. D. Kurt Tibbetts:** Mr. Speaker, can we have a division please?

**The Speaker:** Certainly.

Madam Clerk, please call a division.

**DIVISION NO. 17 /98****AYES: 4**

Mr. D Kurt Tibbetts  
 Dr. Frank McField  
 Mr. Roy Bodden  
 Mrs. Edna Moyle

**NOES: 8**

Hon. Richard H. Coles:  
 Hon. George A. McCarthy  
 Hon. Truman M. Bodden  
 Hon. Thomas C. Jefferson  
 Hon. Anthony S. Eden  
 Hon. Julianna O'Connor-Connolly  
 \*Mr. W McKeeva Bush  
 Mr. John D. Jefferson, Jr.

**ABSENT: 5**

Hon. Donovan Ebanks  
 Hon. John B. McLean  
 Mr. D. Dalmain Ebanks  
 Mr. Linford A. Pierson  
 Miss Heather Bodden

*\*Mr. W McKeeva Bush: Mr. Speaker, I am voting against the amendment not because of the Government but it is time that when the House sits in that those people, Officials and Elected Members of Executive Council stay in this House as well and the Government's duty to see that their people are in place and voting against the amendment.*

**The Clerk:** Four Ayes, eight Noes.

**The Speaker:** The noes have it. The amendment has failed.

**AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 21/98 NEGATIVED BY MAJORITY.**

**CONTINUATION OF DEBATE ON SUBSTANTIVE MOTION**

**The Speaker:** Continuing with the debate on Private Member's Motion No. 21/98. Does any other Member wish to speak? (Pause) This is debate on the substantive motion. The Fourth Elected Member for George Town.

**Dr. Frank McField:** The only reason I am going to exercise my right to speak is because I would like to make a remark about the fact that again the First Elected Member for George Town seemed to have taken the advice of the Leader of Government Business and made the amendment here in the spirit of cooperation, communication and compromise. But people use those words, and it does not necessarily mean that that is what we are going to get.

It is unfortunate that we cannot seem to get the support for this motion. I believe that the motion itself is supported by the fact that it was included in the Constitution and that, in fact, the now Leader of Government Business was the mover of the motion that amended the Constitution to allow this required section to be placed in here which would allow us to allow the Governor to appoint a complaints commissioner. But when persons are

in the driver's seat they act totally different from when they are in the passenger's seat. It just goes again to illustrate the point that he who feels it, knows it, then the people suffer for it.

This motion is for the little people in particular. Although it could benefit everyone, it is really for the little people--the people we are beginning to forget. The fact that those little people put the National Team into power in 1992, and again in 1996, and that the National Team Government brought the amendment to the Constitution in 1993 to allow this, goes to show that the National Team Government at that time might have still been in touch with the people. But now they feel, perhaps, that that is no longer necessary, and therefore I assume they will not support this particular motion. But I certainly support it because I believe it could be a useful addition to our democratic culture.

**The Speaker:** Does any other Member wish to speak? If not, does the mover wish to exercise his right of reply? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker.

I don't know what lesson we are supposed to learn. I don't know how the small-minded expect to inflict these kinds of decisions on us, those who stand for these kinds of motions, those who believe in the purity of what we do, those who are convinced that representing the people means bringing these kinds of motions and amending them as is necessary to meet the concerns of the Government. I don't know what kind of defeat the petty-minded think they are inflicting on us by voting the motions down. It amazes me, and all I can say is that it is sometimes difficult to describe the infinite wonders of the world to frogs who have not moved from the bottom of the well.

I believe that these kinds of motions speak to the necessity to have a social conscience in Cayman at a time like this. I believe that these kinds of motions set the necessary mechanisms for those people who do not have certain access and resources to get their problems and their daily concerns and struggles addressed. I believe these kinds of motions make those mechanisms--make those resource persons available to them, and by so doing, keep order-- keep the democratic society on an even keel because it does not perpetuate the sense of hopelessness which would otherwise be experienced were these mechanisms, agencies, and positions not available.

So, those of us who have supported this motion, those of us who have brought the amendment, those of us who have voted for it, have done our job. It is a contradiction to say that you are for democracy, to say that you are for transparency and to say that you are for accountability and to say that you care for the little people when no one can complain, Mr. Speaker. And for too long in this country the people have been complaining about Caesar to Caesar!

But I have been here long enough to know that all this talk of freedom and democracy and equality is only

tokenism. The red Indians used to call it *forked tongues*. It is spoken with *forked tongues* because the intention is clear. It is not intended for these kinds of things to be made available. And you know, I resisted the urge to say this at the very beginning of the motion because I wanted to keep the debate fairly non-controversial and at a high plane.

Do you know why certain elements do not want this? Because they want the old system of patron/client—they want clientelism to continue so that all the little people who need problems redressed can run to them. Clientelism, Mr. Speaker, that is what these things are preserved to promote. Because then, you see, if there is an independent office, some people would lose their importance. They would lose their influence and they would not be able to call in certain favours when it comes down to crucial times. So I want to make it plain from the outset.

Believe you me, it is no skin off my bones! I am doing what I believe is right. I am but a facilitator, as are the other Members who voted in support of this motion. We realise that in a democratic society it is necessary for certain elements to have these offices available to them. We don't want to play God all the time. It is not necessary and it does the democracy no good. Indeed, I would argue that it defeats the purpose. Implementing this office would free us, the representatives of the people, to carry on just as important activities and would make us available to pursue the necessary things that we have to pursue and that we should be able to pursue.

I am saying that the way the system is now we are ineffective in redressing certain complaints. I really am alarmed. And God has blessed me with good ears. I couldn't believe that some people's approach to this is to play politics and to continue what I call this big boy/little boy relationship. It is not for me, the Third Elected Member for Bodden Town, nor is it to the benefit of the First Elected Member for George Town, or the Fourth Elected Member for George Town, or the Elected Member for North Side. This is greater than all of us. It is a mechanism that would benefit the country as a whole. It's existence will go on long after we have left these hallowed Chambers.

How the Constitution outlines its existence precludes us from even benefiting from the office by being able to be appointed to the office. So let me lay it out: It is not for our benefit that we brought it and supported it. It was out of a sense of altruism, out of a sense that we know we are professing to reform the system, that we are professing that we should promote certain kinds of understanding and strengthen the democracy. There is a sense in which one can argue that these kinds of offices predicate the success of this whole visioning exercise of the whole reform movement we talk about.

And, Mr. Speaker, I have to learn this art a little better. I don't know how you can be like the Leader of Government Business and support the office of ombudsman when Private Member's Motion No. 5/89 was brought, and then bring the amendment to the Constitution, and dance away . . . and I noted that that Minister

refused to speak on the amendment which, as far as I am concerned, was the height of great contempt. I suppose that is how he feels he can get away, by abnegating his responsibility and pretending, adopting the ostrich syndrome, pretending he didn't hear of it.

Trust me, Mr. Speaker, a day of reckoning is coming. And believe you me, I am not the longest serving Member here, but I have learned the game—politics. And trust me, I can play it well. So well, that I survived the onslaught, the blitzkrieg of the National Team. And, do you know what? I am preparing myself now because I am preparing my own onslaught. I want to see if they will survive that when I launch it, as well as I survived theirs.

We are all in this business together of promoting democracy, of serving the people, of representing our people well, and we can do it together irrespective of whether we are Government or Backbench—whether we are Government or Opposition.

We should come together in a non-partisan way on issues like this because all of us are going to benefit as I am sure the Leader of Government Business has constituents who come to him who could benefit from the office of a complaints commissioner or an ombudsman. But no, instead they stifle their consciences and play politics. Well, there are those of us here who will not let them get away because we believe in what Edmond Burke said: **“All that is necessary for the triumph of evil is for men of goodwill to do nothing.”** Mr. Speaker, there are enough men of goodwill on this side to do something, and to say something.

And do you know what? If we continue saying and doing, the numbers will improve until finally we will get enough to do what is necessary. And let me say that we are not faint-hearted. We believe in ourselves, we believe in the efficacy of the motions and amendments we bring, and, above all, we believe in the people whom we represent and we believe that our first call, our first duty is to do things and to bring things that will benefit, help and support them.

Let me say that we may be defeated by the numbers, but we are not disheartened. And believe you me, we will rally and we will return. I am disappointed that the Government, even when the necessary amendment was made, did not see fit to support it. I am disappointed that the Government was so successful in leading so many people astray. I hope that one of these days they will come to their senses and come back to the fold before it is too late.

In the meantime I take heart in saying that those people who supported the amendment, and who will support the motion, are like the Marines—the few, the proud, the brave. We are working for the people of this country and I am sure that the majority of the people will know that.

**The Speaker:** I shall now put the question on Private Member's Motion No. 21/98. Those in favour please say Aye. Those against, No.

**AYES and NOES.**

**The Speaker:** The [Noes] have it.

**AT 6.41 PM THE HOUSE STOOD ADJOURNED UNTIL  
10.00 AM WEDNESDAY, 7 OCTOBER 1998.**

**Mr. D. Kurt Tibbetts:** Mr. Speaker, could we have a division please?

**The Speaker:** Certainly. Madam Clerk, please call a division.

**DIVISION NO. 18/98****AYES: 4**

Mr. D Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle

**NOES: 8**

Hon. Richard H. Coles  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. Anthony S. Eden  
Hon. Julianna O'Connor-Connolly  
Mr. W. McKeever Bush  
Mr. John D. Jefferson, Jr.

**ABSENT: 5**

Hon. Donovan Ebanks  
Hon. John B. McLean  
Mr. D. Dalmain Ebanks  
Mr. Linford A. Pierson  
Miss Heather Bodden

**The Speaker:** The Noes have it, the motion has failed.

**PRIVATE MEMBER'S MOTION NO. 21/98 NEGATIVED BY MAJORITY.**

**The Speaker:** Do Members want to adjourn at this time, or continue with the next Private Member's Motion?

**Mr. John D. Jefferson, Jr.:** Yes, Mr. Speaker. We can adjourn.

**The Speaker:** It is the wish of the House that we now adjourn?

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

**The Speaker:** I will entertain a motion for the adjournment.

**ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM Wednesday.

**The Speaker:** The question is that this Honourable House do now adjourn until Wednesday at 10.00 AM. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**WEDNESDAY  
7 OCTOBER 1998  
10.24 AM**

*[Prayers read by the First Elected Member for George Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper: Reading by the Honourable Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**The Speaker:** It is my understanding that it is the wish of this House that we now suspend until 1.30 PM in order that we can receive a draft report on the financial reforms. At this time I shall suspend until 1.30 PM.

**PROCEEDINGS SUSPENDED AT 10.25 AM**

**PROCEEDINGS RESUMED AT 1.51 PM**

**The Speaker:** Proceedings are resumed. Item 3 on today's Order Paper: Questions to Honourable Members and Ministers. Question No. 184 standing in the name of the Second Elected Member for Bodden Town. Before we take the question I would like someone to move the suspension of Standing Order 23 (7) & (8) so that we can take questions beyond 11 o'clock.

The Second Elected Member for Bodden Town.

**SUSPENSION OF STANDING ORDER 23 (7) & (8)**

**Miss Heather Bodden:** I so move, sir.

**The Speaker:** Do we have a seconder? The First Elected Member for George Town?

**Mr. D. Kurt Tibbetts:** I beg to second that, Mr. Speaker.

**The Speaker:** The Motion is made and seconded. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Question time continues.

The Second Elected Member for Bodden Town.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 184  
(Deferred)**

**No. 184:** Miss Heather Bodden asked the Honourable Minister for Tourism, Commerce and Transport when will

construction begin on the launching ramp at the Spotts Tourist Landing.

**The Speaker:** The Honourable Minister for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Mr. Speaker, under Standing Order 23 (5) I would ask that this question be deferred as it is somewhere between one Ministry and another. I have not seen it.

**The Speaker:** I shall put the question that Question No. 184 be deferred until a later sitting. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The question is that Question No. 184 be deferred until a later sitting.

**AGREED: QUESTION 184 DEFERRED.**

**The Speaker:** Question 185 standing in the name of the Third Elected Member for Bodden Town.

**QUESTION 185**

**No. 185:** Mr. Roy Bodden asked the Honourable Minister responsible for Education, Aviation and Planning what is the Government doing to increase the number of Caymanians at the Cayman Airways office in Miami.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, the answer.

In the United States of America, Cayman Airways Ltd is regulated by complex legislation aimed at protecting individual rights and freedoms. These laws ensure equality and are monitored by numerous government agencies. Cayman Airways Ltd. has an internal policy of posting vacancies across its system. Internal employees, with the right to work in the United States of America, can apply for these positions and would be considered based upon qualifications. All vacancies in the United States of America are advertised and positions are staffed, under the regulations, based upon qualifications.

**The Speaker:** Supplementaries. The Third Elected Member for Bodden Town.

**SUPPLEMENTARIES**

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Honourable Minister say where vacancies exist which would represent promotions, what steps are in place to

ensure that Caymanians who work in the office have equal opportunity to become upwardly mobile as a result of these vacancies?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, the jobs are advertised in accordance with United States law, both internally — within the organisation — and externally.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. Would the Honourable Minister say that the vacancies that are advertised and positions staffed under regulations in this question based on qualifications, should a Caymanian who is legally resident in the United States, works with Cayman Airways, has the same qualifications as someone who is not a —Caymanian— Are there any benefits to the Caymanian being offered that job?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I am not a lawyer in United States law. Therefore, I have to answer this question with considerable caution, because obviously it will be monitored by our competitors from the United States who fly in. All I can say is that from what I understand of the law, there has to be equal opportunity for everybody and that preference cannot be shown to any one person or group of people.

That is the way I understand it, sir, but what I have said is subject to the fact that we do comply with United States law, and if what I said is not correct, then compliance would be done with United States law. And I understand what the Elected Member for North Side is saying, but I hope that Member appreciates this is difficult ground for me to try to answer as I am not totally... I do not understand fully the complex United States labour laws — only to say we must comply with them when we do business there.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries the next question is No. 186 standing in the name of the Third Elected Member for George Town.

#### QUESTION 186

**No. 186: Mr. Linford Pierson** asked the Honourable Minister responsible for Education, Aviation and Planning to state to what extent, if any, will the installation of hush kits affect the performance of Cayman Airways' aircraft.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, the answer: Installation of the hush kits to Cayman Aviation Leasing Ltd's and Cayman Airways Leasing Ltd's (both owned by the Cayman Islands' Government) B737 aircraft leased to Cayman Airways Ltd, in order that it complies with mandatory United States of America regulatory Stage III requirements, will add 339 lbs. to each of the aircraft's empty weight. This minor addition to the aircraft's weight will have negligible impact on the day-to-day payload capability and fuel consumption. There will be no denigration to engine performance.

**The Speaker:** Supplementaries. The Third Elected Member for George Town.

#### SUPPLEMENTARIES

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. I wonder if the Honourable Minister can say whether this proposed installation of the hush kits will inhibit in any way the proposed reconfiguration of the aircraft to provide for a first class or business class section.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, the answer is that it will not, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Can the Minister state how long will the aircraft that needs to be hush-kitted be out of service? How long does the process take?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, the one that we have to hush-kit before the end of the year, CKX, is being hush-kitted while she is in the C-Check, so there would be no extra down time. But if hush-kitting has to be done without any other check going on, it is about five to seven days, I understand.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Can the Minister state what does it cost to hush-kit each of these aircraft?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, it is about US\$1.2 million each.

**The Speaker:** Are there any further supplementaries? The First Elected Member for George Town.



**Mr. D. Kurt Tibbetts:** Thank you. Can the Minister give us an idea of when the other one will come due for that process to take place?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, at the end of 1999 we will have to hush-kit CAL.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Honourable Minister say whether Cayman Airways has the necessary funds to effect this hush-kitting, or is it that monies will have to be had from Government to do so?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, the two jets that are being purchased are being purchased into leasing companies which are owned by Government. Improvements to the aircraft such as this, should be carried out by the leasing companies as it is an increase on the capital asset of the plane.

So what should be happening is that Cayman Aviation Leasing, Ltd. and Cayman Airways Leasing, Ltd.—one of which owns the first aircraft that we are purchasing which has less than US\$2 million owing on it. And CKX which is in the other leasing company, that we only purchased recently; those companies will have to deal with the hush-kitting. And if it becomes necessary—even though I think that maybe one or two of the guarantees given by Government may have included the upgrading of engines—maybe in the last one. But if not, and if it is necessary, then I would come back to Finance Committee in relation to that, sir.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries the next question is No.187 standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 187

**No. 187: Mr. Roy Bodden** asked the Honourable Minister for Agriculture, Environment, Communications and Works to state whether the Government has granted any company permission to import aggregate into the Cayman islands.

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. Permission has been granted to Caribbean Stone Products to import aggregate from Mexico for construction purposes subject to inspection by relevant Government agencies.

**The Speaker:** Supplementaries. The Third Elected Member for Bodden Town.

### SUPPLEMENTARIES

**Mr. Roy Bodden:** Mr. Speaker, can the Honourable Minister tell the House what would such an inspection entail?

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. It is my understanding that we would have to involve the Department of Public Works for inspection and that would be from the point of quality. We would also have to involve the Department of Agriculture ... the point of safety with regard to insects and whatever else that could contaminate our area and this would have to be done definitely before any importation would be done.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. Am I to understand the Honourable Minister: Will this inspection take place in Mexico prior to this aggregate being shipped to Grand Cayman? If so, who will bear the expenses of these Departments having to travel to Mexico to do such an inspection?

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. It would definitely have to be done before any importation takes place. It is my understanding that the owners of the company have agreed to pay the fees for inspection.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I would like to ask the Minister if the inspection will be done in Mexico every time there is a shipment of this cargo.

**The Speaker:** The Hon. Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, I believe that we have competent people in the Department of Agriculture and in Public Works and once they go down and inspect the area and the quality of material and if they see fit to recommend that it is inspected each time, definitely it will be done.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I would like to ask the Honourable Minister if the permission granted is for the

importation from Mexico solely, or is the permission also to allow importation from other jurisdictions?

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. My answer was quite clear – aggregate from Mexico.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, not trying to be repetitive, but could the Minister say if any consideration is being given at this point to importation from Cuba as well?

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

**Hon. John B. McLean:** Mr. Speaker, that supplementary is way out from the original question. And I do not think that I should actually give an answer to that.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Minister say whether any consideration has been given to an inspection at the destination end? Because there are instances where some insects and some animals have an incubation period, or where the incubation can be speeded up with certain environmental conditions namely, heat, or moisture et cetera, so that it would seem just as practical and certainly more attractive and more of a safeguard to have the inspection done at the destination end, thereby providing an almost absolute assurance that we were rid of any kinds of pests, or nuisances.

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. Most certainly, sir, especially when it comes to our shores we will take every measure possible to prevent anything and definitely we will have proper inspection.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. I am going to follow this with a supplementary, but it is my understanding that the aggregate in question is going to be mined from quite a depth that would somewhat inhibit some live form or incubation of insects and other live forms. I wonder if the Honourable Minister could comment on that.

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. It is my understanding that the material will be taken from a quarry that has been started over the years and in certain areas it is possible that the rock has been cut down something like 70 ft. I cannot say that that would prevent us from having something that is not right and for that reason that is why I have asked my two departments to make sure that we have the visit and we look at it to try to ascertain that nothing is wrong.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, what kind of guarantees would the Minister be offering this House that although this material is [mined] 70 ft. down that it is not stored on surface and that the cargoes that are coming in [are] not from a surface level.

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. That undertaking will be given when the site has been visited and when we have the proper inspection done by the two departments.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Could the Minister state if it was necessary for Caribbean Stone Products to apply for permission to import aggregate, or if it was simply done out of courtesy to the Government? And if it was necessary, what were the reasons why they had to get special permission outside of their regular Trade and Business Licence and what is listed in the Customs Law as materials that can be imported?

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. That is indeed a lengthy question and what I would like to say on it is, the application was made by the Company ... As far as I am concerned—and I am speaking my opinion now—I think that everyone in this country realises that aggregate is necessary for the country to continue on the progress we have been actually proceeding on.

As far as the Company taking the decision, I really cannot answer that part of it, because I guess that was a decision at the Board of Directors level with the Company.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Minister state then if it is necessary to get Government approval specifically to import aggregate?

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

**Hon. John B. McLean:** Thank you, Mr. Speaker. That is correct, and for the reasons which I have outlined—safety from pests (I think I have answered this before) and of course quality through Public Works.

**The Speaker:** The Fourth Elected Member for George Town. Two additional supplementaries after this. Please continue.

**Dr. Frank McField:** Mr. Speaker, Could the Minister say, what will be the customs duty rate on imported aggregate?

**The Speaker:** That is really outside the ambit. If the Minister wishes to answer he may, or he may not know. Any further supplementaries? If there are no further supplementaries, that concludes Question time for this morning.

Item 4 on today's Order Paper : Statement by Honourable Members/Ministers of the Government. The Honourable Minister for Tourism, Commerce and Transport.

## STATEMENT BY HONOURABLE MEMBERS/MINISTERS

### PUBLIC TRANSPORT

**Hon. Thomas C. Jefferson:** Thanks for allowing me the time to make this statement on matters relating to the subject of public transport for which my Ministry has been charged with the responsibility.

The first item deals with **Taxi Quota**. Honourable Members of the Legislative Assembly will be aware that Regulation 4. 2(a) of the Public Passenger Vehicles Regulations, 1995 states that one of the prerequisites for the grant of a taxi licence is that the applicant is Caymanian.

For several years there was a quota imposed on taxi licences which was introduced by the former Commissioner of Police, and which limited the number to 250. The Ministry took the decision to increase the number of taxi licences in the Cayman Islands and with Government approval issued a public invitation to those interested to apply. The Vehicle Licensing Unit now has approximately 70 applications for taxi licences from Caymanians.

It has been decided that those Caymanian applicants who have a clean Police record will be eligible to sit an examination which they must pass in order to obtain their taxi licence. This examination will test, inter alia, their driving skills, local knowledge, ability to calculate fares and basic first aid skills. All applicants who pass this examination will be issued a taxi licence which will be valid for one year and subject to renewal annually.

The second item, Mr. Speaker, deals with **Omnibuses**.

The decision to organise a system for omnibuses which operate between the districts has been

taken with the understanding that there is a desire among Caymanians that this area be preserved for them. Against this, the Public Transport Board has had to recognise the practical reality that currently there are a number of Caymanian-owned bus services which rely on non-Caymanian drivers.

Following the recent invitation for applications, which was recently closed, a decision has been taken that all Caymanian applicants who have clean Police records will be granted Omnibus Operators permits. As an operator, they will be permitted to drive the bus themselves or to apply for a Public Transport Driver permit for someone else to drive on their behalf.

In order to be eligible for a Public Transport Driver permit, the person must have a valid driver's licence for the category of vehicle he or she intends to drive; must be Caymanian with a clean Police record; or the spouse of a Caymanian with a clean Police record and must have been living in the Cayman Islands for a least four years.

The Public Transport Board's policy on evaluating what is to be considered a clean Police record, is to regard persons who have been living within the law for the past two years as meeting the minimum standard. This policy supports the precept that persons who have erred in the past but who are now making a bona fide effort to rehabilitate themselves must be given a reasonable opportunity to become productive members of society.

In the future, there will be a review of the system before the granting of additional permits.

The third item, Mr. Speaker, is the **Bus Depot**. This facility will be located adjacent to the Public Library in George Town and will be officially opened and operational in October of this year. This will serve as a central point for the assembly and despatch of omnibuses which provide service to the districts.

After consultation with the omnibus operators, the Public Transport Board has devised designated bus routes throughout Grand Cayman and these will be subject to regular reviews once operational. Initially, there will be six routes and these are as follows:-

**Routes 1 & 2** both cover between the Bus Depot and West Bay.

**Route 1** will go from the Bus Depot via Eastern Avenue, the West Bay Road, North West Point Road, Boatswain Bay Road, Hell Road, Reverend Blackman Road, Church Street, West Bay Road and back to the Bus Depot via Eastern Avenue.

**Route 2** will operate from the Bus Depot via North Church Street, West Bay Road, North West Point Road, turning onto Water Course Road, to Boatswain Bay Road, Hell Road, Reverend Blackman Road, Birch Tree Hill Road, Capt. Reginald Parsons Drive, Mount Pleasant, Church Street, West Bay Road and back to the Bus Depot via North Church Street;

**Route 3** will provide service between the Bus Depot and Bodden Town;

**Route 4** will provide service between the Bus Depot and East End;

**Route 5** will provide service between the Bus Depot and North Side via East End; and

**Route 6** will be an inter district service in George Town which will cover the major roads in the district and will provide service to the Depot and to the buses headed to the other districts.

In the near future more details on the routes will be communicated through the media and this will include illustrations using maps. Initially, the Bus Depot will act as a timing mechanism, whereby buses will depart to West Bay every 15 minutes, every 30 minutes to Bodden Town and hourly to East End and North Side.

The Public Transport Board is now preparing a report for my Ministry on the implementation of formal bus stops and this should be submitted by the end of the year. Once we have agreed on a plan for bus stops the scheduling of buses will be further enhanced.

It is acknowledged that as we develop the Public Transport System for the Cayman Islands, there will be a need to ensure that the rules and regulations are rigidly enforced. In this regard it is intended to employ two Public Transport Inspectors in 1999. These persons will monitor the Bus Depot and will provide an inspection and enquiry arm for the Public Transport Board.

The creation of these posts is not intended in any way to diminish the role of the Police to enforce the law, but rather to provide an investigative service for the Public Transport Board which would allow for the administering of sanctions for improper conduct by operators without recourse to the Courts.

The fourth item, Mr. Speaker: **Vehicle Licensing Units for the Districts.** In keeping with the Reinvention of the Vehicle Licensing Unit and the intention to decentralise the services offered at the central location in George Town, a phased implementation plan is underway. The preparations for implementation of **Phase I** of the plan are almost completed and this will result in the opening of a Licensing Unit later this year in the Banks' Plaza in West Bay. Initially, this Unit will provide vehicle inspection and licensing services on Thursdays and Fridays from 1:00 AM to 7:00 PM and Saturdays from 8:00 AM to 2:00 PM. These hours should prove accommodating to residents of West Bay who may work outside the district during normal business hours. The business hours will be continually reviewed in order to be responsive to the needs of the public.

**Phase II** of the plan calls for setting up a similar Unit in the district of Bodden Town which will provide vehicle inspection and licensing services to the residents of the districts of Bodden Town, East End and North Side. Two sites are currently being considered for the placement of

this Unit and a decision will be made in the near future. This phase will be implemented in 1999.

The fifth item, Mr. Speaker, is **Vehicle Inspection.** Draft legislation has been prepared by the Legal Department to allow for the inspection of vehicles under three years old and having less than 36,000 miles to be exempted from the vehicle inspection process. The draft legislation is presently being reviewed by the Ministry and should be presented to this Honourable House at its next sitting in November. In line with this new policy Vehicle Inspectors are presently exercising more discretion in the inspection of such vehicles. This will allow for a more efficient processing of the vehicle licensing system to the public.

In conclusion, and on behalf of the Government, I wish to express our gratitude to all Honourable Members of the Legislative Assembly and members of the public for their support as we continue to improve the Public Transportation System for the Cayman Islands. We look forward to their continued support in the future.

Thank you, Mr. Speaker.

**The Speaker:** Item 5 on today's Order Paper: Other Business. Private Member's Motion No. 23/98 entitled Referendum Law to be moved by the First Elected Member for George Town.

The First Elected Member for George Town.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 23/98

##### REFERENDUM LAW

**Mr. D. Kurt Tibbetts:** Thank you, Mr. Speaker. I beg to move Private Member's Motion No. 24 (sic) [23]/98 entitled Referendum Law which reads as follows:

**"WHEREAS an increasing number of matters of national importance demand widespread public participation in the decision making process;**

**"BE IT RESOLVED THAT the Government takes immediate steps to bring to the Legislative Assembly a Referendum Law which will allow the public their democratic right to participate in this process."**

**The Speaker:** Is there a seconder? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I rise to second the motion, sir.

**The Speaker:** Private Member's Motion No. 23/98 has been duly moved and seconded. Would the mover wish to speak on it? The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Mr. Speaker, this yet is another motion, which we are bringing to this Honourable Legislative Assembly with a bigger picture in mind. Once again, we have brought this motion, like others in the recent past, simply with the view and with the hope that

Honourable Members, including the Government, will see it fit for us to move forward with the democratic process and to allow opportunity for good government, for open government, for transparency and accountability to prevail.

Now, Mr. Speaker, before I go into giving arguments, I first of all need to address a specific situation which naturally occurs with bringing the motion with regards the Constitution.

If we look in the Resolve section of the motion again, it reads: **“BE IT RESOLVED that the Government takes immediate steps to bring to the Legislative Assembly a Referendum Law...”** And just like the previous Private Member’s motion which was debated, there were certain assumptions made on the part of myself, the mover, and I dare say the seconder, when we were wording this motion.

If I may read the section in the Constitution which applies to referendum, Mr. Speaker, I will make the point very clear.

In the Cayman Islands (Constitution) Order of 1993, in Part 4, under Powers and Procedure in Legislative Assembly, Section 29 (2) reads: **“Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution. Adopted by a majority of the Elected Members of the Assembly to be a matter of national importance and specified in such Law.”**

So, Mr. Speaker, my interpretation of this section in layman terms is that if a majority of the Elected Members of this Honourable House are inclined for a referendum to take place, then by resolution a Bill would be brought to this Honourable Legislative Assembly regarding a referendum on a specific issue on national importance.

That means that that Referendum Law would only relate to a specific issue. And while it does not address it, I am assuming once nature takes its course and such a referendum were completed then that Law would fall away until the next time, if there were a next time.

What this Motion is asking for, Mr. Speaker, is a little different. We accept that. Because what we are asking for in the Motion is for there to be a referendum law which will be—for lack of a better word—on the books all the time. And of course once the prerequisites are set, then a referendum can be held on any specific issue without the necessity of actually having to create another law.

We have not addressed in the Motion all of the specifics which would mobilise a referendum, or which would allow a referendum to take place, because we thought that that would be something that would be included in the Law. But again, like the other Motion, we face a situation where according to the way the Constitution is worded, what we have asked for cannot take place.

Now the difference with the previous Motion and this one is that we understand and accept that there would have to be what I would term a small cosmetic amend-

ment to the Constitution. And I wish to address that issue right away, because it is not uncommon, Mr. Speaker, when we hear of amending the Constitution, that people get all rattled and nervous and begin to wonder what kind of radical changes one might be proposing. This is by no means any proposal for any radical change.

In short terms, Mr. Speaker, what we are proposing is to provide a vehicle by which a certain percentage, or a certain number—to be specified in any law that might be created—of the voting public—once that number is sufficient, for whatever the Law calls for—then the public can actually mobilise a referendum. And there are arguments for it, but I will get into those arguments in a little while.

Mr. Speaker, it is important that I do the best I can at this juncture to specify exactly what we have been talking about thus far. What we are saying, is, that we understand the way the Constitution reads, that what we are asking for cannot happen. I think the fancy terminology for it is, it is ultra vires the Constitution. We understand and accept that. And we in the Resolve section presupposed that if the Government were minded to accept, or if the Government were politically willing to help to undertake to allow the democratic process to move forward a little bit, that it would be part and parcel of whatever cosmetic amendment had to take place within the Constitution to allow for this to happen.

So, Mr. Speaker, when the Government replies—we are not telling Government what to do, because certainly we cannot do that. But we are asking for the reasoning, whatever the decision—whether the Government is prepared to accept the Motion or not—not to be that they cannot accept the Motion because its ultra vires the Constitution. We are saying here and now that we understand that.

Like what occurred in the previous Motion; we presupposed certain things, and I am not arguing whether that is right or wrong. But what we are making very clear now is that we understand exactly what the situation is, and we are asking the Government either to accept the Motion with its intent, or to show arguments why it cannot be accepted, but not because of what the Constitution reads; because we understand what would have to be done if the Government and/or the rest of the Members of this Assembly were to accept the intent of the Motion.

I am not going to say at this time that I would like to see the Government bring an amendment to our Motion to accommodate that, or if they did not want to deal with it—like they did with the other one, that we would bring the amendments—because the truth is, Mr. Speaker, we understand and accept that this is in actual fact, if I may take the chance to say so, a much more delicate issue than the one we dealt with before about the Complaints Commissioner.

All we are saying here is, if it is something that the majority of us want to see happen, if we want to give our public a mechanism by which they can participate in the democratic process when it comes to issues of national importance, then let us find the method to do so; let us not use the way the Constitution is worded as the way to prevent it from happening.

This may seem like an argument, Mr. Speaker, that should have been dealt with by the way the Motion is worded, but I am not standing here today as the mover of this Motion with any claims to perfection, or any over abundance of command of the Queen's English, or any special knowledge and ability when it comes to Law, but I know, and I understand what I believe we should be doing and this is part of the process that I am moving toward, Mr. Speaker.

So, thus the explanation for the Motion. As I said, we understand, Mr. Speaker, that there will have to be some slight cosmetic amendment to our Constitution—and I know the process that that calls for. But, Mr. Speaker, if one were to speak generally, one could say that when the Resolve section states: **“BE IT RESOLVED that the Government takes immediate steps to bring to the Legislative Assembly a Referendum Law...”** one could say that those steps would include whatever had to be done to allow for this Law to be brought. So, I am asking for us to argue at a different level which I believe is more important than to get into—almost what I would term as semantics, or—technicalities to decide on its fate.

Having said that, I will now make some attempt to justify the reasoning for bringing the Motion. Mr. Speaker, I want to go back a few years, because this is not the first time that this issue has been addressed, either on the floor of the Legislative Assembly, or by way of select committees. So, I just want to point out what occurred on a few occasions to try to strengthen the argument. And everything is not going to be done in chronological order, Mr. Speaker, because that is not the way I think that I should try to build the case.

First of all, Mr. Speaker, I would like to read from the Report of the Select Committee of Elected Members to Review the Cayman Islands Constitution Order 1972. This was during the 1991 session of the Cayman Islands Legislative Assembly.

On page 18 of that Report, Mr. Speaker, and Section 25, which was headed: Other Matters Provision for Referenda. As I said, this is a report of the Select Committee of Elected Members to Review the Cayman Islands Constitution Order 1972. And it reads:

**By majority consensus it is recommended that:**

- I. **The new Constitution make provision for the holding of referenda.**
- II. **A referendum should only be held in regard to issues of national importance.**
- III. **The holding of a referendum shall be subject to the passing of a resolution in the Legislative Assembly by majority vote of the Elected Members.**
- IV. **A referendum shall be advisory in scope only.**
- V. *[ No. V is the important one here, Mr. Speaker] The Legislative Assembly shall in due course pass a Referendum Law.”*

There can be varied interpretations of these recommendations, but the interpretation that I am taking with number V is that while it was not something that was considered an immediate necessity, that at some point in time, a Referendum Law should be passed in this Legis-

lative Assembly. So, that was the 1991 Report of that Select Committee reviewing the 1972 Constitution.

Mr. Speaker, going back into that Report, looking at the fourth meeting of that select committee, which was on Friday, 4th January 1991, I just wish to quote two quick sections. Under the subheading of Voters Referendum – and Mr. Speaker, you might well smile during some of what I am saying because you were there and you might well remember some of the events that transpired. Unfortunately, I was not.

Under Voters Referendum, in the third paragraph, it quickly reads: **“Mr. Truman Bodden supported a provision of a referendum and suggested that the Government had a fear of its introduction.”**

The second thing that I wish to read, which is where I think is of vital importance, Mr. Speaker, and I quote from the minutes: **“A proposal to hold a referendum should be determined by a majority vote of the Elected Members of the Legislature, or by a petition of a reasonable number of electors Mr. Truman Bodden advocated.”**

Now, Mr. Speaker, I read through all of the minutes and the report on that section. And the Minister will probably think that I had this irresistible urge to pick out and quote what he said. But, Mr. Speaker, the Bible's truth is that I agree with him. I agree with what he said; I totally agree with what he said. That is why the Motion is here. Because, under the Constitution, at this point in time, Mr. Speaker, an electorate, no matter how large the numbers or what huge percentage it constitutes, cannot, cannot Mr. Speaker, do what the Minister was saying. They cannot by way of a petition trigger a referendum; not legally. This is what we are asking for in our Motion.

So, again, never mind our inability to craft it perfectly; it is obvious what we want to achieve. As we go along, we are going to try to cement the proof of what we are trying to achieve. So, I just quoted from those minutes, Mr. Speaker, to really just allow myself to read what was articulated by the now Minister of Education and to say in a nutshell that this, what I read – which is what he said – is exactly what we want to achieve.

I just wish to read it again because it is very short Mr. Speaker. It reads: **“A proposal to hold a referendum should be determined by a majority vote of the Elected Members of the Legislature, [which constitutionally is allowed for now] or, by a petition of a reasonable number of electors, Mr. Truman Bodden advocated.”** That is what cannot happen at this point in time, and Mr. Speaker, that is what we are hoping to achieve. What I think we really need to understand and realise (as is called for in today's world) is, that even when this review was done in 1991, which was 7 1/2 years ago, there have been many changes in our country since then. But all of those changes have not dulled in my view the need for the public to be able to exercise their democratic right. In fact, as far as I am concerned, events that have occurred since then, have sharpened the need for them to have that ability.

Mr. Speaker, the biggest reason for that is because I believe it is obvious to everyone that today's public is

much more informed than the public of days gone by. People are now much more interested in the politics of their country, in the affairs of their country and in truth and in fact, Mr. Speaker, I think it is fair comment to say that many more individuals nowadays are more seriously interested in the future of their country. There are fewer people nowadays who simply take it for granted that everything is going to be all right.

People are at a level where they understand that they too have a responsibility and they too have a role to play in the future of their country. Mr. Speaker, because that is the case, I believe the concern alone that has been displayed should drive us on to understand and accept why it is good for us to do what this motion asked for.

Yes, Mr. Speaker, as I was saying, I believe that we should now if for no other reason than the fact that the public is much more informed, they are much more conscious, they are much more concerned. If for no other reasons than those which are obvious, then I believe that we should have some mechanism which would allow (when the numbers are sufficient) for the electorate to voice their opinion through a referendum to ensure that we as legislators understand the wishes of the majority of the people.

Mr. Speaker, going back in time Private Member's Motion NO. 11/89...I am going to do my best, sir. I am asking permission to quote certain things, but I am going to do my best not to quote too many. I will try to stick to the parts which are relevant. But I want to refer to this motion because actually reading about it enlightened me into this thing about having referendum.

I quote from page 579 of the 1989 Hansards. Mr. Truman Bodden and he says, **"Mr. President, I beg to move Private Member's Motion No. 11/89 which reads (and I quote):**

**WHEREAS there is no law which enables a referendum to be held whereby the people of the Cayman Islands can give their view on important public issues;**

**AND WHEREAS it is considered that the number of important issues affecting the country is increasing;**

**AND WHEREAS it is considered that the people of these islands should be able to give their view clearly to their representatives in this Assembly;**

**BE IT THEREFORE RESOLVED THAT a Select Committee comprising all Elected Members and the Second Official Member be appointed to examine and to make recommendations on a referendum law which would give the people of the Cayman Islands the right to vote upon major national issues."**

So it is obvious that at least the Minister for Education was mindful of this need at that point in time. Not quoting but realising right down below it, Mr. Speaker, the memory must be more vivid yet, because I see where your goodly self, sir, seconded the motion.

So anyway as that motion was brought in 1989—before I go any further, Mr. Speaker, let me again make this clear: The areas that I am going to be quoting from with this delivery are not just to be able to quote and say who said it but I believe, Mr. Speaker, it strengthens my argument and this is what it is all about, we quote other

things that have occurred. While the thought that comes to mind immediately is that there will probably be a situation where someone will want to look at who agreed with the motion, who voted for and who voted against; that is no concern of mine. As I said, I was not here, but today I am part and parcel of moving a motion that seeks to achieve something very similar if not the same, and I am just trying to strengthen my arguments, to prove the validity of the case.

In his opening delivery, the now Minister of Education in a part of it, he says (and I quote), sir: **"We represent the people of Islands generally** (of course, when we see the word, generally, I didn't have to call his name, we would know who it was that we were quoting. Anyhow...) **and there is no one in this House who can sit here and say on major national issues they can speak with total confidence as to what the people, the electorate of the Cayman Islands, actually feel and their views.**

**Therefore it is a Law for the humble because one does go back to the source that has put one in this House and one has to ask them what are your views on a major national issue. Believe me, that is one way of ensuring that big mistakes are not made in this country. Because if we get the guidance we need, it means as well that there has to be public debate, openly, some considerable time before the issue reaches this Honourable House and on several occasions here, I have once again felt the time may have been too short on some issues even though they may have fallen under the Standing Orders of this House.**

**There are issues that are so basic and important that guidance has to come from the people of these islands. When we get too big to ask for that guidance and even worse, too big to take it, then we fail to represent."**

Very important words, Mr. Speaker. Some shorter quotes, sir, that I am just extracting. He says, **"I would say this: if some of the national major issues that have come had gone back to the public, we could have saved many, many of the problems that we have had in the past."** I agree with him, totally.

He says, sir: **"What I see as being the major part of this type of Legislation, would be in a form of the machinery was in place and it would be set in motion, separately** (this is what's important now because I read what was said in 1991, this is 1989.) **by either a resolution of this House or by a substantial amount of persons who are on the voters list."**

I don't think that I am making any serious assumptions when I say that while the words are different, what he meant here was exactly what was said in 1991. He is saying that there should be two options for referendum; either one, through this Legislative Assembly, or two, by way of the voting public, however and whenever that can be triggered by them. But there must be some type of option for the public.

Mr. Speaker, there is yet more profound, even though short statements. He quotes from a book, which was written by Roberts Wray (whoever that is, sir) and the book is called *Commonwealth and Colonial Law*. He says, **"That has a very short, but very effective paragraph."** It says, **"...Submission to popular vote pre-**

**vents hasty action.**" That is powerful, Mr. Speaker, and again I could not agree with him anymore.

He goes on in his delivery, and I have to have to admit, as he would on the odd occasion say to me, *it was well researched!* It is obvious, the delivery was right there. He says, "**They may well find** (and I think he is referring to the Legislative Assembly at this point in time or rather Select Committee) **that it should only be triggered by a resolution of this Honourable House. In that simpler form, I would find it very difficult to understand why the people of this country are not regarded as sufficiently important so that they should be given that right.**" I mean, Mr. Speaker, it just simply gets better. He is saying that he would find it very difficult to understand why the people of this country are not regarded as sufficiently important so that they should be given that right.

Now, Mr. Speaker, the Minister of Education and I can differ with anything else but with what I am reading here and what I read he said in 1991, there can be no difference on this one.

He goes on to say: "**Are we in here to take the advice from members of the public voters in the electoral districts, on major issues? Or do we believe that once we have come in here, we are so big that we can never humble ourselves to ask for guidance? In life generally, we must listen to people; we must learn to take advice before we can give orders. Without that, many times we could make decisions that could hurt the country.**"

Mr. Speaker, he then goes on to say, "**Lastly, it will ensure that submission to the people will prevent any hasty action on a major, national issue.**"

Now, I believe that on this issue regarding referendum and had I known before about all that the Minister had said when he brought a similar motion, I certainly would have almost created history and I would have gone to that Minister and said, *'Mr. Minister, I have this notion, I have seen what you think of this, would you please, sir, either bring this motion from the Government bench or if you are not sure you have all of the support, allow me to bring it, sir, and would you create history and second it.'* But unfortunately, the motion had already been submitted before I was able to read all of this, but I am delighted to have access to this information, Mr. Speaker.

In his summing up, after all others had spoken, he says, "**But what worries me is that one good morning the people of this country are going to wake up and find that a major national issue has moved through this House with very little public debate. They could well be stuck with something which, if they had a right to give their opinion on, and if there had been the time to air it publicly and take their views the damage would not be done. Once the damage is done there is no way of reversing that type of damage. You can try but it only worsens it.**"

Mr. Speaker, I am nearly there, sir, and I thank you for your patience. Just two more short quotes before he winds up his motion.

He says, "**But I know there are going to be times under this democratic process in this House, when I will be in a minority. There are times when the slowing down process to expose issues to the people is going to become crucial. I am not afraid of that**

**process.**" And again, Mr. Speaker, that is heartening. So here is where we are at.

We understand with the motion that if we want to be technical, we could find reasons to reject it, although as I said, we are pre-suppose in our resolve section that whatever had to be done with regards to the cosmetic surgery to the constitution to allow for the law to be brought, that this was included in the resolve section. But notwithstanding that, sir, I believe and I hope that what is sought by the motion is totally understood. And with that in mind I hope that as I go on to try to cement the case a bit further, that Honourable Members will find it in themselves to support this motion, bearing in mind that whatever has to be done to cause it to be legal, as they would term it, could be done once the will is there to allow it to happen.

Mr. Speaker, after going through those quotations, I would just like to try to, if I may, put what I would call, the icing on the cake, by quoting a few short sentences from a book that is called *Referendums Around the World*. It is a book edited by David Butler and Austin Ranny. The very opening paragraph of the book reads: "**In a referendum, a vast electorate votes on some public issue. A referendum can be initiated in many ways and can take many forms but most democracies have at some time held referendums. In some countries, referendums have been institutionalised into a regular part of government. In others, they have been ad hoc affairs designed to solve a specific problem.**" In our case, Mr. Speaker, we fall into the latter category, where constitutionally at this point in time, we can only deal with it on a specific issue. Whereas what we are seeking now is to have a law which will allow the public to participate, rather than for each time it is to done for there to be a law put into place.

One of the key areas that I wish to quickly quote here, Mr. Speaker, is one that I think we need to recognise and I think we also need to recognise not just within ourselves but we need to understand that the majority of people in the country feel this way. And I quote, he says, "**In most countries, the decision to hold a referendum has laid with the party or parties in office and they have called referendums to suit their own political convenience.**"

So you see, Mr. Speaker, one of the reasons why we bring this motion is to prevent this thought by the people and once we are able to agree on it in this Honourable Legislative Assembly, neither the Government nor any Member in here can be accused of this, and I think that is very, very important.

You see, what this is also saying is that as it reads in most countries, the decision to hold a referendum has lain with the party or parties in office and they have called referendums to suit their own political convenience. What it is also saying without saying it, it is that they have not called referendums to suit the same reason. So what we are trying to be open and transparent about is, we are saying to the public that we are not going to hold it constitutionally as it is without giving you the right to trigger it if there are enough of you who believe that it should happen. That is what this motion is all about, Mr. Speaker.



Mr. Speaker, I do have a few more things to say but I think the case has been put forward. I think in summing up, we are saying that we believe that our country is at a stage where the political consciousness of the electorate, the political awareness of the electorate, the concern of the electorate for the future of the country almost demands that we allow the electorate—it demands that we allow them to participate in the process by having a mechanism whereby they can voice their own choices in mass. Such a mechanism does not exist at this point in time.

As the Constitution reads, A law may make provision for the holding of a referendum amongst persons qualified as electors in the elections to the Legislative Assembly on a question declared by resolution. That is, a resolution in this Legislative Assembly adopted by a majority of the elected members of the Assembly to be a matter of national importance and specified in such law.

We don't have a problem with that; we don't have a problem with the fact that it must be an issue of national importance. We do not have a problem that what national importance is must be specified. We don't have a problem with the way the law should be structured so that we don't have the fear of certain sectors of your society triggering a referendum every two days of the week.

I understand that, that's not what it is all about, we are not saying that's what it should be. And as I said, Mr. Speaker, there are a few more arguments but I am going to leave them until the winding up because I think they will probably relate to what transpires with other speakers who will make their contributions to the motion.

Now, again in summing up: We are asking not only the Government but other members of this Legislature to accept the importance of giving the people this right and to allow for it to happen by whatever means necessary; to not let technicalities get in the way.

I have learned my lesson from the previous motion about the Complaints Commissioner. There is no argument that I am going to give about it now, except to say that this is not a game and if others think that it is, I am truly sorry for them because that's not what it is all about.

I am asking for it not to be taken lightly, not to be treated as a game. I have explained to the best of my ability the intent of this Motion and I am asking Members of this Assembly to accept its intent. And, if it is their wish that the intent of this Motion be manifested to support it, regardless of what arguments (if any), are used against the motion.

Mr. Speaker, those arguments, once they do not address the intent of the Motion, as far as I am concerned, should fall away because while we can argue about technicalities, I think that everybody knows what we are trying to achieve.

So if what we are trying to achieve does not find concert with the other members, then let them use arguments to say why what we are trying to achieve is wrong. But please don't use technicalities to say why you cannot support it. That's what I am asking for this time, Mr. Speaker, because it is important. I respect the fact that some others may have different views about a referen-

dum but having looked at it and having listened to many others about it at this point in time, the mover and I are convinced that this is the right thing to do; it is the right thing for the country; it is in no way going to tie anybody's hands; it is simply enhancing good, open government.

I trust that the arguments suffice, Mr. Speaker, but I will wait to hear. Thank you.

**The Speaker:** Would this be a convenient time to take the afternoon break? We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.22 PM

#### PROCEEDINGS RESUMED AT 4.13 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 23/98. Does any other Member wish to speak? The Honourable Second Official Member responsible for Legal Administration.

**Hon. Richard H. Coles:** Thank you, Mr. Speaker.

— There are some legal issues involved in this particular motion, and so, as the Government's principal legal advisor, it is incumbent upon me to address those issues to the House. I should stress that I am only going to deal with the legal issues. It is not my intention to deal at all with the desirability, or otherwise, of the sentiments in the Motion.

The difficulty with the Motion as it is before the House, (and I am speaking of course about Private Member's Motion No. 23/98), is that it's the Constitution itself that prevents the implementation of the Motion. And I am sure that the mover of the Motion understands that and he has really alluded to that—in fact, stated it—whilst moving the Motion.

The difficulty is that those provisions in the Constitution set out exactly the circumstances and the method within which a referendum law can come to the Legislative Assembly. And the Constitution (which is the new section 29, subsection 2 of the Cayman Islands (Constitution) Order) . . . in fact the amendment that was made in 1993. And as the mover has said—and he has read it out, but it might be helpful if I read out the bits that are relevant to what I am addressing as the legal consequences. So I will leave out what does not really relate to that. It says: "**... a law may make provision for the holding of a referendum ... on a question declared by resolution, adopted by a majority of the elected members of the Assembly, to be a matter of national importance and specified in such law.**"

What the Motion is seeking to achieve, I believe, is to have a law presented to and passed by the Legislative Assembly that would allow a referendum to take place. Well of course, Mr. Speaker, the section 29 that I have just read out of the Constitution, allows that already. But the section 29 makes it abundantly clear, that before a referendum law can actually come and be passed by the Legislative Assembly, then it has to be moved in the House. A resolution has to be voted and adopted by a

majority. It has to relate to a matter of national importance and it has to be specified in that law.

So, what the Constitution does not allow is a general referendum law into which you can then slot the issue that you happen to want to have the referendum on. I think that is what the Motion is seeking to achieve. And as I say, I am not dealing with whether or not that is a desirable state of affairs, but merely whether you can actually have that under the Constitution. And in my opinion, you cannot.

If I have read the intent of the Motion correctly—and I believe I have—then the way that you can achieve that, is to actually propose an amendment to the Constitution. That is what you would have to do. And the amendment would have to allow then, what this Motion is seeking to achieve. It would have to allow a general referendum law not in accordance with the Constitution at the moment.

So, I think that is the problem and it is a problem the mover fully understands and maybe the seconder, too, because he's obviously referred to it in his moving of the Motion. But it is only right that I should point this out to the House that the Constitution would not allow the implementation of this Motion in the way that it is envisaged. And as I say, of course the issue of whether or not the referendum can be held in Cayman, is one that has already been addressed in this section of the Constitution – and clearly is allowed by the Constitution – that any referendum law has to be specific; it cannot be just a general law; it has to be specific for the particular issue that the referendum is seeking to deal with. Of course that is qualified by the fact it has to be a matter of national importance, but again the mover of course has referred to that as well.

So, I think that is the legal problem with the Motion – nothing to do with the desirability of it, or otherwise. But to achieve what I believe the mover and seconder intend by this Motion, in my opinion – in fact it was a Motion to amend the Cayman Islands Constitution in the way that I have just suggested. Thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? The floor is open to debate. Does any other Member wish to speak? The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, with regards to Private Member's Motion No.24 (sic) [23]/98, The Referendum Law, we have just heard the Honourable Second Official Member say why a referendum law at this particular time is not possible without an amendment to the Constitution. So it could be said that we should not even be debating this issue as the reason why the motion cannot be accepted by Government places Government in an ideal position to reject the motion on a technical level.

But, if the Government were seriously interested in this Private Member's Motion... And the National Team Government should have been interested in a referendum law because as has been outlined by the mover of this Motion, the Leader of Government Business, in par-

ticular, has said that there is no truer way for the people to express their wishes than by periodical referendum.

In other words, if a referendum law had been—again like the Complaints Commissioner—something that seemed to have been dear to the hearts of leading National Team Members in the period between 1988 and 1992—when they were attempting to give the people the impression that they were good servants, to the extent where they would do all within their power to see that a referendum law was created in order to allow the people the possibility to periodically express their will in regard to issues considered of national importance.

If we reflect just briefly on the Ritz-Carlton Motion—taking into account the fact that this would have been a case in point when an issue of national importance whereby the people's position certainly would have been different from the Government's position. and the people having to live with the decision of the Government...

If in fact Members of the National Team Government were serious about their position with regard to a referendum law, we would have seen that it would not have been left up to the First Elected Member for George Town to bring a motion that can now be rejected as technically incorrect... But that the Government that had been voted into power, based upon the people's understanding that that Government was much more interested in listening to the wishes of the people than was the previous Government (between 1988 and 1992), we would have found that with the expertise that is available to the Government, for instance, i.e., the Attorney General who so ably got up here and said why this is legally an impossibility at this time— with that type of expertise, Mr. Speaker, there should have been the political will to have established a referendum law.

I am not so much arguing in my contribution the pros and cons as I am trying to make clear the predicament that we seem to find ourselves in. We seem to find ourselves in a situation whereby a great majority of the people now believe that the Government has become insensitive to their wishes and to their needs, that after two years of governing in this particular term like in most terms governments seem to somehow become dislocated and somehow disconnected from its voters, from its constituents, from the customers, from the shareholders of this country.

So if those persons continue to speak against the evolution of political linkages that would somehow link the Government to the Legislative Assembly and by that, Mr. Speaker, link the Government to the people, to the broad masses of the people, on a day-to-day level, on a week-to-week basis, on a month-to-month type of interaction basis; if the Government does not anchor itself somehow to the will of the people how can the Government guarantee the people that the Government will be a government of the people and by the people?

This Referendum Law, this motion for a referendum law is important because at this particular time it is almost like a last attempt to anchor the Government to the people somehow; to give the Government that kind of

connection to the population that the Government especially at this time needs so badly; exactly as they so badly needed between 1988 and 1989 when the Leader of Government Business was discussing this particular need as one that was important and urgent.

So it would appear to me, after speaking to one of my concerned constituents today who was asking how she could influence the decision-making process in such a way that the decisions that are made would result in meaningful benefits and improvement in the lives of Caymanian people. How can she get involved at this particular stage? She seems to believe that when politicians are elected they tend to disappear from public view because the constituents no longer have the same type of access to their representatives, in particular to their representatives that are on the Government Bench who serve as Ministers between the hours of 8:30 AM and 5:00 PM.

So there is a real practical difficulty that the Government of this country faces in regard to the people's ability to express their opinions. What my constituent was really trying to find out was what might they do... And it was at that particular time also today that I reflected again on what the First Elected Member for George Town is doing in bringing this concern and what the Third Elected Member for Bodden Town has done in trying to support it.

Now, the technicalities can be worked out because somehow I believe that the responsibility is the responsibility of this Legislative Assembly as a whole. The responsibility to find a way to create that organ to create that means, that method, to allow the humble person, the poorer person, the person who is more removed from the decision-making process of this country, to allow them the ability to periodically express their wills in regard to major Government policy.

That should be the concern not just of the First Elected Member for George Town, and the Third Elected Member for Bodden Town, but it should be my concern, it should be the concern of the Minister for Education, and the Leader of Government Business, and the Government as a whole. We are all in this together, and we have to evolve a method which will reconnect the people to this Legislative Assembly and to the Government. We have to find a method that will allow the people to feel somehow that they are not just to be consulted every four years, but they will have the ability to periodically express their will.

Now, when you are in a situation, Mr. Speaker. . . would you like [me] to give way?

**The Speaker:** I would entertain a motion to suspend Standing Order 10(2) so that we can continue beyond the hour of 4:30. The Honourable Minister responsible for Education, Aviation and Planning.

#### SUSPENSION OF STANDING ORDER 10(2)

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 10(2) so that we can continue until 5:30, which is the agreed time.

**The Speaker:** Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. We shall continue until 5.30 PM.

**AGREED: STANDING ORDER 10(2) SUSPENDED.**

**The Speaker:** Please continue. I apologise for the interruption.

**Dr. Frank McField:** Thank you, Mr. Speaker. No problem.

What I am really trying to do is—rather than let us be defeated by the technicalities, rather than give the Government the possibility to say technically they are correct this motion cannot be entertained—to throw the ball back into their court and say technically you are right, but morally, politically you are wrong.

Morally and politically you are responsible and should have engineered that particular Referendum Law while you were in office for the first term—the first four years—and you are well into the second year of your second term and it had to be brought here as a Private Member's Motion. Now, we just have to go back to 1989 and what Mr. Truman Bodden at that time, the Leader of Government Business, Minister for Education said. He said, "**We represent the people of the islands generally. And there is no one in this House who can sit here and say on major national issues they can speak with total confidence as to what the people, the electorate of the Cayman Islands, actually feel and their views.**" [*Official Hansard Report*, 1989, Volume I, page 579.] The gentleman's views in 1989 are almost totally identical to my views in 1998. All we have to do is switch it around and we have the same numbers, eight's and nine's—89/98. Identical views!

I hope that the gentleman, the Minister for Education, will agree that if they had been developed by the National Team Government a referendum law or had we gone through the exercises which were necessary to establish or to make possible the creation of a referendum law that this Ritz-Carlton deal would not have been successful because the people would have been given the possibility to vote on it.

Mr. Speaker, I can guarantee you, although we are saying that we cannot with confidence say as to what the electorate of the Cayman Islands actually feel and their views, I would bet that the views of the people would be to develop the hotel, and to leave the mangrove alone. In other words, not to do the golf course. So we have a case in point.

Of course, I am not trying to bring back the debate, but I need to use a case in point to show why the Legislative Assembly, why the Government would be better equipped to know the views of the people and to serve the interests of the people if we, even now at this late point, Mr. Speaker, were to attempt to make the amendments which are necessary in the Constitution.

The Honourable Minister for Education is laughing. (*Pause*) Mr. Speaker, the Honourable Second Official Member said, and maybe I misunderstood him but I understood him as saying that for there to be a referendum law there would have to be an amendment to the Constitution.

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

**Hon. Richard H. Coles:** Perhaps on a point of clarification. What I said was that for there to be a referendum law in the way this motion proposes it, in other words a general referendum law to be passed by the Legislative Assembly there would have to be an amendment to the Constitution. Not any referendum law because the Constitution provides for a referendum law, but not in the way this motion envisages it.

**The Speaker:** The Fourth Elected Member for George Town, continuing.

**Dr. Frank McField:** Thank you, Mr. Speaker. I thank the Honourable Second Official Member for his clarification on that. But what I am saying is that if we believe that a referendum law

would mean that the Government of the day, or the majority in Parliament would first have to pass a Referendum Law, for instance, let's use the case of the Ritz-Carlton. They would first have to come in here and agree for a referendum on that; otherwise it wouldn't go down.

So that is not genuinely acceptable because it means that it is almost like saying the Government has to, first of all, agree in order to put the question before the people. And if the Government is of the opinion that it should answer that question, then it will not put the question before the people; it will do as it did in the case of the Ritz-Carlton—it will answer that question itself.

I would be more concerned with a law that would allow for the people to be able to express their opinions when they feel that the issue is one of national importance. And that in fact we would give an idea of what these issues would be like; whether it means forming a committee and working these details out, or however it is done. I am not an expert; I am not the one who brought this motion. I have not figured all these things out, and I confess my lack of detailed knowledge in regards to it; but I am not going to profess to know something I don't know.

One thing I do know, Mr. Speaker, is that the Honourable Minister for Education said in 1989 that a referendum law (what this Motion is calling for in fact), would be a good thing because those of us who are elected to the Legislative Assembly cannot always profess to know exactly the wishes and the views of the people. The fact that there has been no development or advancement in regard to this particular issue, has something to do with the fact that once people get in Government they forget that people do have views.

Again, I don't feel that the Government should be allowed to get away on technicalities with this issue. I believe that it should at least seek to give a solution as to what the compromise can be in this situation; that the political directorate should respond to the Motion and take responsibility for the fact that they started the consciousness and awareness in regard to this need from back in 1989. It should not be left up to the Attorney General to read out why it is technically not possible. Although it might be technically impossible, the Government still needs to talk about the values in regard to this particular idea. It cannot vote on this Motion and leave these Halls without expressing its political opinion in regard to this idea of a referendum law. Thank you.

**The Speaker:** The Third Elected Member for West Bay.

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

I had no intention to speak on this particular motion, however, I was a part of the 1988-992 Backbench that is now being accused of not keeping our commitment to the people. Mr. Speaker, the amendment to the Constitution plainly makes provision in section 29(2). It says, **"Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the Elected Members of the Assembly, to be a matter of national importance and specified in such law."**

Mr. Speaker, how I understand that works is: If the Government, or even the Backbench, recognises that there is an issue out there of national importance, either the Government or the Backbench can move a motion saying, *'Okay, let's trigger this provision in the Constitution that calls for a referendum law.'* But even if we went along, or even if the situation existed as is now called for

in the Private Member's Motion that has just been recently moved, Mr. Speaker, it has to be triggered by a resolution in this House that is supported by a majority of the Members.

So I think, Mr. Speaker, that we are really attempting to mislead the general public into believing that the provision in the present Constitution does not make allowances for what we are calling for.

**Mr. D Kurt Tibbetts:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order.

**Mr. D Kurt Tibbetts:** Mr. Speaker, as the mover of this motion and the person who has stated the case for the motion, it would appear to me like the Member is saying that I am making an attempt to mislead the House and/or the people of this country. And that is not true, sir.

**The Speaker:** I think you did state that. I think you should clarify that, please.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I must apologise to the First Elected Member for George Town, because I really did not even hear his contribution. I was specifically talking—or referring to the Fourth Elected Member from George Town.

**The Speaker:** But just do not mislead the House. Just, please withdraw that.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I do not have a problem with that. What I am saying is that what is being called for in this motion is possible under the present provisions in the Constitution.

Mr. Speaker, the other point that we have to keep in mind is that we go to a general election every four years. And the machinery that we have to put in place for a general election is basically the machinery we are talking about for carrying out a referendum. So, Mr. Speaker, we have to also take into consideration, cost. And that's a serious consideration. I, for one, am one of those elected representatives who likes to determine what the wishes of my people are, whenever an issue comes to this House. And at the present time, Mr. Speaker, if I feel so strong about that issue and I am not convinced as to what the desires of the majority of the people are, Mr. Speaker, I have the option of going to a district meeting, a national meeting, or whatever other forum I choose to adopt.

Mr. Speaker, as I understand it, the provision in the Constitution with regard to the Referendum Law is geared along the practice that obtains in the Mother Country. It is not geared along the lines of what I understand exists in such countries as Sweden. Mr. Speaker, I heard a comment today by one of the persons who did the briefing with regard to the financial reforms, that because of the existence of such, should I say, liberal policies or exercises in places like Sweden, they do not get a whole lot done. In other words, if you decide that you want to preserve the Cayman parrot—for example, in Sweden you would put that to a referendum.

Mr. Speaker, I think that the intentions of the First Elected Member for George Town and the Third Elected Member from Bodden Town are genuine, because they have a genuine concern with regard to the way I have heard the people in this country. I have no problem with that. Mr. Speaker, if the Constitution did not at present provide for such an exercise, then I would have no problem supporting this particular motion.

The other thing to keep in mind, Mr. Speaker, and the Second Official Member mentioned this, is that in order to accommodate the present request, it calls for an amendment to the Constitution.

Now, Mr. Speaker, I have been here for ten years and I can only recall—I may be wrong—a few amendments to the Constitution. In other words, Mr. Speaker, this is not an exercise you undertake every year. Hopefully what you do... What we did in 1990 was to go through an exercise of looking at the weaknesses of the Constitution, arriving at a position that reflects not only the views of the elected representatives, but maybe the people as a whole through a select committee process where you invite people in like we did, and get their views on certain issues.

Mr. Speaker, the last amendments (I believe) to the Constitution were in 1993, and this is 1998. Now as I said, if the Constitution did not call or provide for this mechanism in regard to referendum, I would have thought you would have been justified calling for an amendment. I am comfortable with the provisions in the Constitution. As I understand it, the process is that if I feel so strongly about an issue that I consider to be a national issue, I have the right to bring a motion to the Legislative Assembly, have it debated, have it voted upon, if it carries by a majority, then it triggers the drafting of the referendum law specifically to the issue I brought to the House and that goes to a referendum. Mr. Speaker, I am happy with that.

I think at this stage I cannot support an amendment to the Constitution to allow what I feel this motion is calling for, because even if that were the situation it still means that there would be a resolution required in the House. It has to be carried by a majority of the Members here before it can move forward. Mr. Speaker, most Governments have a majority. So if we have a Government sitting over there, I don't care what law you have in place. If in a majority the Government and its supporters decide that it is not going to go forward, it is not going to go forward.

*[Inaudible interjection—Members' laughter]*

**Mr. John D. Jefferson, Jr.:** No, I am not saying that the present Government would not support that issue, but as a fact of life, Mr. Speaker, that any Government in place... how it works is the Government of the day dictates what basically happens. If you come here and you don't get the votes, then it doesn't go anywhere.

So, I am comfortable with the present provisions in the Constitution, I believe it is sufficient and it does provide for those occasions when maybe between general elections we have to deal with national issues.

Thank you.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I, too, like the last Member speaking, did not plan to speak, and I only hope that when I get through, my tutor can feel that he tutored me so much that I won't kick him in the shin as the last speaker did his tutor. *(Members' laughter)*

The difference in what this Motion is trying to articulate, from what exists in the Constitution, is that it is true that the Constitution makes provision for a referendum. I think what this law wants to lay down, what this bill seeks to have adopted is what my colleague, the First Elected Member for George Town, often describes as a generic law. A law that will suit all and any occasion, when those occasions arise. And I contend that while it is true the Constitution now makes provision for a referendum, it is awkward.

Indeed, if one were to base one's argument on the fact that referendums are only to be used to decide important national issues, and if one were to take the recent past as an example, by the time one would go through this process of formulating the Referendum Law, bringing it to the Parliament, the issue would have long for whatever reason dissipated, become unimportant, or it may just have simply gone away.

What we are trying to say is that we need to have an instrument which can be readily applied because lots of times issues of national importance come up rather suddenly. And if we are in a position where we have the instrument which only needs to be drawn from the shelf, it would put us in a much better position where we would be much more easily able to rectify the issue and to ascertain what the public disposition is on the matter. So I think that we recognise that there is provision now. But what we are saying is that there may be those circumstances in which it may be necessary to have something readily available because we do not know...

This is not a matter which I think we should take lightly or frivolously. As the Honourable Leader of Government Business said when he, that honourable gentleman, brought the Private Member's Motion in 1989 calling for this and he called in for a referendum law. Mr. Speaker, he didn't call for provision to be put into the Constitution for a referendum, he called for a Referendum Law, a specific law. And I have to come back to this point, Mr. Speaker, because this is very important. That honourable gentleman is an attorney: an attorney of some experience, and some learning as he so often reminds us in this House.

I am saying that if he thought the matter could have best been addressed by provisions in the Constitution, I am sure that a man of his intellectual stature and bent would have brought a motion to reflect that. But he called for a specific law, Mr. Speaker, which is the point that we are making now.

So the Fourth Elected Member for George Town was correct in saying that ten years ago he was in the same position we are now. But that is perhaps why we can never catch up and be any more similar because when we arrive at the position he was, he moves back in time. Instead of advancing with us he retreats!

I contend, and although no one made mention of this, I want to say that one of the criticisms I have heard about referendums is that it is really not a part of the Westminster system. Well, let me put it this way—how it is expressed? Well, you know that referendums are really not a common practice in the Westminster system. I have to admit.

Mr. Speaker, I have to make a rueful admission that while that may be so, many countries that practise the Westminster system have instruments readily at hand where they can call for referendums. We need not go any further than Canada. They have had numerous referendums, some involving political issues of national importance, some involving other issues. Other countries in the Commonwealth—Australia—they have the provision. Indeed, they had a referendum several years ago and there are other countries as well. So, let us not delude ourselves into believing that provisions for a referendum are foreign to the Westminster style of Government for it is not.

Mr. Speaker, while it is true that some countries, namely, Switzerland, not Sweden, practise and carry out referendums frequently, in most cases where referendums are held those referendums have to do with serious issues. Switzerland is made up of cantons so they have a very loose federal system. It would not be accurate to say that they have had any referendums dealing with federal issues. But from my knowledge those issues that they have had where they called for referendums were serious issues. I think that both the First and Fourth Elected Members for George Town made the point that

using the referendum as an instrument in our case would only be done on important national issues.

And I have to admit, and anyone reading the *Hansards*. . . I am saying that I would like to see a picture of the Leader of Government Business then, because if you read this *Hansard*, he was so enlightened. This argument . . . do you know what, Mr. Speaker? I am going to use this argument in classes. This is a textbook argument that he gave—it is flawless!

That honourable gentleman gave a flawless argument when he moved Private Member's Motion 11/89 promoting this referendum. I could see it was well researched and well articulated. And I am familiar with this text because he used it several times when we were together in those days of the famous seven Backbenchers. He quoted from Roberts Wray, *Commonwealth and Colonial Law*. This is important and I want to remind the honourable gentleman (if he doesn't remember) because this is important to us in this situation now. "Submission to popular vote prevents hasty action."

I wonder if that honourable gentleman still remembers that. I am saying that recent events, if this were the principle we had adopted in the recent past he would have been safe. I believe we are safe. He would have been safe, and the National Team would have been safe. So there is merit for this referendum law.

I would hope—because let me tell you what I see: I see this as a tool for the enhancement of democracy; a tool for the enhancement of open government; a tool to build the people's confidence in that they themselves have access to means which will influence, or guide, the Government in making decisions which the people would like to see made so that this is part of a package which has to do with open Government, which has to do with participation by the people and it strengthens the democracy.

Having made this instrument available to the people, they cannot call into question the transparency of the Government—because this is a tool of transparency. And given what we are talking about now about Vision 2008 and the public sector reform—this is providential that at this time we can be talking about a special referendum law.

I believe that this is not something to be taken lightly. While I appreciate the fact that the Government has sought to address it seriously as evidenced from the position taken by the Second Official Member, I have to agree with the Fourth Elected Member for George Town that technical reasons being what they are, the Government cannot expect that we are going to exonerate them; that we are going to excuse them just on technical ground; because we want to know where the political will is. What is their position? Does the political directorate have the will to do this? We are all in this business, we are all in here despite the positions we take sometimes. I believe that we are all in here operating under the pretext that we want the best for the country.

I am sure that there are those who say when we have passed on from the scene, we would like to know, we would like to be assured that we have left the best possible tools so that successive political directorates can carry on the business of running the country, so that successive political directorates can have the tools and means necessary. I believe that it is incumbent upon us to leave these tools, these instruments, as we see that it is necessary.

I am happy to see that we have reached that level of maturity where no one has gotten up, so far, and tried to play games about someone doing this because they want to change the Constitution, and I hope that that sense of maturity and seriousness, and that sense of soberness prevails because this is not gamesmanship. This is brought out of a genuine concern, out of perception, out of a vision, out of a necessity to see that

this referendum law goes hand-in-hand with the other things we are trying to achieve—public sector reform, the Vision 2008 exercise. That is why it is so important for the political directorate to state their disposition as regards this motion, the disposition other than the technicalities given.

Mr. Speaker, you cannot say on the one hand that you are for these reforms, that you are for Vision 2008, and then on the other hand pour cold water on them by not accepting or not providing a substantiating and convincing reason for rejecting a motion such as this.

Just this morning I was reading a text, partly in preparation for the position I would take in this debate, but also for my own edification and my own knowledge and development. I was reading about the founder of democracy; one whom many people regard as the father of modern democracy. And I know that some people in here have a disregard and like to poke fun at philosophers. But philosophy underlies everything we do in life, believe you me. We can't get away from it. There is philosophy in medicine, there is philosophy in engineering, there is philosophy in teaching, there is philosophy in law and there is even philosophy in politics, regardless of what we may think of ourselves.

Pericles, who was the father of democracy, recognised that the essence of democracy lies not in the position or the education or the refinement of the leaders, but in their ability to tap into the desires of the people whom they were leading. It lay in the desire of the leaders to find out in what direction the people were disposed to be led. So from those early days . . . and I want to make the point again, because the point is important: *No particular style of Government has the monopoly on being the best*. There are many different variations of the democratic ideal. They all have their strong points, they all have their merits. And there are many variations of the democratic ideal and the Westminster system is but one.

To go back to Pericles in Athens for awhile, do you know what the strength of that democracy was? The city/state was constructed and made up in such a way that the leaders had ready access to the people. The style that we have adopted in here, this debating style, do you know where that took place? It took place in a public forum an amphitheatre where at a certain time of the week the citizens gathered and sat down and the leaders got up and expounded their positions. That is where we get words in the English language like, demagogue and pedagogue, because that is where they came from. They got up on their stone and they said, *'Well, here is the position we should take and why we should take it.'* And then the floor was thrown open to the citizens. And at the end of that there was a vote so that we could say democracy itself evolved out of a referendum system.

This system underscores the democracy. I am saying that we are sufficiently knowledgeable and sufficiently learned to realise that to be effective it should only be used on important national issues. And it would seem, if the recent past is an indication, that we should have such a tool readily available. But I have to admit, if the National Team Government doesn't see the efficacy, doesn't see the strength, doesn't see the necessity in having this available, then I should not take the position where I am going to use a truncheon to drum it into their brains or heads, or into their style. It makes it easier for those of us who call ourselves Opposition to achieve what we want to achieve, that is, to one day soon become the Government so that when we get there, I can say that we will be sufficiently enlightened to see the merits of adopting such a system as is called for in this Private Member's Motion.

I want to say one thing before I sit down. There is no reason why we in the Cayman Islands cannot craft a system based on what we have. And we are only concerned about us—

our people, the Cayman Islands—who use these tools to give us the most effective, the most democratic Governmental system. It does not matter, and I have due regard for other countries, that they do not have it in their systems. If we see fit to have it; if it enables our citizens; if it empowers our constituents; if it helps our constituents to be more educated; if it encourages their participation in the Government; then I say we should adopt it.

Mr. Speaker, this is a reasonable proposal. I would implore and beseech the Government to give it serious thought. Certainly we would like to hear from them. We appreciate the fact that the Second Official Member has stated the Government's position but we are interested. We knew about the technicalities we are interested in hearing their political disposition, what we talked about. We want to find out what kind of political will they have. That is what we seek to elicit. Thank you.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Mr. Speaker, the motion before the House is not much unlike the one that came in 1989 where, I didn't search the *Hansard*, but I believe that I supported the motion. Mr. Speaker, so many things have happened since 1989 that you have to stop and think about. But there is no doubt in my mind that we could be doing things to help educate our people and give our people more say in the affairs of running the country.

Nevertheless, I do recall that *referendum* was a hot issue during the constitutional discussions. Many different people had various views on what could be done and if I am remembering correctly at this time, the Commissioners said that they did not subscribe to putting it into the Constitution but that we could do a law.

Now, when we went to general elections—the run up to general elections and the campaign throughout—my feedback that I had in West Bay was that they would like to see it put in the Constitution. Therefore, when the National Team at that time got together we agreed to put in our manifesto the following statement: **“We recommend that complete provision for a referendum be put in the Constitution, but if this is not done that a referendum law be enacted, and in any event that referenda be used only when necessary on major national issues to determine the public's wishes clearly and definitely.”**

What I can't recall is exactly what happened on entering Executive Council and what was the UK's position. But I do know that we had some discussions with the United Kingdom on it and that we then, the National Team, agreed to put it in the Constitution. And whether that was right or wrong, it was certainly following the wishes, at least in the West Bay constituency, of the people who spoke in vast numbers at the time. Having put it in the Constitution then, as the mover and seconder have said, they understand the technicality and the matter of being (if we attempt to do this) *ultra vires* the Constitution and they are disposed to hearing what Government would now do with it.

Mr. Speaker, I, for one, would like to hear many times—because we have so many issues that everybody, especially Members in the House, and people get on the radio (especially with the talk show now) and say *'The vast majority or all of Cayman is for this or against that.'* And I maintain that there is never any real knowledge of whether a majority of the people are for or against something. The most we can do is listen to people who talk and then, for me, I go to my constituency and talk to people by phone, people come to my house, people go to the office, people come to public meetings and we get vari-

ous feedback as to the views of the public on any particular matter.

On the matter of referenda, from my way of thinking it would have to be a very serious issue to galvanise the public into, as it were, a general election situation where you go and talk for, or against an issue, and then the public votes on that issue. It would have to be a serious matter for that to happen.

For instance, if the last Government had changed the Constitution and attempted to put it in force before the 1992 General Election, many people were saying that that issue should go to a referendum before making any changes to the Constitution because there were so many issues pertaining to the Constitution. And, of course, everybody gets heated up about it. There is no hard and fast way of finding out what a majority of the public wants on any given issue.

I am in sympathy with the request, but there is a Constitutional problem, which the mover and the seconder have already identified, that if we did it this way it would be *ultra vires* the Constitution. Therefore, I cannot support it as it stands. But I would hope that we could find some way where serious issues, not just any frivolous matter to call as it were a general election on to get a vote on that particular matter to find out people's views, it would have to be a serious issue such as changing the Constitution.

Other persons have used development, saying that we could ask it about developments. I don't know if you could go that far. As I said, you have a Government at times and whether you like it or not, then as legislators you can only vote with them or against them. I, too, am concerned that we don't fling every system in the world into this country and think it can work, because that cannot happen in a community of 35,000.

So, while I am in much support and in sympathy with the mover and seconder of the resolution, by it being *ultra vires* the Constitution I would not offer my support at this time. Thank you.

**The Speaker:** Does any other Member wish to speak? The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddan:** Mr. Speaker, I think we may only have about four minutes left. I am wondering whether you want me to start now.

*[Members inaudible comments]*

**The Speaker:** I am in the hands of the House.

**Hon. Truman M. Boddan:** I am just wondering how many minutes you have left.

**The Speaker:** I have eight according to my watch.

**Hon. Truman M. Boddan:** Mr. Speaker, this motion is very clearly a motion that is *ultra vires* the Constitution and basically unlawful, as such, as we look at the Constitution as a law, and it is one in which—

**Mr. D Kurt Tibbetts:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order please.

**Mr. D Kurt Tibbetts:** The Minister has just said that the motion is unlawful. Perhaps what the motion is calling for is unlawful,

but, sir, certainly, the motion could not be unlawful otherwise you would not have accepted it, sir.

**The Speaker:** Maybe that is a poor choice of words. Please explain what you were saying.

**Hon. Truman M. Bodden:** I said it is *ultra vires* the Constitution.

**The Speaker:** Just withdraw the word 'unlawful.'

**Hon. Truman M. Bodden:** No, Mr. Speaker, with respect, sir, the Constitution is a law. And if it is against the law, it is unlawful. I don't want to press the point, sir, but legally that ... I don't need to get into that area. But that is the position if we want to look at it from a legal point of view, sir.

**The Speaker:** Please continue.

**Hon. Truman M. Bodden:** And what the motion is therefore seeking to do is one that cannot be done under the Constitution.

This motion is one that, to be frank (and I had better be careful saying that), speaking frankly, rather, is one that—

**Mr. Roy Bodden:** If you're gonna be frank with us that's really a change!

*[Members' laughter]*

**Hon. Truman M. Bodden:** I will have to change some of my Parliamentary language, I guess!

But, Mr. Speaker, it is a motion that really is seeking to do what in effect can now be done under the process that prevails under the Constitution. And it is really not as if this is going to bring in the machinery for a referendum in the country. That machinery already exists under the Constitution at the present time, and is one which has not, whether deliberately or not deliberately, been used by the three Members of the Opposition—the First and Fourth Elected Members for George Town, and the Third Elected Member for Bodden Town.

The machinery (or the provisions in the Constitution) is very clearly set out. And this motion is (to put it politely) misconceived in what it is purporting to establish because if a little time had been taken to read and understand the provisions of the Constitution then there would have been... in fact, this motion would not have come.

While it is perhaps unfortunate that Members of this Legislative Assembly would bring a motion that is outside—totally outside—of the Constitution under which we have to operate, in other words, this Legislative Assembly is constituted by the Constitution, and we have to live under it and abide by it as law-abiding citizens in the country. Maybe it will be better if those three Opposition Members admit their mistake and try to correct it and save as much face as they can in doing so. *[Members' laughter]* But to push and try to justify this motion at this stage is, in my view, not justifiable under the Constitution.

**The Speaker:** We have reached the agreed time of adjournment. The Honourable Minister responsible for Education, Aviation and Planning, would you move the motion for the adjournment?

### ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 5.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 8 OCTOBER 1998.**



**THURSDAY  
8 OCTOBER 1998  
10.15 AM**

*[Prayers by the Hon Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]*

**The Speaker:** Please be seated. Proceedings are resumed. Item No. 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies for late attendance from the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question No. 188 is standing in the name of the First Elected Member for West Bay.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 188**

**No. 188: Mr. W McKeeva Bush** asked the Honourable Minister responsible for Tourism, Commerce and Transport what is being done regarding the Licensing of Vehicles in each District as was agreed.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** . Thank you, Mr. Speaker. The decentralisation of the services offered by the Vehicle Licensing Department will be implemented in phases. The preparations for implementation of the first phase of the plan are almost completed and this will result in the opening of a Licensing Unit later this year in the Bank's Plaza in the district of West Bay. Initially, this Unit will provide vehicle inspection and licensing services from 1.00 to 7.00 PM on Thursdays and Fridays, and from 8.00 am to 2.00 PM on Saturdays. These hours should prove accommodating to residents of West Bay who may work outside the district during normal business hours. The business hours will be continually reviewed in order to be responsive to the needs of the public.

Phase II of the plan calls for setting up a similar Unit in the district of Bodden Town which will provide vehicle inspection and licensing services to the residents of the districts of Bodden Town, East End and North Side. Two sites are currently being considered for the placement of this Unit and a decision will be made in the near future. This phase will be implemented in 1999.

**SUPPLEMENTARIES**

**The Speaker** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Can the Honourable Minister say why he chose to read a statement yesterday, and not answer the question yesterday?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport, would you care to answer it?

*[silence]*

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Mr. Speaker, if the question seemed tongue-in-cheek I would just like to say that I take a dim view of placing a question on the Order Paper, or in the House to be answered, four weeks ago and not have it answered and have it answered first in a statement. I will explain to you, Mr. Speaker, that the matter of licensing and vehicle inspection goes a long way back in this House, as you, yourself may recall a Private Member's Motion brought by me being passed in 1989—

**The Speaker:** You will bring this to a question at the end please.

**Mr. W McKeeva Bush:** Mr. Speaker, I did start off by saying, or intimating, that that is what I intend to do. I said I was explaining first. ...And one being moved in 1985 by myself, and one being moved in 1995 by the Third and Fourth Elected Members for West Bay. It's not who gets something done, Mr. Speaker, but to have the courtesy to the House or to Members to say this is what has happened. I thank the Minister for getting it done, but I still take a dim view and the question is, Why would you allow it to happen? Maybe I can't ask the Speaker that because the Speaker can't answer.

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** I am very pleased that having assumed responsibility for the vehicle licensing in this country that we are able after one year to do the many things the public wishes to have done. I undertook on many occasions when I issued a statement in this House to continually keep Members of this Honourable House up to date as to progress being made and Members will recall that on many occasions, as recently as this week, there were individual briefings on this subject.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I would just like to draw your attention to the fact that the question was tabled on 31 August, and approved on 4 September. Thank you.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say on what basis the decision was taken to provide the vehicle inspection and licence services in the district of Bodden Town for the Eastern Districts rather than outside Breakers or somewhere in the Frank Sound area that would be more convenient to all three districts?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** That matter has not been finalised. We are still looking at two sites. It could be that even the two sites that we are looking at may not actually suit all the practical requirements that we need. So we haven't pinned down as yet the exact location. We basically came to the conclusion that being in Bodden Town is about halfway between George Town, North Side and East End. We looked at it from that point of view and also the fact that the fastest growing area in the island residentially is the Bodden Town/Lower Valley/Savannah area. Those are some of the things we took into our consideration. But let me reiterate that we have not finalised the location of this office as yet.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. In the answer provided the Honourable Minister mentioned that vehicle inspection and licensing will be possible in West Bay. Can he confirm. . . I mean are you going to also be able to do inspection of vehicles? Exactly where would this lift be located?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The office will be responsible for registration as well as inspection. The view of the Vehicle Licensing Department is that it is not always necessary to have a pit or a lift. There are other procedures that can be used to look underneath vehicles.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Having gotten this far with the service, is there going to be an extra charge for inspection or licensing?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The charge in West Bay will be the same charge as we do in George Town. No different.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Can the Honourable Minister say the exact location of the two places he mentioned earlier on in the Bodden Town area that are being considered?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** As I understand it from the Licensing Unit, we are looking at the area near the Police Station and also the Bodden Town Post Office area. But there are difficulties with both locations.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** One of the recommendations put forward in the Private Member's Motion that I moved in 1995 on this subject was for Government to consider licensing garages in the districts for inspection purposes. Can the Honourable Minister say if this consideration has been undertaken, or are the police going to do the inspections and provide the facility themselves?

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** The people in the district of West Bay, as well as in many other districts other than George Town are crying out for assistance in this area. We took the decision that we would carry out this inspection and registration from our own staff initially. Where we move will depend upon what the inspector finds when he is inspecting a vehicle. He may refer it to a garage which provides much more extensive inspection and maybe even repairs.

**The Speaker:** If there are no further supplementaries the next question is No. 189, standing in the name of the Elected Member for North Side.

#### QUESTION 189

**No. 189: Mrs. Edna Moyle** asked the Honourable Minister for Agriculture, Environment, Communications and Works to state how operators of emergency vehicles locate addresses by using the numbering system that is now in place.

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

**Hon. John B. McLean:** Mr. Speaker, the E-911 centre has currently available the following materials to assist

their vehicle operators in location of properties by address:

1. The latest update of the computerised Street Address dataset.
2. Full-colour wall maps of all Islands, showing all road names determined to date.
3. A full listing of road names determined so far.

Operators, when experienced in the pattern of property number distribution universally adopted for the Cayman Islands (with only minor variations), will be able to pre-determine, almost exactly, the position of the property which they seek in the named road, entirely from the building number. This is made possible by the Street Address Committee's decision to create a uniform pattern of property numbering throughout the entire Cayman Islands, based upon a simple but unique set of rules.

Each time emergency vehicles are dispatched they are given the new street name and house number, but reference is also made to the old street name and this will continue until Officers become more familiar with the new names.

In cases where a responder has difficulty locating the address, the 911 telecommunicator will locate the address on the up-to-date map within the 911 Centre and give directions as necessary.

### SUPPLEMENTARIES

**The Speaker:** Elected Member for North Side.

**Mrs. Edna Moyle:** I thank the Honourable Minister for his in-depth reply, but I am more lost now than before I asked the question. Were the operators of the emergency vehicles in this country on the Committee that decided to use this unique numbering system that now exists in Grand Cayman?

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

**Hon. John B. McLean:** I would appreciate if the Member could repeat that question.

**Mrs. Edna Moyle:** My question was: Were the operators or the departments—that is the police, ambulance, and fire, particularly the ambulance—on the Committee that decided to use this unique numbering system that now exists in Grand Cayman?

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

**Hon. John B. McLean:** We tried our best to put as many people as possible who had a wide knowledge of the necessary things for this country that would make the 911 system operate on the Committee. I don't know if we could have done anything better than that.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister explain what he means by "based upon a simple but unique set of rules" to the house?

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

**Hon. John B. McLean:** We have rules in place that we hope will be, regardless of how it is interpreted, something that persons can interpret quickly and become very professional in their jobs. The 911 system has not been something that has been implemented by the Minister or the Portfolio; it has been something that we brought in professionals for, and the recommendations of how it operates has been actually put in place by the consultants.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I don't recall asking a supplementary on 911. I do have a question on the Business Paper for 911, but my question refers to where in his answer he said, "**This is made possible by the Street Address Committee's decision to create a uniform pattern of property numbering throughout the entire Cayman Islands, based upon a simple but unique set of rules.**" I am asking the Minister if he can explain to me and the House what is the simple but unique set of rules. That is all I am asking.

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

**Hon. John B. McLean:** If there is something that the Member is asking that I don't have, I will be happy to give it to her. But thus far the most I can say to her is that we have tried our best to make it as easy as possible for communicators throughout the Cayman Islands and if it is something specific that she needs, I will definitely have it given directly by the 911 system.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister tell me from this simple, unique set of rules—when I drive through the district of Bodden Town and I look at the building just before one gets to the old Bodden Town clinic it is number 190 with a space just big enough to hold a car if it reverses into that space and then the old clinic is 186. How was that arrived at when we have certain Planning laws in this country that we are going to put another street number between those two buildings in a space of barely six feet?

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

**Hon. John B. McLean:** I was in Canada not too long ago, and I recall searching for a home. And on both sides of the road we have what we have here. It is just how the

numbers are laid out. Not because we have a straight road that each building is going to have the same number. I am only saying what has been passed on to me, but I have at least seen it before, not only here in Grand Cayman, but in foreign places.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say if a number is placed at every 5.8 feet on a road? That is what I am trying to find out when we have Development and Planning laws in this country that do not allow us to build on that amount of land.

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

**Hon. John B. McLean:** First of all, I would like to say that I have no jurisdiction over the Planning laws or what happens and the plans that are approved. What I would like to point out is that we have to realise that we have just implemented a 911 system which is working well regardless of who wants to knock it. And the fact remains that we have done so because already in certain areas of the country, as she mentioned, houses have been built and it is my understanding that the system being used, is best workable for those areas. I am not a professional in this and all I can say is that the consultants were brought in by Government, this is what has been recommended, and this is what is in place.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if this numbering system is used in any other country, and if so, can he give the House a list of these countries? And also, why was it decided not to follow the universally accepted principle in other countries where odd numbers are on one side and even numbers on the other side of the road.

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

**Hon. John B. McLean:** I cannot answer exactly what he is asking. But what I will state is, I will reiterate what I just said. It is my understanding that the consultants after coming to the Cayman Islands—and of course someone by Government to do so—this was the recommendation that was accepted and I can say no more than that on the matter.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I think that this is important, sir. I am trying to ascertain whether the system that we use here is unique to the Cayman Islands or if there are any other countries who use this system. The importance of this question is in the fact that we have many visitors, residents and tourists who would be familiar with the univer-

sally accepted system of odd numbers on one side, and even numbers on the other.

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

**Hon. John B. McLean:** I take note of what has been said by the Third Elected Member for Bodden Town. But, again I would like to say that we have to realise, especially in certain areas driving through small villages like Bodden Town and, of course, my district (and I am sure we could go on to North Side), that we have houses that I am sure were built in some cases without Planning permission. As I understand, it was impossible for us to run odd numbers along the opposite sides of the roads.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say if it is Government's intention to equip all emergency operators with a GPS? [*i.e.* Global Positioning System]

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

**Hon. John B. McLean:** Sorry, Mr. Speaker, that is outside the ambit. We have Fire, which is under another Minister, and we have the Ambulance under another Minister, and I have no responsibility for that.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** This is another matter of passing the buck. The Lands and Survey Department comes under this Honourable Minister, and so does street numbering and the 911. I think there was an article in the newspaper that stated it was the intent to equip (this was by the Lands and Survey) all emergency vehicles with GPS which can put them in front of a building they are called to within two or three inches. I am asking if it is the intention of the Lands and Survey Department, which comes under this Honourable Minister who handles the street numbering and who handles the 911 to equip them with a GPS.

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

**Hon. John B. McLean:** In case that Member does not understand how things go, the Lands and Survey Department is prepared to do whatever it has to do. The point I was making was that the emergency vehicles do not fall under my Ministry. If we are requested, and funds are provided, we will definitely do whatever is necessary.

**The Speaker:** The First Elected Member for George Town. This will be the last supplementary.

**Mr. D Kurt Tibbetts:** Thank you. Can the Honourable Minister say—because I think there is obviously some

concern regarding the street numbering system—forgetting about the simple but unique set of rules... Can the Honourable Minister, in fairly short order, simply explain to the House exactly how the system works— how the numbers we see on the buildings are arrived at? There must be a basic formula which can be explained and which would allow one to look at one number and quite understand why the next number is what it is. I think that is what people really need to understand and although there has been some PR about it, I think it is fair comment to say, by and large, that people of the Cayman Islands really do not understand it. I think that is one of the things we want to find out. Perhaps the Minister can explain that.

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

**Hon. John B. McLean:** We will continue to do PR work and it is my understanding that the island was actually split into different sections in order to apply the numbers. The street-naming and the numbers have been working hand-in-hand with each other and it is my understanding that, especially with the numbers, it was very hard, especially in the smaller districts, or I should say the more developed districts where we could not in any way make it as uniform as possible. However, it is my understanding that it has been plotted in such a way that it is actually easy to find.

**Mr. D Kurt Tibbetts:** Mr. Speaker, sir, I know what you just said, and I simply crave your indulgence—

**The Speaker:** Do you have a follow-up?

**Mr. D Kurt Tibbetts:** Please, if you don't mind, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you.

The question was asked why the universally accepted system was not followed, meaning each parcel of land, basically has a number. We all understand there are some parcels of land that have more than one building, or more than one residence in some areas. So I don't think that anyone queries the difficulties that may have been encountered. But, from the answer the Minister just gave, (and I want the Minister to please take it for what it is), it seems like someone wanted to make the task more difficult to get more work to do. So my question is (and I am just telling you what it seems like), can the Minister explain by comparing what most of us understand would have been the system and what the actual system is, what was the exact reasoning behind using one, as opposed to the other?

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

**Hon. John B. McLean:** We constantly bring in consultants. Consultants were brought in and this was the recommendation which was accepted by Government. I understand what the Member is saying, but the fact remains that this was what was accepted and this is the system we have in place.

**The Speaker:** Moving on to question No. 190, standing in the name of the First Elected Member for George Town.

#### QUESTION 190

**No. 190: Mr. D Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning if there are any specific plans and/or a timetable for Government to address the increasing need for classroom space in the public schools.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** It is obvious from the enrolment figures that additional classroom space is needed in the public schools of the Cayman Islands. Accordingly, it is proposed that two new primary schools be constructed, one in the West Bay area, so as to bring the size of the primary schools in West Bay to no more than 350 students per school. The present enrolment at John A Cumber Primary school is almost 500.

The second primary school is to be constructed on a site, as yet to be determined, between George Town and Bodden Town, in order to ease the overcrowding in that area. This school would also be constructed so as to accommodate a maximum of 350 students with the majority of those students being drawn from the George Town, Red Bay and Savannah catchment areas. Both of these schools will need to be constructed prior to the September 2000 school term. I should mention if we can speed things up here, it should be done by September 1999, would be the best target.

Enrolment at the secondary schools dictates that a new high school should be completed and ready to take students in the September term of the year 2001. I would like to bring that down to 2000, if possible.

The construction of the Lighthouse School will begin shortly in 1999 with anticipated completion early in the year 2000. This will enable the students at the present Lighthouse facility to be transferred into this new facility which will more efficiently accommodate their needs.

The construction of the Administration Block at Red Bay, which includes teaching space, will begin by October 1998 and should be completed by Easter of 1999, thereby easing some of the pressures on the existing classroom space at Red Bay Primary. The renovation of the Cayman Foods building into the School Hall for Red Bay Primary School, will also give Red Bay Primary considerably more flexibility in scheduling events such as music classes, a canteen area and open space for other activities.

The multipurpose hall for John A Cumber Primary School will begin construction in 1998 and will be finished

by September 1999 thereby providing some solution to the canteen problems at John A Cumber as well as providing open space for music instructions.

Construction of a two-classroom block for East End Primary School is scheduled to begin in 1999 and that block will be ready for occupancy by September 1999.

The Administration Block extension at George Hicks High School is scheduled to begin in 1999 and that facility should be completed early in the year 2000.

The renovations on the existing structure at the old Dr Hortor Hospital site for the new Alternative Education School is scheduled to begin, subject to safety and structural inspections, early in the year 1999 with an anticipated completion date some time prior to the opening of school in September of 1999.

While the completion of the purpose-built kitchen on the George Hicks High School hall will not give additional classroom space, this will give a purpose-built canteen for George Hicks High School and that project is scheduled to be completed early in 1999.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town .

**Mr. D Kurt Tibbetts:** Perhaps the supplementary will start from outward coming in rather than from inward coming out. Can the Honourable Minister state, if based on the answer given to the substantive question, any projections have been made when all of these facilities are complete as to what additional recurrent costs are going to be involved on an annual basis?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** I would have to give that in writing. It is not something that I have prepared with me at this stage.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Can the Honourable Minister say what would be the size of the Alternative Education School?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** That is still in the design stage. It would be one building there and it would be designed to take probably in excess of 55 children.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** As the Minister stated in his answer where the two primary schools are expected to be completed by September 2000, and he is hoping, if pos-

sible, to move that up to 1999, bearing in mind that at least one of the two schools does not have specific property identified to this point, I suspect that plans have not been drawn at this point in time either. Can the Honourable Minister say, bearing in mind his projections and so that he will understand I hope along with him—no arguments there...Can he state if there have been any projections done given the historical data available as to when these schools are completed, what length of time it will take before they too will become overcrowded.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** The projections will follow substantially the increases that we have seen and unless there is, or I should say economists say, other things being equal, we should be on-line to cope with students for some years to come. I would rather come back on something more specific with that.

But what I would just like to say, the other thing that fluctuates that has to be taken into consideration... this year there were 269 extra students in the system. Only 66 of those went to the Government schools. The private schools took in another 203. This is why it is very important, extremely important. Those 203 children (if the private schools had not taken them) would have been entitled to come into the Government system.

So what has been happening—and this trend is very good from an economic point of view, a financial point of view for Government—if we multiplied that by, say, \$5,000 or \$4,000 per student that would be about \$1 million recurrent, for example. But it is just about the equivalent of another school that would have to be built.

When we think of it, the private school grant is less than that per annum and what they lift off of us in recurrent expenditure is about \$12 million per year. So what is in Government's interest is in these projections to try to keep the trend that Government deals with whatever students it has to, but that it also assists the private schools to take in excesses that Government cannot take in. So this has helped us tremendously this year. If the private schools had not taken in the 203 and we had had to be faced with 269 instead of 66 we could not have coped. I would just like to thank the private schools and say that their being there lifts one-third of the financial burden per annum off Government.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just to be very clear on the answer the Minister just gave, . . . By the way, Mr. Speaker, if I may I would like to propose—

**The Speaker:** I will entertain the motion.

### SUSPENSION OF STANDING ORDER 23 (7) & (8)

**Mr. D. Kurt Tibbetts:** I beg to move the suspension of the relevant Standing Orders to allow Question Time to continue after 11 o'clock.

**The Speaker:** Suspension of Standing Order 23 (7) & (8). Do we have a seconder? The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I beg to second that.

**The Speaker:** The Motion has been moved and seconded. Those in favour please say aye. Those against no.

**AYES.**

**The Speaker:** The Ayes have it. Question Time continues.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 O'CLOCK.**

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** As I was saying, just to make sure I understand very clearly what the Minister is saying: In the entire public school system in the Cayman Islands, there were only 66 new bodies accepted in September of this year? Perhaps he could explain clearly.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I may not have made that clear. Last year in the Government school system we had 3,831 children and 1,861 in the private school system. This year we have 3,897 students—66 more students. So there are a lot more new students, but there are 66 more in number in this academic year than last year of the total. I am sorry if I did not make that clear.

**The Speaker:** First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I now understand. That means that we still have on an average yearly, an increased amount of new students coming in regardless of the proportions, public and private, or whatever. I have asked the Minister about how long the new schools planned will take before they are overcrowded and he answered that he would get specifics on that.

My next question to the Minister is: Is there any sort of planning being done in conjunction with both the Department and the Ministry to the point where this programme will be ongoing so that we don't have what we are talking about now finished and then we wait a few more years and go through the same problem again? Are we looking at this on an ongoing basis, so that, first, we don't have to find \$50 million in one year and, second, so

that we do what is supposed to be done in order to accommodate the requirements as the years go by?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The answer is yes. There is a forecast there and these three schools will give us considerable capacity. Unless, as I mentioned earlier, things change from the normal. In other words, it is hard for us to tell. For example, if one private school closed down it would really throw a very heavy burden on us, or if we had a very large influx, if the birth rate goes up, for example, or a large influx of students from abroad. But there is forecasting in there. Forecasting was done internally and there is also an external view on that. I will get that to the Member, sir.

**The Speaker:** First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The Minister will think that I am being devious, but I am not. As the Minister knows, this is near and dear to me, and I have to make my point. My question is, as the Minister has answered that forecasting is being done regarding numbers (and I am assuming that is in line with what type of accommodation will be needed over a given time period). Can the Honourable Minister say how long this has been going on? And why has it taken so long to spur the action we see planned as outlined in the substantive answer?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The forecasting started about four to five years ago and it continues. I appreciate that the figure of \$50 million for schools is high. But, as I have said in the past, I think health—which is extremely important—has had its share of the capital revenue and we have, thank God, an extremely good health facility/hospital and in each district. I would now like for a priority to be put on these schools. I appreciate that everything cannot be done at one time, but for us to work progressively towards that because two new primary schools and one new high school will definitely put us in good shape for some time to come. And I ask all Members to support as much capital each year towards that plan as we can.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Perhaps we can end the exchange on a good note. Perhaps the Minister could give a firm undertaking that as long as he is responsible he will not allow the situation which now prevails to reoccur.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Naturally, I can only work, with the tools that I am given. I will undertake to continue (as I have always done since 1976) to promote education, to avoid any recurrence of problems; whether it is this type or any other that we have had in the past, and to really push to develop education to its highest standard.

I must say, however, that the Cayman Islands are very lucky. When we go to other countries, in comparison many of them are a lot poorer than we are. We have been blessed. I can say that education has always been one thing that I have given my utmost to because not only do I have two young children that I have to ensure this country and the education system continues, but I also have spent a very large part of my life after leaving school getting education. And it is very near and dear to me, both personally and in the interest of the country. I give the undertaking to the Member that I will do everything that I can to promote education and give it my best.

**The Speaker:** If there are no further supplementaries we will move on to question No. 191, standing in the name of the First Elected Member for West Bay.

#### QUESTION 191

**No. 191: Mr. W McKeeva Bush** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if the Government is aware that there are insurance companies which are now refusing to cover certain long-term clients whom they now see as high risk. This question might have already been answered in a supplementary several days ago.

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

**Hon. Anthony S. Eden:** I thank the Member for making that observation, but we did prepare a formal answer: The Government is aware of certain cases in the past where insurance companies have not offered renewal of health insurance policies. Health and other insurance policies are annual contracts and there is no obligation on either party to the contract to renew on expiry.

All insurance companies review claims' experience under their policies, not only in health insurance but in all classes of business which they write, prior to offering renewal. If recent claims have been high, the total will be compared with premiums paid over, say, a ten-year long period, or since original inception of the policy. Where the claims' experience is considered unacceptably poor, then various forms of underwriting action may be taken, including non-renewal if the future outlook does not indicate hopeful prospects for an improvement in the claims experience.

To the Government's knowledge, the incidence of insurance underwriters in the past not offering renewal of health insurance is extremely low. However, as the members of this Honourable House will be aware, the position is changed now that the 1997 Health Insurance Law came

into effect. Under section 12(1) of the Law, insurance underwriters are not permitted to cancel or refuse to renew a Standard Health Insurance Contract, except where the premiums are significantly in arrears or where there has been misrepresentation or non-disclosure of a material fact by the insured person. Therefore, insurance companies are no longer permitted to refuse renewal of the Standard Health Insurance Contract on grounds of heavy claim experience alone.

**The Speaker:** Supplementaries? If there are no further supplementaries that concludes Question Time for this morning.

Item 4 on today's Order Paper, Statement by Honourable Members/Minister. Statement by the Honourable Minister responsible for Tourism, Commerce and Transport.

### STATEMENT BY HONOURABLE MEMBERS/MINISTERS

#### DEPARTMENT OF TOURISM MARKETING EFFORTS

**Hon. Thomas C. Jefferson:** Over the last several years, the Ministry and Department of Tourism have been concerned over the lack of growth in visitor arrivals from the Japanese market. Consequently, the Department of Tourism was asked to carry out a review of this market with a view to determining whether we could revive the market, or whether it was no longer feasible to have a presence in Japan. The conclusion is that Japanese travellers demand specific goods and services such as those they are accustomed to in their own country and are reluctant to visit countries that do not cater specifically to their needs.

It is perhaps also fair to say that it may be considered economically imprudent for both Government and its private sector partners to invest funds for this cause as it is unlikely to result in an acceptable rate of return on investment. It is also recognised that the overall economic situation at this time in Asia and Japan is not conducive to tourism development from these countries. And we know, too, that our major competitor for the Japanese market is Hawaii.

Government, acting on a recommendation from the Ministry of Tourism, has therefore decided not to renew its contract for tourism representation in Japan when it expires at the end of this year. I wish to inform this Honourable House of a new tourism initiative.

In keeping with the policy of Government to diversify our promotional and marketing efforts, and to expand the base of our tourism market, the Cayman Islands Department of Tourism is now well-established in the United States of America, Canada, the United Kingdom and Europe. In looking at other potential markets there were basically two geographical areas that remain to be considered, that is, Asia and South America. Given the poor economic climate that now exists in Asia, it was decided not to consider that area at this time for possible targeting.

The feasibility study then focused on South America and our research pointed to three main countries: Argen-



tina, Brazil and Chile. We did not consider it financially prudent to try to establish a meaningful presence in three countries at the same time, so after further research, we concluded that we would target Argentina. This decision was based on the overall profile of the travel habits of the people, the prevailing economic conditions in the country and access to the US gateway served by our National Flag Carrier, Cayman Airways Limited.

In August 1998, the Ministry of Tourism led a delegation to Argentina with a view to investigating the possible viability of the Argentine tourism market in respect to the Cayman Islands. The delegation, which consisted of the Minister for Tourism, the Permanent Secretary for Tourism, the Director of Tourism, the US Director of Sales and Marketing, and the Manager of Special Markets, visited Buenos Aires during the period 15-21 August, 1998. The delegation met with senior managers of airlines providing direct service to the Miami gateway and included United Airlines, American Airlines, Lan Chile Airlines, and Aerolineas Argentinas. In addition, a seminar was held with the top producing tour operators in the Argentine market.

Without exception, there was a clear indication that there is definitely a market for Cayman Islands tourism in the upper level income of the Argentine market. All indicated a desire to do business with an upscale destination that is new to Argentina.

Following the visit to Argentina, Government appointed a company to represent the Department of Tourism in Argentina and several officials of the company have visited all three Cayman Islands to obtain firsthand knowledge of our product, and to establish contacts with our private sector partners. It should be noted that there is no proposal to increase the budget of the Department of Tourism to provide for representation in Argentina, but, rather, funds which were previously utilised in Japan will be diverted to the Argentine market as a result of the decision taken earlier to cease representation in Japan.

The addition of South America to our market will enhance the international exposure of the Cayman Islands and the Ministry looks forward to the anticipated performance of the Argentine market in 1999. Thank you.

**The Speaker:** Maybe this would be a convenient time to take the morning break. We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.20 AM

#### PROCEEDINGS RESUMED AT 12.03 PM

**The Speaker:** Please be seated. Proceedings are resumed. Item 5, Private Member's Motion No. 21/98 (sic) [23]/98. Referendum Law debate continues. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 23/98

#### REFERENDUM LAW

*(Continuation of debate thereon)*

**Hon. Truman M. Bodden:** Continuing on from yesterday. The motion we have before the House is one in which it is not possible under the Constitution for this law to be properly, or to be put through the Legislative Assembly. The section is one that to me at least is quite clear and I would like to in due course look specifically at it.

In section 29 (2) of the Cayman Islands (Constitution) Order it says, "**Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the Elected Members of the Assembly, to be a matter of national importance and specified in such law.**"

The ingredients therefore for having a referendum... and I would like to point out very clearly, despite what was inferred yesterday, there is a very clear and possible section in this to hold a referendum; it is not as if a referendum cannot be held in this country.

First, it says that there must be a resolution that is adopted by a majority of the Elected Members. That is the first point. It is not the full Assembly, and despite the references that were made when the Third Elected Member for West Bay was referring to the question of what passes the House, when dealing with this resolution it is only the Elected Members of the Assembly that pass the resolution as to a referendum.

Secondly, and this has to be made clear, any Member of this House—Government, Backbench, Official, Elected ExCo, any single Member of this House—can move a motion in this House to bring a referendum in. So let's make that abundantly clear. There can be no doubt that the machinery for bringing a referendum is very clearly set out in the Constitution and it is very workable. This is very important.

So, Mr. Speaker, I believe there have been more resolutions (at least in my last six years in here) brought by Members of the Backbench and Members of the Opposition than in any other House. Obviously none of them (and I am just dealing with the Opposition) wanted to have a referendum on any issue: otherwise the Third Elected Member for Bodden Town, or the First or Fourth Elected Members for George Town—any one of them could have moved a motion in the House which if passed by the Elected Members—and I point that out, sir... Remember on this Government Bench here there are only five Elected Members and there are ten (including yourself, sir) on the Backbench of the House.

So the remarks made in relation to the Third Elected Member for West Bay, when looked at in the light of this, shows that it is very possible that under the Constitution a referendum can be brought. So the first ingredient is that there must be a resolution adopted by a majority of the Elected Members of the Assembly and it is to be a *matter of national importance*. That is the second ingredient, sir.

The use of the referendum has to be on matters of national importance for the simple reason that was very clearly brought out by both the First and Third Elected Members for West Bay. A referendum is, in effect, the same machinery as you have at a general election in regard to polling—it is neither a short procedure nor an inexpensive one. So those two issues would have to be looked at and that is why it has to be a matter of national importance. And, thirdly, it will obviously cause disruption to the country as do elections.

After that resolution is passed, what then happens is that a Referendum Law incorporating the question of the matter of national importance is then passed by the Legislative Assembly and in it the machinery. . . it's a very short law, really. And in that it would apply, the sections, I would assume, of the Elections Law that relate to the polling and all of that procedure.

So, in effect, the Referendum Law, I would think, does not have to be a very long law. Secondly, I know the Third Elected Member for Bodden Town tried to say that it would take ages for it to be drafted and brought to the House, but obviously the learned Honourable Attorney General would ensure, I am sure, that this law would come to the House, the Referendum Law, within a short period of time because if there was any delay on that it could affect the issue. I think an issue of national importance needs to be dealt with within a fairly short reasonable period of time.

So there is, and there always has been since this Constitution was amended in 1993, a section in there for a referendum that can be easily brought in by this House. So I would like to put it beyond a doubt because I know the Fourth Elected Member for George Town spent a lot of time talking about the National Team and what it should have done. But, surely, that Honourable Member is smart enough—or, I would hope he is smart enough—to have read this section and understood that he could have brought a motion in this House, as could any other Member, and I stress that again—any Member of this House can bring the motion on a matter of national importance to the House and get a referendum in the Cayman Islands.

I would like to reinforce what the First Elected Member for West Bay, and I think also the Third Elected Member for West Bay mentioned—that the National Team has kept what its manifesto said. The referendum is in the Constitution and I am going on to show what is in the Constitution and what was recommended by the Members of this House at the time in the Constitutional Selection Committee and what it recommended.

So the National Team has honoured what was in its manifesto, and we will always honour what is in our manifesto. I am not saying that there will never be areas that

times or things change, but in relation to this there is a very effective section in the Constitution.

If there are a lot of people who feel that a referendum needs to be triggered on a matter of public importance, then obviously they can do that petition in to any Member of the House who could take the matter up, if the Member feels that it is a matter of national importance; or any Member of this House can bring the motion for a referendum and have it.

So it is wrong to state or to imply that unless the Constitution is changed there is no way of having a referendum in the Cayman Islands. I am not saying that anybody has said that, I am just saying it would be wrong to imply or to state that the Constitution would have to be changed to bring in a different system for a referendum because there is an effective way.

If 10% or 20% of the voting public petitioned a Member, if they feel a need for that sort of thing, then, obviously, the Member would put the motion in the House. And if it is accepted by the Elected Members, and I point this out again, the Elected Members of the House, then a referendum would take place.

The second point I would like to clear up, . . . and, Mr. Speaker, I stand by what I said in 1989 and all the other things that were read. I really don't understand why on this specific issue that there has been the attack, verbal attack I would say, on me in relation to this matter because I have always believed in the referendum and I have stated that time and time again. But the implication that was given by the Fourth Elected Member for George Town was that the Government must bring this referendum every time, it seems. There is no more duty on the Government to bring a referendum than it is on every Member of the Backbench on a matter of national importance if they feel it should be brought.

The second point I would like to make is that in the report of the Select Committee of Elected Members to Review the Cayman Islands (Constitution) Order 1972, which was a 1991 Session of the Legislative Assembly did a report to this Honourable House that was the 14<sup>th</sup> meeting on Thursday 18 July, 1991. I am sorry, it arose in that meeting, the date of the report was. . . there's no date on the report. *(Pause)* Mr. Speaker, it was to that session. I don't see a date where this has been signed by the Members who supported the majority report. Four Members and I did a minority report. But, anyhow, this is what was recommended by a majority of Members and it is paragraph 25 on page 18 of the Report. It says, "**By majority consensus it is recommended that:**

1. **The new Constitution make provision for holding of referenda.**
2. **A referendum should only be held in regard to issues of national importance.**
3. **The holding of referendum shall be subject to the passing of a resolution in the Legislative Assembly by majority vote of the Elected Members.**
4. **A referendum shall be advisory in scope only.**
5. **The Legislative Assembly shall in due course pass a Referendum Law."**

So what is now in the Constitution clearly falls within paragraphs 1 through 4 in that the Constitution provides for a referendum, it provides in regard to issues of national importance; it must be a resolution passed by majority of the Elected Members that the referendum shall be advisory in scope only; and that the Legislative Assembly shall pass a law to deal with the referendum. So what the Third Elected Member for Bodden Town and the Fourth Elected Member for George Town read, in considerable depth, that I had said, Mr. Speaker, I stand by.

I have always believed in two things: (1) any major issue/change in the Constitution of the Cayman Islands goes to a general election which is the normal way it is done in the United Kingdom. (2) The alternative, depending upon what was decided there by the UK, can be used on any issue, whether it is Constitution, or anything else, traffic, whatever, can be by a referenda provided that it complies with this section.

So, it is clear that not only what I said, but what the Members of the Legislative Assembly at that time— I appreciate that at that time the First and Fourth Elected Members for George Town were not Members of this—I am just looking now—

*[inaudible interjection]*

**Hon. Truman M. Bodden:** Right. They were not Members of this, and obviously they may not have known of this. But, obviously, somebody did a lot of good research, Mr. Speaker. I don't know if it was done by those Members or if they had someone do it, to produce the mass of what I had said. But that was all said because I believe the three Members of the Opposition that spoke on this motion were of the view that I was going to stand up here and oppose the referendum. I fully agree with the referendum. I have always propounded that. I have moved motions on it, but what I am saying is that it is clearly in the Constitution and it isn't for me alone to use it; any Member of this House can use the referendum amendment that is in the Constitution.

Now, Mr. Speaker, this session and other sessions, but especially more recently on Monday, there have been no end of attempts to discredit me. I have been ridiculed, I have been humiliated in many ways. I sat on Monday afternoon after another barrage of ridicule had been levelled at me and I thought: when I oppose a motion the Opposition comes at me saying whatever it has to say, opposing me or trying to catch me out, or whatever; when I say nothing on a motion, it is the same barrage; when the motion isn't even mine, I am still blamed for what is done; and even worse than that, when I say nothing at all, I am still blamed. When I say 'attack', I mean orally attacked on the subject. But I must say this is really a new twist— because, as I said, when I say something I am blamed, when I say nothing, I am blamed, when it is somebody else's subject, I am still blamed. But here now is a motion that the Opposition has brought where it has obviously (in my view) made a mistake under the Constitution on it, and I am blamed; it appears as well with everything else that

has been going on . This is probably the last scenario in which—

*[inaudible interjections]*

**Hon. Truman M. Bodden:** As the Third Elected Member for Bodden Town says, "politics." But the public is very aware that I am stable and I am continuous, and if I have to put up with this, okay, but I must say that this one now really beats me to understand. I don't know what the mover and the seconder thought about when they were bringing this motion, but what is very clear is that either they did not understand the Constitutional section—I can't believe that that was not understood—or the motion was brought with the intention of, I guess, trapping the Government into accepting and bringing a law which could not be brought because it was *ultra vires* the Constitution.

In other words, it could not be brought under the Constitution. Or, they made a genuine mistake, as everyone does from time to time. I don't know which of the three it was, but really, . . . and, Mr. Speaker, in this I was quite helpful (I would say), because about three weeks back I did mention to one of the Members that, '*there is a problem on this, have a look at this section.*' But to turn around and blame me after I tried to be helpful in pointing out the problem and to say that we need some other amendment to the Constitution to bring in another type of referendum or whatever, is really beyond me.

The position is clearly that a referendum is very possible under the present Constitution. I would also like to point out that it is very important in the motion that comes for a referendum, and in the law, that the question that is put in a referendum is one of the utmost clarity. In other words, the question has to be very precise in a referendum so that the answer is a precise one, if Members follow what I mean, so that the results of that. . . there can be no doubt.

The Fourth Elected Member for George Town was talking about transparency and, by the way, I looked at the transcript it was really amusing to see that after the barrage that had been fired at me about this motion—which I am totally innocent of doing, merely of pointing out the impossibility under it—that the Fourth Elected Member for George Town went on to imply that if there was a problem with this motion now, why don't we just change the Constitution and bring it in.

Mr. Speaker, that is the biggest joke I have heard in many years. It shows clearly that that Member, in fact. . . I will just deal with that Member. . .that Member obviously doesn't have the ability as was stated to sit in the Executive Council seats if there is a lack of understanding of who makes the Constitution for the country. That is a very basic error.

In fact, criticism went on about this, talking about being a tool of transparency and does the political directorate have the will to do it . . . a total misunderstanding, Mr. Speaker, of a very simple clause in the Constitution. The Cayman Islands is a complex country now, and if basic sections of the Constitution such as this are not understood by Members of the Opposition at times, then God

help this country the day that it is run by persons who either do not understand or who do not really read as carefully as they should sections of the Constitution. So, a lot of what was said is really not in my view relevant, because the Constitution does provide the machinery for a referendum.

I am not certain of what the reference was to transparency or what was meant there, but what is clear is that in another area of the Constitution and the law, transparency (and I am speaking generally), is also very important. Because, while there is an accepted practice that at a time when elections are on, election expenses are contributions to that, a year or two after the election, as we know in one instance where contributions are taken up from members of the public and used and no statement is made as to where it has come from or anything else, speaking generally, that is a real lack of transparency and the Constitution does provide certain sections in that for declaration of interests and the law provides in relation to these contributions. So all I can say is that one has to be careful that when talking about transparency that it applies to everybody, not just the Constitution, not just the Government, but all Members of the House and even outside of the House.

It seems to me that the road taken on this motion is one, Mr. Speaker, that is misconceived; it is one that definitely I cannot be blamed for. In fact I have tried to help point out the problem that existed with it. It is very clear that there has been a misunderstanding of the Constitution and hopefully now that it has been made clear, that the mover in his winding up will accept ... In fact the mover actually stated this at an earlier stage. I should say, sir – that the Constitution provides a very effective means of bringing a referendum to the Cayman Islands. The procedure that is set out, was first recommended in 1991 by all Members of the House (I would think) at the time and one that is provided in the Constitution.

Also, sir, I would just like to reiterate that the National Team has abided by our Manifesto, both in 1992 and the present one. The sections that are in the Constitution are in accordance with our Manifesto and we fully support them.

And most importantly, Mr. Speaker, now that the learned Attorney General in his opening has set out the legal position very clearly—even though I would still submit on reading this section—you do not have to be a lawyer to understand a section this simple. To me it is simple and it is one that is effective for bringing in a referendum. So, Mr. Speaker, I think rather than having aspersions cast on why referenda have not been held, the right exists in every Member of this House – not just the Government. Every Member of this House has a right to move a motion. And, Mr. Speaker, as we know, this time for example, there must have been nine or ten or something motions alone—seven this time. I don't have the earlier Order Paper, but there have probably been about 20 for this whole session of this year—or this part of this year—that have been brought on it. No one in this House can blame anyone else, Mr. Speaker, for a referendum not being called on any issue.

And to the Fourth Elected Member for George Town I would say again—before he begins to attack, or discredit or attempt to embarrass, it would be better if he reads the applicable sections, does the research, and tries to find somebody ... because the public is really tired and disgusted of the constant attacks by the Opposition, only levelled at me, Mr. Speaker.

As I said earlier, when I do not speak, I get attacked; when I speak, I get attacked; when I say nothing at all, I am still attacked. And this time a mistake made (or I assume it was a mistake made) by the three Opposition Members, I am even blamed for that as well. So I would say constructively, Mr. Speaker, this country is in a good financial position. We have been lucky because the world has been suffering financially and we must keep this country on an even keel. Whenever a referenda is required then provided it is a matter of public importance, as the Constitution states, the public of this country will have the referendum that the Constitution provides for.

Mr. Speaker, out of all these motions this is really only the second one that has not been accepted by Government. But there does come a time, as in this case, where it is impossible for the law that is called for, to be made by this Honourable House under the Constitution as it stands.

I would like to reiterate again that the Constitution of this country cannot be changed by the whims and fancies of a simple motion to the House. It is a Constitution passed in the United Kingdom by the Queen in Privy Council and one that has to go through the same procedure each time—as was done the few times that amendments have been made to it before.

So, hopefully, Mr. Speaker, having set out constructively the position on this, I hope that there is no attempt whatsoever to try to say otherwise on what is in the Constitution that an effective process to have a referendum is in the Constitution. It can be brought by a motion of any Member on any side of this House at any time on a matter of public importance.

Thank you.

**The Speaker:** Does any other Member wish to speak? (pause) Perhaps this would be a convenient time to take the luncheon break. Proceedings are suspended until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 12.40 PM

#### PROCEEDINGS RESUMED AT 2.39 PM

**The Speaker:** Proceedings are resumed. Please be seated. Debate continues on Private Member's Motion 23/98. Does any other Member wish to speak? The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

My comments will be brief on this Private Member's Motion 23/98. However, before commenting on the motion, I wish to express my disappointment with some of the remarks I have heard outside of this House presuma-

bly made by certain Members of this House following my debate on the Ritz-Carlton Motion. I hold my colleagues in the very highest regard and it is disappointing to me when my remarks are deliberately misconstrued for whatever reason, be they political or otherwise.

Further, I see it as a lack of respect for one's colleagues, when one is not able to exercise one's democratic rights, even if that should differ from the views of others. It reminds me of when some of these individuals say you are *free to exercise those democratic rights as long as those views agree with theirs*. In other words, *I accept your views as long as they agree with mine*.

The other point I wish to raise is that I am also disappointed in any question that is raised as to my loyalty or any question on my integrity. They are two of the things that I cherish very dearly. I must say that in the past few days I have had some serious thought and I have been very down in spirit because of these vicious and malicious rumours that are being spread, in particular as to my loyalty to any group or position.

In this Honourable House, and I am well aware of the Standing Orders regarding reviving debate—I will not do that, I am only drawing reference. I made reference to my position on the Ritz-Carlton motion that I was not, in any way, connected to it. Yet, there are people out there spreading rumours that the reason I did not support the motion was that I have a vested interest in the Ritz. May I say again that nothing—I repeat—nothing could be further from the truth. I have no interest in any spa, or anything else connected with the Ritz-Carlton. If I hear this mentioned outside of this House I will know how to deal with it, if I can prove who is saying it. I now wish to move on as I believe I have made my point regarding this particular issue.

I feel that it is not right when a person of intelligence and integrity takes a position in this House for him to be likened or connected with any political group. If I agree with something the Government Bench brings, I am accused of being a National Team supporter. If I agree with something brought by somebody else, we are accused of being their supporters. But that is such an immature and juvenile approach to politics.

During recent debates I have seen a number of people in the gallery who support Team Cayman and other groups. It would be juvenile of me and very simplistic for me to suggest that the people speaking and the people who are apparently giving support to that speaker are one and the same and that they belong to the same group. We must be more mature than that.

And this little one-upmanship that is going around—the postulating, the sort of articulating of a lot of lies around the place is not good for this country. Neither is it good for the smooth development of this Honourable House. I trust that these few words on this particular point will not be wasted in this Honourable House.

Regarding the recent motion on the Ombudsman—again it is not my intention to revive debate on that—just to say that if I had not had an appointment at 6.00 (this House went on until 7.00) I would have spoken on that motion. It was my intention to not support that mo-

tion—not for the reason given by the Government Bench, that a law needed to be put in place, but because I personally did not think, and do not think, it is necessary.

They are my views regardless of who likes it. That is my position; it has nothing to do with the Government Bench. I am sick and tired of hearing that being told to my constituents and broadcast all over the place. I want all persons within the sound of my voice to know that when anyone calls and tells them that, that they should let that person(s) know that they would like to have me present when that sort of rumour is being spread. I will know how to deal with it.

On this particular motion dealing with the Referendum Law, the honourable mover and seconder of this motion brought it with all good faith, just as they did the Ombudsman Motion. I don't think they brought it here to waste the time of this House. But the fact that anyone gets up and opposes the motion should not suggest that it is a reflection on the intelligence, or otherwise, of the people bringing the motion. It is the democratic right of any Member of this House to take whatever route they deem necessary in dealing with any particular matter, be it a motion, a bill, or otherwise, brought to this Honourable House. We must stop playing politics!

This motion for a Referendum Law reads as follows:

**“WHEREAS an increasing number of matters of national importance demand widespread public participation in the decision making process;**

**BE IT RESOLVED THAT the Government takes immediate steps to bring to the Legislative Assembly a Referendum Law which will allow the public their democratic right to participate in this process.”**

I am disappointed that some compromise on this motion could not have been found, but then I am so afraid of being accused of 'boiler-room' politics that I decided not to have anything to do with it. But I feel that the motion was well-intended and I understand exactly what the mover and seconder were trying to accomplish. Somehow, I hope that the mover will not be disappointed if this motion is lost and that he will bring another motion, or will seek to have the Constitution amended—which, it was pointed out, is not very easy. And that is for a purpose: because if that were the case, any simple majority in this House could keep changing the Constitution as they pleased. I trust that something will be arranged that will be acceptable to the Honourable House where this section—that is the section of the Constitution—will be more flexible to allow for a matter to be dealt with on a resolution in the House.

The section of the Constitution is 29(2) and it reads: **“Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution. Adopted by a majority of the Elected Members of the Assembly to be a matter of national importance and specified in such Law.”**

Where I see a problem in this, Mr. Speaker, is if there were an urgent matter tomorrow by the time we could bring that matter to the House, have a law passed, it might be a bit late. So, I would like to see this relaxed some, where perhaps it would state that provision is made within this for holding such a referendum; stating that the provision is hereby contained in the Constitution for that purpose perhaps on the adoption of such a resolution. But, there again, it would mean having to bring a resolution here and have it dealt with.

So I would like to see some form of a referendum law, perhaps, formulated for the purpose we are trying to accomplish here. I believe this is something my colleagues on both sides of the House, particularly this side, can sit down and look at and we could perhaps bring a Private Member's [motion] to the House and have this dealt with if Government is not inclined to do so. But I would hope that the Government would see that this is the most important matter that would require a type of bipartisan cooperation. The Honourable Minister responsible for Education, Aviation and Planning, the Minister answering for Government, did say that he sees the need for a referendum on certain issues and I think he might have even eluded to the type of machinery by which this could be done.

So I haven't heard any major objection to what the mover and seconder are trying to accomplish with this particular motion. I agree that the way the motion is worded (as the mover, himself, recognised and said) it is perhaps ultra vires the Constitution. But there is no question of what it is trying to accomplish. I think that was made very clear. The only reason why I am unable to support the motion is for the very reason raised by the mover himself, that it is ultra vires the Constitution. This was also supported by the Honourable Second Official Member.

So for that reason, I find myself unable to support it in its present form. But I would hope, as I said earlier, that the honourable mover and seconder will bring back whatever is necessary [in the form of a] motion to the House that will be able to deal adequately with this situation and indeed so that we may be able to have the necessary referendum law put in place.

There is no question that this is needed. I also take the point, even though it is a little opposite to my position on this. But it was raised by the Fourth Elected Member for George Town (I know he is sleeping, but when he hears his name he will open his eyes) when he mentioned that if there had been a referendum law (I think I am quoting him correctly) that we might have been able to deal differently with the Ritz-Carlton motion. I can't fault that statement. Perhaps that is correct. But I could also say that the way the Constitution is worded there is nothing that stops any Member of this House from bringing a motion for a particular law under the Constitution because the Constitution is quite clear in its reading, it says, ". . . a law may make provision for the holding of a referendum . . ."

So if there is a specific issue, be it the Ritz-Carlton, or the new Dart project, or whatever, and we are opposed

to it, then the Backbench, the same as Members of the Government Bench, have the authority to enact a law that will deal with that specific issue. So it is not that this cannot be done; provision is made within the Constitution so that anybody who feels that there is a matter of national importance that needs to be dealt with, it can be dealt with under the Constitution. My point, however, is that that process would not accommodate a situation of urgency and we must be able to get around that situation somewhat so that we can accommodate those situations.

As I said, had it not been for that little quirk in the motion, and the fact that it cannot be accepted in view of the Constitutional provision, I would have no problem with it. But under the circumstances, I am unable to support the motion.

Thank you.

**The Speaker:** Does any other Member wish to speak? If not, would the mover like to exercise his right of reply? The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you.

I am very pleased to have heard the participation of other Members in making their contributions to the motion. Unfortunately, I find myself having to address certain statements that have been made in regard to the motion simply to clarify from whence we cometh with this motion.

I will go over a few things again, but before I deal with that let me just say that the intention of this motion, in a nutshell, was to find a way to allow for a referendum in this country to be triggered by the people. As it stands now, constitutionally, this cannot happen. Regardless of how else it can be put, that is what we were seeking. I will go into that in a little more detail but first I need to address a few statements made by a few people.

The first one was a statement made by the Honourable Minister for Education, I have to quote him to address it, Mr. Speaker. This was late yesterday afternoon. This was his parting last lick yesterday. ". . . **in other words, this Legislative Assembly is constituted by the Constitution, and we have to live under it and abide by it [Fine!] as law-abiding citizens in the country. Maybe it will be better if those three Opposition Members admit their mistake and try to correct it and save as much face as they can in doing so. But to push and try to justify this motion at this stage is, in my view, not justifiable under the Constitution. [Hansard 7 October, 1998]**

Now, that Minister, the Leader of Government Business, the Minister for Education, stood up here today and accused people like myself of, no matter what he did, as he termed it "beating up on him." Of course, he doesn't mean that literally, but what he needs to understand is that when he gets stuck with the 'last lick syndrome' it must transcend to other people. You know what I mean by 'last lick syndrome', Mr. Speaker. We all grew up. And the Minister for Education knows that too. But if he believes that I am going to let him get the last lick when I have the opportunity, he is sadly mistaken. He will have his day again.

But going back to what I read that he said, Mr. Speaker (and I will come to the crux of the argument, but I have to address that), prior to when he said that . . . well, he said it afterwards too. He alluded to the fact that he had mentioned the problem with the motion about three weeks ago. You see, Mr. Speaker, there is a saying, and I have to speak it how it sounds to make the point, but it is not rude, sir; it goes like this: "Wha good fi eat na good fi talk." I trust the Minister for Education understands what that means.

You see, Mr. Speaker, if the truth be known, the Minister for Education did not have to tell me what was wrong with the motion because long before the Minister for Education said anything to me about it, I, the mover, and at least the Elected Member for North Side, understood what the technicality we referred to in our debate was all about. We understood that. And as big a chance as I may be taking here this afternoon, I am going to explain that because I am not afraid ever to tell the truth. But you see, the reason I have to do that is because the Minister went on, and in his own lawyerly, generally speaking way, to try to make people like me look like I do not have too much between my two ears (and I know that deep in his heart he lives knowing better)... but when he gets his time he does his own little thing. And I am going to play at his same level so everybody can relax. At a level playing field, no lower or anything like that.

Here was the hitch: Knowing that we were not lawyers, and while some may think we have access to certain things, we talked about this thing. And we also know—some of us more than others—from past experiences that when you mention the word "Constitution" as history has shown, and one could easily go to *the Hansards* to prove it, there have been people in this House, including the Minister for Education, who have taken positions when the word has been used to try to make it look like certain people have certain aspirations regarding the Constitution. *Now, I am not getting into no nastiness with it, but that is a fact! It is a fact!*

So in our quest for the people's business—because we agreed that we thought the way the country was moving at this point in time that we would like to see some mechanism in place that allowed the people to have a say in a referendum before the referendum is called... Before it is called, Mr. Speaker, because we believe... and I won't bother to go into the long explanation about what the Constitution says at present because it has been amply explained. The Minister for Education did a fantastic job explaining that and that is fine! But we understood that!

Our thoughts were that we needed to find some type of mechanism that if the populace felt strongly about an issue of national importance that they didn't have to feel that if they went to the Fourth Elected Member for George Town, for instance, because they saw him as the people's champion, that even if he brought a resolution here because the makeup of the House was such that it didn't really make sense, you could only talk about it but nothing would be done. The way the Constitution is now it is possible that a scenario like that can happen and you still

don't have a referendum to really hear what the people's views are. So we are thinking: find a method by which at a certain point of concern by way of numbers of the people that they can trigger a referendum.

But as I was talking about this business about the Constitution, the risk that we employed was knowing what was going to happen with the motion. It was important to us to find out what other Members thought about it. Unfortunately, whether this is a good thing to say or not, the mood in the Legislative Assembly today is not one which I find conducive to calling everyone together and saying, '*Listen guys, we need to sit down and talk about this.*' It just hasn't been working this way.

The reasoning for that I am not getting into, because I can find a reason to blame someone and that person will find a reason to blame me. That is not important right now. But that is the case. So the risk that we ran was to deal with it in the way we did. Of course, insofar as the Leader of Government Business, in his efforts to try to make us look like we don't do enough research or we don't have enough sense . . . the truth is, again, that in the resolve section we thought we could have argued the case. That is where we said, "**BE IT RESOLVED that the Government takes immediate steps to bring to the Legislative Assembly a referendum law**". We were thinking that we could argue that regardless of what had to be done before the Referendum Law was brought, the steps we referred to included that.

I am not saying that that is anything anybody wishes to accept, but that is what happened. That is exactly what happened. When the Minister quotes three or four different scenarios of the reasons why this thing was done the way it was done, it just goes to show that he need not waste his time trying to figure people like me out. It is better he just ask me, and I will tell him the truth.

Anyway, what we have succeeded in doing now is that it has been made very clear that there needs to be some type of what I have termed (and I continue to term it because that is what I believe it is) some type of cosmetic amendment to the Constitution if we are going to allow the voting public in this country the right to do what we are asking to happen. So we have had the Government speak on the matter and we have had others of the Backbench speak on the matter. And I am going to make it very clear once more so that the public can understand, and so that all other Members here can understand. We fully understand what the Constitution allows to happen. Contrary to what the Third Elected Member for West Bay said yesterday afternoon, what we are calling for is not allowed in the Constitution. I am taking two minutes to quote the Minister for Education again from 1989 because what he said then almost epitomises what we are trying to achieve.

When he brought his own motion in 1989, and it is just two short quotes, when introducing his motion he said, "**what I see as being the major part of this type of legislation would be in a form of or if the machinery was in place and it would be set in motion separately** [this is where the whole key is "**separately**" and he gives the two options here] **by either a resolution of this House** [which is what the Constitution allows for now] **or**

**by a substantial amount of persons who are on the voter's list."**

You see, Mr. Speaker... and what has been explained by them is that this substantial amount of persons who are on the voter's list, they can do up a petition and get a pile of signatures but they still have to bring it to a Member of this Legislative Assembly—any Member—who may bring a resolution. And then that resolution is voted upon by all of the Elected Members of the Legislative Assembly and if the majority doesn't carry the resolution, then the matter is dead. That is the way the Constitution works now. What the Minister for Education called for in 1989 is what we are seeking to be able to do when he said **"or by a substantial amount of persons who are on the voter's list."** We are asking that the public that we trust, regardless of what others may say that you have a referendum any day. A law can simply outline what will allow this to take place and you can take care of that to ensure it is a matter of national importance.

What we want to be able to achieve is that having set a percentage or a number in place in a law, if there are enough people who are concerned about an issue of national importance, they can ensure that the public has a right to vote on that matter so that there is a very clear indication to their representatives how the majority of the people feel about that specific issue. That is what we are trying to achieve. Presently, the Constitution does not allow for that to happen.

Now, mention was made of the expense which may be incurred. But let me say this: While we fight this case, and while we seek this for the people, I am not suggesting that the prerequisites should not be such that it really has to be a matter of national importance. I am suggesting that it be like that. And if you check historically, once the people understand exactly what this thing is all about and the procedures they will have to go through to see that this thing takes place, they are not going to waste their time and effort over a matter that is frivolous. It might even occur that they will make a few attempts, but they will understand in short order that it doesn't work like that because they are not going to get the support of the rest of the population. We have to trust that our people still have good sense. Of course we have to trust that. So, in reality, once this were to take place I believe that it would serve in the best interest of us, of our country and our people, and our future.

We all get tempted sometimes, and it is good when one is able to weigh the situation, understand one's responsibility and resist urges sometimes. As I said before, as has been said by the seconder, and as has been intimated by the Fourth Elected Member for George Town, this motion was brought simply because we believe that the people of this country have the right to exercise their democratic right in this fashion. And we believe that the time has come for all of our sakes that we provide a mechanism by which this can happen.

So now, we wonder what was the sense in bringing the motion. And I have to say something else, Mr. Speaker. Two Members of Government replied. The first reply was from the Honourable Second Official Member

explaining the technicality we had alluded to. Fine! It was good of him to do that because it is good for people to understand why you can, and can't do certain things under the circumstances. Then, the Minister for Education got up after we implored that the Government simply deal with the intent so we could understand where they were coming from. But you know Mr. Speaker, it is a scathing indictment on the Government when being pointedly asked to deal with the meat of the matter that what we hear about this motion is who beats up on whom. I don't mind that. I know how that is. That's the last 'lick' business I talked about. I can handle that. I'm growing up too. Not to worry!

But after we hear a repetition, when the Government sends out their first runner, the Honourable Second Official Member, to explain it, we hear all about it all over again. But not once did I hear any sensible argument from the Government Bench either saying that they understand the intent and agree with it, or they understand the intent and don't agree with it. And if that statement is incorrect, perhaps I too may have fallen asleep, I am certainly willing to give way right now, sir, for the Government to state its case on the matter. If the Government gives me an indication, I will give way right now. I don't have a problem with that. (pause) I don't see any indication, so I guess I will have to move on.

You see, Mr. Speaker, everybody has his view, so do I. Because some people think that other people purely play games, and it's a game of chess, it is such a pity . . . because of that, my people suffer.

This motion is very, very important. As we mentioned earlier, this is a vital part of how we perceive this country should be moving forward. I guess everybody has his or her own reasoning behind everything. Some people talk and they want get upset, but, Mr. Speaker, it is like this with this boy: I know how I got here, and there is only one person who can tell me how I am going from here and that is God. But no man or woman inside this place can tell me that. God can do it, but not one of them. So I don't have any tie-ups that hook me to anything here. I deal with life as straight as I can.

But you know, when I sit down . . . and they are going to wonder now why I defend certain situations. It is not specifically because of who it is. But when I think of something as important as this and somebody from the Government Bench stands up and spends ten or fifteen minutes supposedly dealing with the motion and talks about transparency and who has gone and collected money from people and all that kind of foolishness [*Members' laughter*] . . . I mean there is a time and place for everything. I am serious.

Now everybody can take their pot-shots up inside of here and all like that too. But you know what else too? In his mind the Minister will leave here today figuring that as usual somebody has tried to take advantage of him, beating up on him. Listen, listen, listen. All that Minister has to do is retrace his history in the Hansards and put one score down the middle of a piece of paper and be truthful when he reads through those Hansards and *mark on the left when he did it, and mark on the right when it was done*



to him. And I can promise you, his left hand is going to get tired.

We are beyond that. If we want to deal . . . a little bit of that has to go on. I know how it is because he and I deal with it. But I know unwritten between us, unless the matter really gets serious and somebody steps too far, we can live with each other and we can also conduct the country's business. And the same way he feels now . . . you see, somebody has to decide to draw the line. The same way he feels that somebody has done him an injustice so he has to deal with them back, what does he expect when that person comes next time? He is going to feel that he has to put it back on him. And for that, my people suffer and have always been suffering. So, fling that away. Let's deal with what it's all about!

I am getting back to the motion now, Mr. Speaker. To try to sum up, the Government knows exactly what we are seeking to accomplish. Those who have spoken on the motion from the Backbench understand what we are trying to accomplish. I dare say that everyone in here understands what we are trying to accomplish. Because of that inner fear we had about Constitution, we decided to stick our necks out to see how life would have been. And I think we have survived that.

So now, it doesn't have to seem like it is a major, major issue to try to accomplish this situation. The Minister for Education has again explained what an amendment to the Constitution entails. We understand that. But circumstances are a lot different from when we put this motion in. So, do you know what? Those of us who felt strongly about it from the beginning, to accomplish what we wanted to accomplish, are heartened because where we are now is that we see that we can get it done right as the Third Elected Member for George Town alluded to in his contribution. But we are not going to deal with it in the way that is expected.

The Minister for Education has said that if he says nothing he gets blamed for it. But the Minister for Education knows that whenever he gets blamed for not saying nothing is because he is supposed to say something! He knows that! Then, when he says that if he says something he gets blamed, he knows it is because he said the wrong thing! He knows that! It is the same thing he would say to me!

So what we are going to do to avoid that kind of problem now about bringing an amendment and not hearing anything about it, after serious consideration about the actual result we would like, and after hearing what others have had to say, what we are going to do now, sir—and as you know I spoke to you about it, under Standing Order 24 (14). We are going to move a motion to withdraw Private Member's Motion 23/98. But also, under Standing Order 24 (5) we are going to serve notice that we will make every attempt possible to word the motion satisfactorily so that we can accomplish what we wish, and bring the motion back again for the November meeting.

**WITHDRAWAL OF PRIVATE MEMBER'S MOTION  
23/98  
Standing Order 24(14)**

**The Speaker:** Do you have a seconder to your motion?

**Mr. Roy Bodden:** I beg to second that motion.

**The Speaker:** The question is that under Standing Order 24 (5) and (14) that the motion be withdrawn. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** I think the Ayes have it. The motion is withdrawn and permission is granted for it to be brought back in November.

**AGREED. PRIVATE MEMBER'S MOTION NO. 23/98  
WITHDRAWN.**

**The Speaker:** Moving on now to item 6 on today's Order Paper, Government Business, Government Motion No. 2/98, The Development Plan, 1997. The Honourable Minister responsible for Education, Aviation and Planning.

## **GOVERNMENT BUSINESS**

### **MOTIONS**

#### **GOVERNMENT MOTION NO. 2/98**

#### **THE DEVELOPMENT PLAN 1997**

**Hon. Truman M. Bodden:** I move Government Motion No. 2/98, The Development Plan 1977. This consists of several parcels of property which are being re-zoned. Some of these, maybe the best thing is if I just read the motion, or I could do that when I speak. I just move it first.

**The Speaker:** Government Motion No. 2/98 has been duly moved. Do you wish to speak to it?

**Hon. Truman M. Bodden:** I would just like to read it:

**"1. September 1997 the Central Planning Authority received applications for re-zoning of: Registration section West Bay Beach North, Block 11D Parcel 37 from Commercial zoning to Hotel/Tourism zoning; and, Registration section Colliers, Block 73A Parcel 17 & 21 from Agricultural/Residential to Low Density Residential zoning."**

**"2. At meetings of the Central Planning Authority in October and November 1997 the Authority resolved to proceed with amendments to the Plan, to wit:**

**To change the zoning of Block 11D Parcel 37 from Commercial to Hotel/Tourism;**

**To change the zoning of Block 73A Parcels 17, 20, 21, 77 & 78 from Agricultural/Residential to Low Density Residential."**

**"3. Public Notices of the Authority's intention to amend the plan were published, in each case, in accordance with**

**Section 8 (2) of the Development and Planning Law. With respect to the first application, Block 11D, Parcel 37, the notices were published on the 5<sup>th</sup>, 7<sup>th</sup>, 12<sup>th</sup> and 14<sup>th</sup> of November, 1997. The latter application's notices were published on 2<sup>nd</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 13<sup>th</sup> January, 1998."**

**"4. No objections or representations were received within the statutory period of two months by the Authority in regards to the proposed amendments."**

**"NOW THEREFORE BE IT RESOLVED THAT in accordance with Section 7 of the Development and Planning Law (1995 Revision), the Central Planning Authority hereby submits to the Legislative Assembly these proposals for alterations in the Development Plan 1997, a summary and map for each is attached hereto and which shall thereafter be and shall come into effect seven days after the passing of this resolution."**

Attached to it is the report sent to me from the Director of Planning. And there were no objections to any of these, sir.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Craving your indulgence, sir. It is around that time for the afternoon break and because of dealing with the other motion I must admit that I did not look over this one very carefully. Perhaps, if no one has anything against it we could take the suspension and get a few minutes to look over this.

**The Speaker:** There is no problem with that, but I would ask Members to try to come back within 15 minutes. Proceedings are suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.38 PM

#### PROCEEDINGS RESUMED AT 4.09 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on Government Motion 2/98. Does the Honourable Minister responsible for Education, Aviation and Planning have anything further to say on it? It's open for debate. The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I think I understand clearly about the first parcel to be re-zoned which is I think 11D and a part of parcel 37 which is on the West Bay Road. But just going over to the other two maps that are attached to the Government Motion, while I have read what it says, I am really not 100% sure of all of the reasoning behind what is being done and how the parcels correlate to what the intended development is.

Perhaps when the Minister is replying he could give us a general overview as to what the situation is with these two parcels in Colliers, along with the others that are planned to be re-zoned. It is not a question of there being a problem with it, I think it is just a question where some of us would like to have a clearer understanding just to ensure—and it doesn't necessarily matter that it has to be the Minister for Education and Planning who replies. If anyone else knows anything about it, perhaps we could hear.

**The Speaker:** Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause)

If no other Member wishes to speak, would the mover—

**Mr. D Kurt Tibbetts:** Mr. Speaker.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just an observation, sir. I think we are in a small dilemma and I do believe that Members really wish to understand. And because of the nature of the parcels concerned, I think it is necessary to have a member of staff from the Department, and I think there is an attempt to get a member of staff. I am not trying to hold up the business of the House but what is going to happen with us, sir, is that if no one can speak now because of no explanation coming forward, then the mover would simply have to wind up and no one will have an opportunity to speak.

**The Speaker:** Then somebody should speak.

**Mr. D Kurt Tibbetts:** But if they speak, they will only be asking questions without any answers, sir. That is what I am trying to say. However, as you wish.

**The Speaker:** We have approximately 16 minutes until the adjournment for the afternoon. So, if it is the wish of the House we can adjourn until tomorrow morning at 10 o'clock

**Mr. Roy Boddén:** Mr. Speaker.

**The Speaker:** The Third Elected Member for Boddén Town.

**Mr. Roy Boddén:** I would respectfully put forward that proposition, that we adjourn until tomorrow morning at ten.

**The Speaker:** I will entertain a motion for the adjournment, if that is the wish of the House.

#### ADJOURNMENT

**Hon. Truman M. Boddén:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.16 PM, THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 9 OCTOBER 1998.**

**OFFICIAL HANSARD REPORT  
9 OCTOBER 1998  
10.35 AM**

*[Prayers read by the Elected Member for North Side]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper: Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have apologies from the Third Elected Member for George Town who is off the Island.

Item No. 3 on today's Order Paper: Presentation of Papers and Reports. The Honourable Third Official Member.

**PRESENTATION OF  
PAPERS AND REPORTS**

**THE GOVERNMENT MINUTE ON THE REPORT OF  
THE STANDING PUBLIC ACCOUNTS COMMITTEE ON  
THE AUDITOR GENERAL'S 1996 REPORT**

**Hon. George A. McCarthy:** Mr. Speaker, I beg to lay on the Table of this Honourable House the Government Minute on the Report of the Standing Public Accounts Committee on the Auditor General's 1996 Report.

**The Speaker:** I would ask that you suspend Standing Orders 77(7) as this did not come within the three-month period allotted.

**SUSPENSION OF STANDING ORDER 77(7)**

**Hon. George A. McCarthy:** I so move Mr. Speaker.

**The Speaker:** Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 77(7) SUSPENDED.**

**The Speaker:** So ordered.

Presentation of Papers: Review of Present Status and Plans for Substance Abuse Treatment in the Cayman Islands—Final Report. The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**REVIEW OF PRESENT STATUS AND PLANS FOR  
SUBSTANCE ABUSE TREATMENT IN THE CAYMAN  
ISLANDS—FINAL REPORT**

**Hon. Anthony S. Eden:** Thank you Mr. Speaker.

I request permission to lay on the Table of this honourable House a Report entitled "Review of Present Status and Plans for Substance Abuse Treatment in the Cayman Islands" and to make a statement.

**The Speaker:** So ordered. Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you Mr. Speaker.

Members of this honourable House are asked to note that this Report, dated 15<sup>th</sup> January, 1998, arose out of a consultancy that was conducted in October 1997 by the Addiction Research Foundation of Toronto, Canada. The Foundation (since January of this year) has been renamed the Addiction and Mental Health Services Corporation following a merger with another addiction agency, the Don Wood Institute and two mental health organisations, the Clark Institute of Psychiatry and the Queens Street Mental Health Centre.

The Report itself concerns the proposed Breakers Drug Rehabilitation Centre and other elements of a treatment and rehabilitation network for the Cayman Islands. Members of this honourable House are hereby advised that on the 10<sup>th</sup> of August 1998 the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation received written notification from the Director of Planning that the Central Planning Authority approved its second application for the use of Government owned property in Breakers on Block 56B Parcels 92 and 93 as a residential Drug Rehabilitation Centre for approximately 15 adult males and females over 18 years of age.

Unlike the previous application for planning approval, no objections were received by the Ministry or the Central Planning Authority. On the strength of this apparent support for the project, the Ministry is now proceeding with plans, subject to the necessary funds being approved by Finance Committee, to renovate the existing main house and to landscape the immediate surrounds. After that, the necessary furniture, fixtures, staffing and other institutional arrangements will be put in place before clients are admitted for rehab in the second half of 1999.

The Ministry has recognised the need for timely planning and management of the various aspects of the project leading to its successful implementation and on-going operations. In fact, this need was apparent to the Ministry as early as 1996 when a proposed Breakers Rehabilitation Centre Steering Committee was established by the Ministry with the approval of the Governor in Council. The Terms of Reference for the proposed

Breakers Rehabilitation Steering Committee are as follows:

1. To ensure that the project is implemented in accordance with Government's established procedures;
2. To overview the project to ensure that the facilities are provided at the required standard and appropriate cost and in an appropriate time frame.
3. To ensure that Government decision making is carried in an appropriate time frame that does not adversely affect the cost or completion date of the project.
4. To ensure the necessary efforts are made in the area of public relations to encourage and enhance acceptance of the project by the general public.

The Steering Committee held its first meeting on 27<sup>th</sup> February 1996 and comprised of the following members: Ms. Andrea Bryan, JP, Permanent Secretary in the Ministry of Health, Social Welfare, Drug Abuse Prevention and Rehabilitation; Mr. Colin Ross, Senior Assistant Secretary in the Ministry; Miss Betty Ebanks, Assistant Secretary in the Ministry; Mrs. Joan Scott-Campbell, Information Officer, GIS; Miss Julene Banks, Crown Counsel, Legal Department; Mr. Peter Riley, Executive Architect, Public Works Department; Dr. Franklin LaHee, Consultant Psychiatrist, George Town Hospital; and at the time, Ms Shirley Marchman, Drug Rehabilitation Coordinator, Cayman Counselling Centre.

Mr. Speaker, over the course of two and one half years, the Steering Committee has met on about 15 occasions. It occupied itself with the terms of reference provided but became concerned about the medical legal aspects of the project, having consulted the Chief Medical Officer on this and other concerns with Government's relationship in future with other providers of residential drug rehabilitation in the Cayman Islands. Various members of the Steering Committee had made enquiries throughout the Caribbean region and the USA including a visit to Bermuda by the Committee's Chairman and the Crown Council in October of 1996 which yielded very little useful information on how other countries dealt with such matters.

Therefore, in August 1997 my Ministry took the decision to contact the former Addiction Research Foundation which has strong links with the United Nations International Drug Control Programme (UNDCP) through its various projects in the Caribbean region. As a result, Professor Donald Meeks, an emeritus professor in the Faculty of Social Work at the University of Toronto, and a retired senior executive with addiction research foundation, was engaged by the Ministry to "provide technical assistance to the Ministry of Health Drug Abuse Prevention and Rehabilitation in its development of the new Breakers Residential Treatment Programme and in its development of a Treatment and rehabilitation TR Network."

Dr. Meeks' final report entitled, "Review of present status and plans for substance abuse treatment in the Cayman Islands" was submitted to the Ministry on the 15<sup>th</sup> of January this year. The Terms of Reference for the

Consultancy are set out on page 2 of the Report. In February 1998 the Report was presented to the proposed Breakers Rehabilitation Centre Steering Committee which I mentioned earlier in this statement and it was well received by the Committee.

The Ministry also met jointly with the Director and Deputy Director of Social Services, the Director of Health Services, and the Chairman of the National Drug Council to consider the Report and the recommendations. Once again it was well received. Dr. Meek's report contains 19 recommendations in all, and Honourable Members are asked to note recommendations 5, 6, 9 and 14 in particular, also Figure 1 on page 30, and Figure 2 on page 34. Recommendation 5 is discussed on pages 26 – 30 and recommends (on page 29) that the Ministry establish a Department of Substance Abuse Programmes headed by a Director reporting to the Permanent Secretary and that the Director shall also be manager of the Cayman Islands Substance Abuse Services.

Recommendation 6 (on page 29) is **"to realise administrative efficiencies to facilitate effective planning to effectively develop treatment options and to ensure continuity of care. It is recommended that all Government operated substance abuse treatment rehabilitation services be operated as a single multi-functional facility containing at the least, assessment, out-patient treatment, residential treatment, intermediate, example Half-way House, and after care components. Under this arrangement, the present Cayman Counselling Centre will cease to exist as a programme entity and its human and physical resources will be incorporated into the new programme structure."** This structure is illustrated by Figure 1 on page 30.

Recommendation 9 (on page 31) is that a physician, preferably a psychiatrist, should be appointed medical director at a level of seniority just below that of the director/manager of the Cayman Islands Substance Abuse Services. This is also illustrated by Figure 1 on page 30 of the Report.

The three recommendations which I have just mentioned all address the setting up of a new structure and improved administration of the Cayman Islands Government Treatment and Rehabilitation Programmes. This will bring the present Cayman Counselling Centre and the proposed residential drug rehabilitation centre and eventual halfway houses at Breakers under one department of Government. The present staff and facilities of Cayman Counselling Centre will become part of a new department of Government to be called the Cayman Islands Department of Substance Abuse Programmes.

The Governor in Council has accepted the recommendations and implementation has commenced. To begin with, the post of Drug Rehabilitation Coordinator at Cayman Counselling Centre has been upgraded to Head of Department level and was advertised locally by the Public Service Commission on the week beginning 5<sup>th</sup> October, and is also in the *Caymanian Compass* today.

Mr. Speaker, one other recommendation in Dr. Meeks' report (which is recommendation 14 on page 44) is that a continuum of care model be employed as the primary conceptual frame work for the planning implementation and operation of the Cayman Islands Substance Abuse

Treatment and rehabilitation network. The network is described on page 33 – 34 of the report. With the proposed treatment and rehabilitation network, there is ample provision for government and private sector organisations to provide a range of services and treatment options to people of the Cayman Islands, from prevention on one end of the continuum, to custodial care at the other end. In between these two extremes, treatment and rehabilitation programmes, such as the Employee Assistance Programme and Canaan Land Home of Grand Cayman, will all have a vital role. The report acknowledges also the importance of the national Drug Council and its Committees in coordinating such a network. This was mentioned on page 38.

Planning for such a treatment and rehabilitation network should take into account both present realities and future possibilities. It should also take into account the need for assessment at multiple potential points of entry and the existence of various treatment options to which clients may be referred to for treatment or after care. Placing the assessed needs of the client first, referrals should flow in all directions within the system. To quote from the Report, **“it will be important for all parties to think in system terms and not focus exclusively on their own programme.”** The Ministry accepts recommendation 14, and through it now has a conceptual framework which confirms the basis for further discussions with respect to non-governmental organisations, present or future, that approach Government for an operational grant.

I am pleased to report that the Governor in Council has authorised my Ministry to discuss with the executive of Canaan Land Home of Grand Cayman possible parameters for a grant from Government. Once these discussions are finalised, and subject to the final approval of the Governor in Council, a request will be made to the Finance Committee of the Legislative Assembly for the approval of a grant in 1999 to Canaan Land Home of Grand Cayman. This grant is intended to assist with the cost of operations.

Mr. Speaker, I would like to say how pleased I am to have been afforded this opportunity to share with you and Members of this honourable House the report prepared by Dr. Meeks. I believe that in this way you will be better informed of Government's plan of action with respect to treatment and rehabilitation programmes and services in the Cayman Islands. As a follow-up to Dr. Meeks' previous consultancy, we have engaged his services for specific work with Cayman Counselling Centre and this process is on going. He will be returning to Grand Cayman for another week's work beginning on the 19<sup>th</sup> of October. I do hope to be able to provide further updates as we progress with the implementation of the recommendations in this report. Thank you.

**The Speaker:** For the information of the House, a new page 2 of the Order Paper has been circulated.

Item No. 4 on today's Order Paper, Questions to Honourable Members/Ministers. Question No. 192 standing in the name of the First Elected Member for George Town.

## QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

### QUESTION 192

**No. 192: Mr. D Kurt Tibbetts** asked the Honourable Third Official Member Responsible For Finance And Economic Development to give an update on the Medium Term Financial Strategy and the Public Sector Investment Programme.

**The Speaker:** The Honourable Third Official Member Responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, before I respond to the Honourable Member, the Report that I tabled this morning was the Government Minute on the Accounts of Government for the year ending 31<sup>st</sup> December 1996 and not 1997.

Honourable Members are aware of the ongoing public sector fiscal reform initiative. It is expected that the Medium Term Financial Strategy and Public Sector Investment Programme will form an integral part of these reforms as it will bring a medium term dimension to our financial planning practices. Accordingly, the publication of the Medium Term Financial Strategy (MTFS) and Public Sector Investment Programme (PSIP) will be delayed and implemented along with Phase I of these initiatives which is expected to take place during mid to late 1999.

I am aware that this matter has been ongoing for quite some time. However, I humbly request the understanding of the House and wish to note the importance of implementing this document as part of an overall package of reforms in order to help ensure its usefulness and success over the longer term. The Government is fully committed to this.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you Mr. Speaker.

Can the Honourable Third Official Member say, in line with the reform initiatives, what changes will come about with the way that the MTFS and the PSIP is structured compared to how it was being worked on previously?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, the Honourable Member is aware that there is another significant dimension of the reform initiatives that will require a budget policy statement that will have to be presented to this Honourable House prior to the Budget itself. This is where the Government will outline its programme for the upcoming year. This will be tied into whatever emerges from the Public Sector Investment Programme and Medium Term Financial Strategy. All of these documents will be locked together by way of an integral part of the pack-

age of information. Obviously, if we are looking at a minimum three-year period of time (because three years is not by accident, it is the average life of let us say, a government capital project) this information will be forthcoming. Therefore, everything will be tied together.

So, the Budget although it will set out the requirements for one year it will be a part of this overall medium term document which will show different stages in terms to which the annual expenditure relate.

**The Speaker** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you, can the Honourable Third Official Member say if the method envisaged to prioritise the way the documents were being prepared previously will follow through in the way the documents are going to be prepared in line with these initiatives?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, it is likely that there will be variations in the preparation of the documents. For example, what should be the scope of the documentation required in order to properly set out Government's financial position or the financial position of the country over a period of time looking at the commitments into the future and taking into account current needs? All of this, Mr. Speaker, will have to be put together in a fashion where the document will have to fit the requirements as would be set out under legislation and also accompanying regulations.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** The Honourable Member stated that all Members are aware of the ongoing public sector fiscal reform initiatives. Can he say if the political directorate is doing its job to move these initiatives forward? Or is the political directorate trying to hold this process up?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, as the Honourable Member is aware, evidence abounds as to the Government's support for these initiatives. On Wednesday morning a presentation was made at the Marriott with the majority of Members of the Legislative Assembly present, and this included the Ministers of Government.

**The Speaker:** If there are no further supplementaries, we will move on to question No. 193 which is standing in the name of the First Elected Member for George Town.

Before we do....

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

**Mr. D Kurt Tibbetts:** Yes, Mr. Speaker, I would like to move that we suspend the relevant Standing Order so that we can continue Question Time after 11 o'clock.

**Mr. Roy Boddan:** Mr. Speaker, I beg to second that sir.

**The Speaker:** The motion to suspend Standing Order 23(7) and (8) has been moved and seconded. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE BEYOND 11 AM.**

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you. Mr. Speaker, I suspect we can call it epistle time rather than Question time.

#### QUESTION 193

**No. 193: Mr. D Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning to provide a progress report on the implementation of the 1995-99 Education Strategic Plan.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon Truman M Boddan:** The progress report on the implementation of the 1995-1999 Education Strategic Plan was given at the third annual update last 15<sup>th</sup> October. That report is attached. The next annual update is scheduled for April of 1999 and the revised update document will be presented at that time.

*[The Hon. Minister read the entire report See: Appendix IX]*

*Hon. Minister's Comments:*

*(Strategy IX (11)): I would like to thank all Members of the Legislative Assembly who attended the schools today for that special project that was going on.*

*(Strategy IX (12)): I know that the land is now being purchased which will deal with that project.*

*Thank you for allowing me to complete that.*

#### SUPPLEMENTARIES

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Since this reply has been so long, I guess the supplementaries will be extended also. On

page 6 number 5 "To reduce incidents of delinquency among the student population." It says, "**Some schools have after school programmes and Summer School is now held each year at three centres.**" Can the Honourable Minister say if the North Side Primary School now has an after school programme? And which three centres are holding Summer School?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The answer to the first question is yes, there is an after school programme. The programmes are rotated. This year there was one in Savannah, one in George Town, and one in West Bay. But they are rotated. This year we will be adding . . . sorry, we had one at East End this past summer as well.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** [microphone not turned on]

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** That is what has been done and in East End that combined the whole of that area. North Side and East End were combined in one programme.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** On page [10], object plan 9 (Strategy VIII) "To improve second language skills among students." Can the Honourable Minister say why only three schools now have this programme, and which schools are these?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There is one peripatetic teacher that serves all schools but she is based at the John A. Cumber School because . . . Sorry, maybe I should ask you what you are referring to.

**Mrs. Edna Moyle:** Number 9 says, "To improve second language skills among students." And the implementation update says, "There are programmes at three schools dealing with the teaching of second languages." I wanted to know if these were primary schools, and which three schools.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There are now two. One peripatetic teacher works with the primary schools and she is based at the John A. Cumber. The other teacher works with the high schools. Initially there was the George Town

School, the John A. Cumber School and the John Gray School.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I yield to my colleague, the Member for North Side, who has a continuing follow up.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I thank my colleague, the Third Elected Member for Bodden Town. I am still not getting the answer I think I should be receiving. John Gray already has Spanish being taught as a second language. Or do I not understand this correctly. I am assuming that programmes at three schools means three primary schools, to give these children a chance at a second language at an earlier age, seeing that it is the John A. Cumber the George Town primary, and now you are saying John Gray.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** This is where you have Spanish-speaking students, for example, who are weak in the second language—which is English. That is the reason it was based at the John A. Cumber School. They have to be taught English as a second language. That is the reason why in all schools, but mainly at the John A. Cumber School where most of the Cuban students are.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I thank the Honourable Minister for explaining that because I am certain that when we are listening to the radio tonight everyone is going to assume that this second language is being taught at the primary schools, as English is the first language of the Cayman Islands. I thank him very much for explaining that.

If I may be allowed to ask one more supplementary, I will sit down and give way to my colleagues.

**The Speaker:** Please continue.

**Mrs. Edna Moyle:** On page [12], number 12 "To provide a central sports complex for Sister Islands Schools. No work has begun on this plan as yet." Can the Honourable Minister say if it is the intention to provide such a complex for the Eastern District primary schools in particular, seeing that North Side has no field to practice on for sports days. Students have to come to the Truman Bodden Complex. Can a similar facility be provided for the Eastern Districts to have the same opportunities as other schools?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I will answer this as best I can. This obviously would be handled through the Ministry of Sports, but playgrounds at the schools? By all means. As the Member knows, we have been trying for some time to get extra land at the North Side School to extend the school playground there. The question of the policy on a central sports complex for that area is something I cannot answer. I don't know.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I understand the Honourable Minister's reply, but I was only using a sports complex as was used in number 12, which is for the Sister Islands Schools. I want to make it very clear that I do not object to this sports complex. What I am saying is that such a need for a combined facility also exists in the Districts of Bodden Town, East End and North Side, so that all of our children can be offered the same equal opportunity to excel in sports or otherwise.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The reason why a central sports complex was established for the Sister Islands is because it provides for the four schools. There are tracks, . . . and maybe I am missing something here about what the Member is trying to get from me, but in each district there is a non-school sports field. I think if the Member is saying there should really be one of those with upgraded facilities, like a track, and the other facilities to serve the three districts and therefore the three schools, or four schools, whether you add Savannah. If that is the case, I would have to ask the Minister for Sports directly. This was really done because these schools did not have good playfields. So we were looking more at the sports playfields when dealing with this.

Number 12 says, "Provide a central sports complex for the Sister Islands schools." For the schools, okay? So this was like the playfield that is at East End, North Side, Bodden Town, Savannah schools. This would have served those schools if they had none, which is a little bit different from what the Member is really asking about a central sports complex for those three districts which would be available not just to schools, but also to the community at large. I am just saying that that is under the Sports Ministry.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say if this particular item was in the original plan, and if so, why did it not include such a facility for the Eastern District schools also? Right now the students of the District of North Side have nowhere to run a 50-metre dash, the long jump, or the high jump. They have to travel to the Truman Bodden Complex to practice for the inter-islands sports. They have to hold the North Side District Primary School Day at the Truman Bodden Complex. That is what

I am trying to find out. Why did this item not include the Eastern Districts as well as the Sister. . . Cayman Brac and Little Cayman, because we are no longer supposed to refer to them as the Sister Islands, I think. Am I correct? This is what I would like from the Minister.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I was really not a member of the Planning Team as you well know. I cannot say why. I am sure there are other plans that deal with sports for the schools. But I take the point that the Member has made. North Side does need the upgrading of the sports field whether or not there is a complex because it is inconvenient and they cannot develop to their fullest without a football size field there. I would support whatever we can do.

The Member knows we have been pushing to try to get adjoining property and I fully support that. The school has my sympathy in that area because I think that sports are extremely important to children. I will continue to try to get that. The Minister for Sports is here. I am sure that she has heard what the Member has said and will take whatever action the policy allows.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I would like to thank the Honourable Minister for committing to provide the students of the North Side Primary School with some facility they can have easy access to. But he brought the Minister for Sports into this. The facility I am looking at is under Education. I am going to seek a commitment from the Minister for Sports for a swimming pool for the kids of the Eastern Districts. They don't even have the opportunity, particularly my district, to learn to swim.

I am asking him to take the commitment for the field for the North Side Primary School as an Education project and facility, and I am asking the Minister for Sports to deal with the other facility that is needed for a project under her Portfolio. Thank you.

**The Speaker:** Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I would like to ask the Honourable Minister if implementation also means an assessment of the success of the objectives, and if it doesn't, can the Minister explain to the House what criteria are used to base the success of achieving the objectives? I have two specific incidents in mind that I would like to bring to the Minister's attention, but I would first like to hear the answer to that question.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** This is a living five year plan. Every year it is updated. But the Action Plans are also assessed. I think I am right in saying that there have been perhaps some plans that have not really worked the



way they should have, and they have been altered. So the answer is yes there is a plan here—as Members can see a lot of work has not only been done by the Planning Team, but also by the Action Teams throughout this period. There is an annual update and assessment carried out by that Planning Team, which is basically the same people who produced this Strategic Plan and their duty is to assess. Because there are 105 of these some plans cannot be totally implemented, or they need to be altered. When that has to happen, then the Team recommends alteration of it.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say if objective 7 is limited to providing this knowledge, or if the objective is also to ensure that the knowledge is used in such a way as to eliminate risky behaviour which will bring the students or anyone else at risk.

And on page [12], objective 11 where the implementation says, “Students’ attendance is being monitored and children who are at risk are identified.” Can the Honourable Minister say what strategies are effected to help students who are at risk and to reduce the numbers who are at risk?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The strategy on page [5], number 7 says, “To provide students with knowledge on sexually transmitted diseases.” The update was that “representatives from the Public Health Department have been invited to discuss sexually transmitted diseases and AIDS. And this is done dependent upon the maturity of the students.” What is stated to them does deal with the question of prevention, of getting AIDS and of passing on sexually transmitted diseases.

**Mr. Roy Bodden:** Mr. Speaker.

**The Speaker:** He has not finished his answer.

**Mr. Roy Bodden:** What I expected from the Minister and what I wish the Minister to inform the House of is the fact that this exercise does not just end with providing the information the Minister has said is provided. I understand that, and I think other Members also do. What I wish to find out is if the information is presented in such a way as to ensure that anyone practising risky behaviour will understand the consequences and cease, and also that those who are not practising risky behaviour will continue to practice the positive behaviours they are currently practising. To provide knowledge without showing the relationship between knowing something and then not adopting that knowledge (applied knowledge we call it) and not applying that knowledge to their behaviour are two different things in the learning field. So what I want to find out from the Minister if it is presented in that light . . .

because how it is set out here, sir, one cannot be absolutely sure.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Exactly what the Member has said: It is to avoid risky behaviour and risk to these diseases. That is the aim of it. I should say that a lot of time was spent by the Education Council on how that . . . we went through what Public Health was producing, the little brochure as well as the content to ensure that it was appropriate for the schools.

**The Speaker:** Before taking the next supplementary, we are long past the time we would have normally taken our morning break. Would Members agree that we continue without the morning break until 12.45?

**Mr. Roy Bodden:** Yes, Mr. Speaker.

**The Speaker:** Or 12.30 or something like that? We agree to go on until 12.30?

**Mr. Roy Bodden:** Mr. Speaker, I move such a motion, sir.

**Mr. D Kurt Tibbetts:** I second that.

**The Speaker:** The motion has been moved and seconded. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THAT THE HOUSE CONTINUE FOR THE MORNING SITTING UNTIL 12.30 PM WITHOUT A SUSPENSION.**

**The Speaker:** Supplementaries continuing. The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say if there is any material available, and if so what does this material comprise of in regard to number 14, the strategy to expose 100% of students to instruction regarding instilling a strong national identity and fostering cultural pride and appreciation of our Caymanian Heritage? Page [5].

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The Education Department has developed extensive resources in relation to matters set out in this such as a national identity, a history of the islands, and the civic side of life which is included in the curriculum.

**The Speaker:** Fourth Elected Member for George Town.

**Dr. Frank McField:** I was really concerned to know if there are any books. What are the titles of this literature?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There are learning packages which have been developed for the students and these include what is necessary.

**The Speaker:** Fourth Elected Member for George Town.

**Dr. Frank McField:** The Minister is being very short and brief on this particular one, but it is an important aspect of the Strategic Plan. The reason I am asking is because here we have it suggested that volunteers have shared their knowledge, experience, and skills particularly in areas such as thatch and rope-making, quadrille dancing, and story telling. I would like to remind the Minister for Education that there is a little book called *Time Longer Than Rope*, and some stuff written by Mr. Wil Jackson and others, poems written . . . there is quite a little bundle of literature that has been accumulating in this country over the last twenty years. Maybe it is about time that the Chief Education Officer, or whoever is responsible for examining this, does so to see whether or not it could serve any kind of useful purpose in developing a pride and appreciation for our Caymanian heritage.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I understand that in developing these packages they have used local resources that are available in the form of books. The memoirs that have come from elderly people that have been given to the Memory Bank and whatever is available locally.

**The Speaker:** First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** First of all, the honourable Minister stated in his answer "the progress report on the implementation of the 1995-1999 Education Strategic Plan was given at the third annual update last October 15 . . ." I am assuming that is October 1997. And the report that he so eloquently read is that report of 1997. "The next annual update is scheduled for April 1999." Can the Honourable Minister say, since that seems to me to be eighteen months, how it can be called an annual update?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** That flexibility has been built into the Strategic Plan. I think what the Member should realise is that the Planning Team is made up (probably one-half) of people in the private sector.

[inaudible comment]

**Hon. Truman M. Bodden:** Well, I am not on the Team. I mean this decision . . . I would like to make that clear, Mr. Speaker, this Strategic Plan has been produced by 353—

**Mr. D Kurt Tibbetts:** Oh Jesus!

**Hon. Truman M. Bodden:** —members of the public. And the Team which comprises about thirty people—

**Mr. D Kurt Tibbetts:** [inaudible comment] You do what you please.

**Hon. Truman M. Bodden:** Well, sometimes Members of this House think—

**Mr. D Kurt Tibbetts:** I don't care. It's me not you, okay?

**Hon. Truman M. Bodden:** —the Strategic Education Plan is Truman Bodden's Plan. It is not! It is put together by 353 educators and members of the public of this country. And I do everything I can to support it because it is a good plan. The fact that the team may delay a few months in dealing with the update is not in any way going to detract from it. That flexibility has been built into the plan.

**The Speaker:** First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just so that the Minister will understand clearly, my job here—contrary to what he may think—is to simply ask questions about this plan to help to ensure its progression. I am not in any way trying to hinder it. So when I seem to try to put holes in it, it is not me trying to create the holes. I just want to know if they are there to make sure that someone becomes aware of it to get them plugged. Okay?

Now, I asked the question to ensure that it had that latitude. Don't call it an annual update. It is not annual at that point in time. But that is beside the point. I will move on.

Bearing in mind recent discussions regarding this plan (and there was a Private Member's Motion, and we talked about it for a while), can the Honourable Minister say (without being specific but just as he would term it, "speaking generally") how far behind the original timeline we are? That question is not asked to expose anyone. I am just trying to know where we are at and how we intend to deal with it.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** First I should mention that the October review was done in the last school year. And this is where a bit of confusion has come in. This will be done in this school year, but instead of at the beginning it will be done sort of mid-way through.

In general, we are up to date on some of these things. Some are not. I have set out in here, for example, where some of these have not yet been started. I think we are

moving on within the area of about eighty of the action plans. So, yes, some are behind. Some have not been started on time. But generally the plan is fairly well on track in the vast majority of the action plans.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Strategy V, “We will strengthen the relationship between parents, students and educators.” Can the Honourable Minister say if the principals and teachers are getting more cooperation from both parents in, say, the attending of PTA meetings, and helping with school activities, etc.?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There has been and there continues to be improvement in that area. The vast majority of parents are good, they take interest in their children and they do come out. There are some, unfortunately, who don't take as much interest as they should. But the aim is to really reach those parents who need the extra support, both parents, to ensure that we reach the parents, or guardians, and get them out to Home School Association, and PTA reporting sessions. This is very important. We have to strive towards getting everyone there if we can.

**The Speaker:** First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** On page 1, Strategy I, plan 4, where it addresses the national curriculum. Can the Honourable Minister say . . . and let me explain here. I have read the answer. I understand what the answer is saying. But we have been talking about this curriculum for I think I can safely say many years now. I know it is an ongoing process. But what I would like to find out is if there is any light at the end of the tunnel regarding having this curriculum completed and integrated into the school system? Every time we hear of it we hear about specific areas. And I understand that. But at some point in time it has to come to where it is completed, and it has been going on now for a long time. So, can the Minister fill us in as to exactly where we are with it?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** By the end of this academic school year, we should have completed the curriculum 1 to 6 in the Primary Schools. Work is continuing, and I have been told that within two years there should be a completion on the George Hicks and the John Gray.

I would just like to explain (Members may know) that this has been a total re-writing and overhaul of the curriculum. It is a major job. Some of the fringe areas are not going to be completed within that, but the core of this is well underway. Like the Honourable Member asks, I ask about this a lot. Over the many years—I think this will

give me sixteen years that Education has been in a Ministry or Portfolio of mine—it has been the one thing that I would really like to see completed and in place and tested as soon as possible.

**The Speaker:** First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Moving into the structure of the Department regarding the implementation of the Strategic Education Plan, can the Honourable Minister say if there has been any need to restructure the way the Education Department is set up in order to facilitate the implementation of this Plan in a better fashion? If so, can he explain what it entails and how it is being done?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** About four years back the Education Department was restructured in this area. The Chief Education Officer has kept it under review and it may well be that there may need to be further restructuring within that area. The Chief Education Officer has said to me that that is kept under review. But it seems that at least the structure from four years back has lasted a reasonable time.

This is too important for anything to get in its way and I give the undertaking that if it needs to be restructured and, naturally it has to be dealt with by the Chief Education Officer, obviously I would support that restructuring by him.

**The Speaker:** First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I will ask a question by the time I finish, Mr. Speaker.

Some hold the view that some of the posts created to accommodate the implementation require special skills. For very valid reasons some of the individuals involved may not necessarily have those honed those skills required but, certainly, they are capable once the skills are provided to them to function properly. Has there been any look-see into this situation to see if any of the individuals involved may need any special type of training? Not necessarily for long periods of time, but specific types of training to be able to perform the jobs in a more efficient manner?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** We have sent staff off mainly on short-term training on several occasions. There are a few areas where we do not have the skills from within and the UNDP has let us have specialists within that area to assist. However, I think that it is very important to the ownership of that curriculum that the local staff with the skills (of which we have literally all the skills here) do take part so that when that curriculum is completed there will be a full acceptance and ownership of it.

**The Speaker:** First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** And just to follow up what the Minister has said, and with knowledge of the experts from UNDP who are seconded here for specific periods of time, as this process is an ongoing one can the Honourable Minister give an undertaking that when these people who have the skills leave our shores that within a reasonable timeframe other individuals who are left to deal with the same things are given the opportunity to acquire those special skills?

The Minister has said there are a few gaps. And these gaps are filled by outside help. That outside help is temporary. And I am saying for the remainder of the staff who are here all the time in order for them to fill those gaps there should be a need for specific training. I am asking for an undertaking that this will be done.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** I give that undertaking. It is being done and it will continue to be done. We must train our local staff to deal fully with this because the time will come in the not-too-distant future when some of these will have to be reviewed again. At that stage if we have the in-house expertise it will help to increase the ownership of it meaning that we would have become autonomous within that area. So I happily give that undertaking.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** On page 2, under Strategy II plan 1 where the objective is "to centralise professional services so that all children will have equal access to services provided by the multidisciplinary team." In the implementation update I see no mention of the Alternative Education Centre and I am not 100% sure whether that is included. Can the Honourable Minister enlighten us as to whether or not there is a specific programme for the Alternative Education Centre or if it is part and parcel of the centralisation of the professional services?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** While the facility is not specifically mentioned in these it is a facility that we have. It could well be that after a student was evaluated by the multidisciplinary team that he may go on to that Alternative Education Centre. It doesn't necessarily mean so. The vast majority obviously get back within the general school system. But it is definitely a part of the system and even though it may not be mentioned here, I take the point. We did mention the Lighthouse School, for example, but not that one. I can only assume that is what the team meant. They took it for granted, I guess.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** On page 3, Education Development Plan implementation report strategy 3. The strategy outlines that we will establish throughout the system individual and school accountability. Can the Honourable Minister expand on individual and school accountability? Does that transcend into the Department, or is it simply talking about the schools themselves and the staff of the schools?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Mr. D. Kurt Tibbetts:** There's a little bit of confusion. Let me explain it. It is on page 3 where it has strategy III which reads: ". . .we will establish throughout the system individual and school accountability."

Mr. Speaker, sir, if I may say, it is that time when you said you would suspend and to be very truthful the answer is 14 pages long and while it may seem like we have spent a lot of time I certainly have not had an opportunity to ask supplementaries, so I would very much like to come back to complete them. That means the Minister will have time to research the one I just asked and he can answer it when we come back.

**Hon. Truman M. Boddén:** Actually, I can't find the one you referred to.

**The Speaker:** We shall suspend until 2.15 PM.

**PROCEEDINGS SUSPENDED AT 12.30 PM**

**PROCEEDINGS RESUMED AT 2.43 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Question Time continues. Supplementaries. The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Mr. Speaker, I think, sir, that there is an attempt to try to complete the business of the House this evening. Since there were a few questions left, perhaps it might be in the best interest to be able to complete this evening if we move on to the other business and at the end, if time allows, we continue with questions. Failing that, we could simply get the remainder of the answers that we wish in writing, if it is the wish of the House.

**The Speaker:** Do you care to move that in the form of a motion?

**Mr. D Kurt Tibbetts:** I so move Mr. Speaker.

**The Speaker:** Do you have a seconder?

**Hon Truman M Boddén:** I second it sir.

**The Speaker:** The Motion has been moved and seconded that the remaining questions be answered in writing and we will proceed on to the next item. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THAT THE HOUSE MOVE ON TO GOVERNMENT BUSINESS; AT THE END THEREOF, IF TIME ALLOWS, CONTINUING WITH QUESTIONS; AND, FAILING THAT, THE REMAINING QUESTIONS BE ANSWERED IN WRITING.**

**The Speaker:** Moving on the next item on today's Order Paper: Motions. Government Motion No. 2/98, The Development Plan of 1997. Debate continuing.

## **GOVERNMENT BUSINESS**

### **MOTIONS**

#### **GOVERNMENT MOTION NO. 2/98**

#### **THE DEVELOPMENT PLAN 1977**

*(Continuation of debate thereon)*

**Hon. Truman M. Boddien:** Mr. Speaker, just to thank Honourable Members for supporting the motion.

**The Speaker:** I shall put the question on Government Motion No. 2/98. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: GOVERNMENT MOTION NO. 2/98 PASSED.**

**The Speaker:** Bills, First Reading.

### **BILLS**

#### **FIRST READINGS**

#### **THE PENAL CODE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Penal Code (Amendment) Bill, 1998.

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

#### **THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Criminal Procedure Code (Amendment) Bill, 1998

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

The Honourable Second Official Member responsible for Legal Administration.

### **SUSPENSION OF STANDING ORDER 46(1)**

**Hon. Richard H. Coles:** Thank you, Mr. Speaker.

The next Bill, The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998, has not run the full 21 days. It has only, in fact, been published for 14 days. So I would ask that Standing Order 46(1) be suspended to allow the Bill to be read a first time. And I would further ask, notwithstanding the way it has been set down on the Order Paper for today, that the Bill be read for a first time and be set down for second reading at the next meeting of the Legislative Assembly in November.

**The Speaker:** I shall put the question on the motion just moved. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 46(1) SUSPENDED TO ENABLE THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (FOREIGN OFFENCES) BILL, 1998, TO BE READ A FIRST TIME AND SET DOWN FOR SECOND READING AT THE NEXT MEETING OF THE LEGISLATURE.**

**The Speaker:** Bills, First Reading.

#### **THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (FOREIGN OFFENCES) BILL, 1998**

**The Deputy Clerk:** The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998.

**The Speaker:** The Bill is deemed to have been read a first time, is set down for Second Reading and suspended until the next Meeting.

The Honourable Minister responsible for Education, Aviation and Planning.

### **SUSPENSION OF STANDING ORDER 46(1) AND (2)**

**Hon. Truman M. Boddien:** I move the first reading of a Bill entitled The Community College (Amendment) Bill, 1998. I'm sorry. I am not certain if the Attorney General suspended for all Bills? No? Well, I move the suspension of Standing Order 46 (1) & (2) to allow The Community College (Amendment) Bill, 1998 to be given a first reading.

**The Speaker:** I shall put the question, as this one has not been gazetted. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. STANDING ORDER 46(1) AND (2) SUSPENDED TO ENABLE THE COMMUNITY COLLEGE (AMENDMENT) BILL, 1998, TO BE TAKEN.**

#### **THE COMMUNITY COLLEGE (AMENDMENT) BILL, 1998**

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

Second Readings.

## SECOND READINGS

### THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS AND NEED FOR LICENSED PREMISES) BILL, 1998

**The Deputy Clerk:** The Liquor Licensing (Amendment) (Protection of Minors and Need for Licensed Premises) Bill, 1998.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** In presenting this Bill, Mr. Speaker, I would draw to Members' attention the proposed committee stage amendments, which have been circulated. I would humbly beg your indulgence to comment on those proposed amendments because I think that is the most effective and expeditious way to deal with this matter.

In an attempt not to overtax Members at this late stage in the meeting I have also provided them with an amalgamation of the existing Bill and the proposed committee stage amendments. I would suggest, with your permission, that it would be more convenient to follow the net proposals against that document. I am confident that Members will find the net effect of these amendments more acceptable than the original Bill, and I would like to offer some explanation as to why we find ourselves in the situation of proposing such substantial amendments to a Bill that is itself of such recent vintage.

The situation has been largely influenced by Private Member's Motion No. 18/98 which the House considered earlier in this meeting. The debate on that motion and its subsequent acceptance by the Government provided both a stimulus and an opportunity to revisit this Bill and apply a little bit of reinvention to it. In fact, this amended Bill will actually give effect to the first Resolve section of that motion, and I trust that the House and the mover will appreciate this responsiveness.

It is also true that in revisiting the Bill a number of revisions were identified which could further enhance the objects of the Bill which is what we now also propose to attend to through the committee stage amendments which I mentioned earlier.

Turning now to the actual proposals. The first amendment relates to the short title which had been The Liquor Licensing (Amendment) (Protection of Minors and Need for Licensed Premises) Law, 1998. It is proposed to amend that title by deleting "Need for Licensed Premises" for reasons that I will come to shortly.

Clause 2 of the Bill provides for the insertion of three new definitions. But as will be seen from the amalgamated version those have now fallen away as they would have been made redundant by the proposed committee stage amendment which expands the geographical re-

striction of the original Bill to a total restriction throughout the Islands.

The original Bill and the amalgamated version propose an amendment to section 4 of the Law, which deals with licensing districts and licensing boards. The Law currently provides for separate Liquor Licensing Boards for Grand Cayman and for Cayman Brac and Little Cayman and each board is comprised of a chairman, a deputy chairman and three other members. Section 4 (5) of the Law prescribes the quorum of the boards to be three members including the chairman. But it should be noted from this prescription that even if the deputy chairman and three members are present a quorum is not realised. Obviously this nullifies the primary benefit of having a deputy chairman and it seems obvious that this was an oversight in introducing the position of deputy chairman and that the prescription of a quorum was not simultaneously amended to recognise this.

The proposed amendment to section 4(5) of the Bill (inserting "deputy chairman" after "chairman") will contribute greatly to the ability of the Liquor Licensing Boards to schedule their meetings in a timely matter and to honour those schedules in that they won't have to be totally dependent on the availability of the chairman.

The next amendment relates to section 7 of the principal Law where it is proposed to insert a new section 5 to enhance the current provisions in respect of defining bar areas. Specifically, this provision seeks to eradicate over the next 12 months and prevent a recurrence of the situation where premises holding both a restaurant and a retail licence require persons to transit through a bar area for access or egress, or of access to shared amenities, such as restrooms. The view is that restaurants and retailer bar areas can exist on the same premises but that patrons of restaurants should not have to transit retail areas or bar areas as part of a dining experience if they do not wish to. There are many good examples of layouts that already comply with this concept but, regrettably, there are also too many premises that do not. So the amendment seeks to provide a year within which those premises could correct those situations.

The next section of the Law which the Bill seeks to address is section 9, which deals with the requirements for licensed premises. As noted earlier, the insertion of a section to deal with whether the public was adequately served was proposed, hence the reference to that in the short title. It is now proposed to not include that provision so it does not show up under clause 4 of the amalgamated Bill and amendments. Additionally, it had been suggested to include certain restrictions on granting licences in certain geographical areas. These recommendations emanated from a motion which Government accepted some two years ago and would have required restrictions on the granting of licences in residential areas and within proximity of certain types of buildings.

Having also accepted the motion to expand that in one particular electoral district, Government is now recommending as an amendment total prohibition on the grant of new licences in any part of the Islands from the date of commencement of this Law until a date to be de-

terminated by the Governor. Having said that, it is recognised that this prohibition will need to be supplemented in the near future with some provisions which relate to how, and under what circumstances and in what form it should be eased.

Certainly, it represents a definitive position in respect of the overall propagation in licences or licensed premises, but it also creates the opportunity for various other concepts and strategies to be pursued. It is a fact that the existing suite of licensed premises contribute about \$200,000 per year to the revenue of these Islands. Certainly, the fact that retail facilities pay about \$500 per year, or \$1.50 per day, would suggest that those fees are currently not a serious factor in the expansion of the facilities or the sector. With this prohibition the stage is set where the Government would be able to give serious consideration to a system of perhaps introducing a quota of licences which could become available at certain points, and in turn that quota could be auctioned on an annual fee basis to get an indication from the market as to what it is prepared to pay for such licences. Certainly governments are never very good at deciphering these things—not just ours. In turn, what the market is willing to pay will obviously give us some worthwhile information as to how we should be increasing the fees overall.

The restriction, if supported in due course by other administrative and legislative provisions could create an environment and an opportunity for certain establishments, which may be marginal operators in terms of profitability, to realise some windfall and move out altogether. My recollection is that that is what happened many years ago when we had a quota for a period of time. So there are various possibilities that instituting this restriction creates and Government, having accepted [Private Member's] Motion No. 18/98 will, if this Bill is successful, obviously have to move ahead (I would suggest in the next six months or so) and carry out the full review of the legislation as it gave a commitment to do and provide the framework for some of these potential benefits to be realised. I don't think the Islands will suffer for six months if no new licences are granted.

But I should perhaps clarify that there are some limited exceptions to this prohibition. Those include the occasional licence, or what is commonly known as the temporary licence that is given for a specific function; and also exempt would be applications for a licence made prior to the commencement of this Law, or transfers of licences already in existence.

The next set of amendments relate to section 10 which describes the categories of licences and is simply proposed to introduce the occasional licence as had been previously more described in section 19 but not in fact included in section 10 as a category of licence. Moving on, section 19 would be amended by repealing authorisation (the Law now refers to occasional authorisation) and in turn replace that with occasional licence.

The final part of the amendments relate to section 21, and are all intended to better regulate in particular the access of persons under 18 to licensed premises. The Government is extremely concerned in regard to some of

the situations that have arisen either at premises or, certainly, at events, which have obtained an occasional licence. What the amendment seeks to do is to substantially increase certain penalties in the hope of providing a serious deterrent to any activities which it is suggested persons under this age should not engage in, or should not be aided in engaging in.

It may be, as we move through the committee stage, that we may hear of the need to make a few other minor changes. But we think that the existing proposals certainly will go a long way to a better prescribing and effecting of what young people should be allowed to engage in.

In particular, there is a definite prohibition expressed that young people should not be in bars. And with the provisions which are being proposed in the earlier sections of the Law, section 4, and the opportunities being afforded for premises over the next year to better delineate their restaurant and bar areas then we see no reason why these proposals should not become fully workable within the next year. At least in that category of licence.

I appreciate that Members have not had a lot of time to consider these amendments in particular, but I trust that they will find them as enhancements to what was previously put forward in the Bill and that they will hold us to account to get on with dealing with the broader review of the legislation. Against that background I would hope that Members would find it possible to give the Bill with the declared amendments their support. Thank you.

**The Speaker:** The question is that a Bill entitled, The Liquor Licensing (Amendment) (Protection of Minors and Need for Licensed Premises) Bill, 1998 be given a second reading. It is now open for debate. Does any Member wish to speak? (pause) If not, would the mover like to exercise his right to reply?

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

**The Speaker:** I think you lost your time for that. The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Mr. W McKeever Bush:** You can always give way, you know.

**Mr. John D. Jefferson, Jr.:** I want to compliment you.

**Mr. W McKeever Bush:** It might be a compliment.

**Hon. Donovan Ebanks:** I don't have a problem with giving way, sir.

**The Speaker:** He had an opportunity. I called twice. Please.

**Hon. Donovan Ebanks:** I would simply like to thank Members for their implicit support and look forward to hearing any other suggestions they may have for any further fine tuning when we move to the committee stage.

**The Speaker:** The question is that a Bill entitled The Liquor Licensing (Amendment) (Protection of Minors and Need for Licensed Premises) Bill, 1998 be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS AND NEED FOR LICENSED PREMISES) BILL, 1998, GIVEN A SECOND READING.**

**The Speaker:** Bills, second reading.

### **THE PENAL CODE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Penal Code (Amendment) Bill, 1998.

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

**Hon. Richard H. Coles:** Thank you.

This Bill for a Law to Amend the Penal Code arises out of the recommendations from the Select Committee of the whole House, which reviewed the Penal Code over a period of time culminating in the final report being given to the House I believe in 1996. I want to say at the outset that whilst the majority of the provisions in this amending Bill arise from that report and the recommendations, and I will draw attention to those that fall outside that particular ambit, this Bill certainly does not encompass all the recommendations of that Select Committee.

The work involved in dealing with a comprehensive review of the Penal Code has been considerable, not least because of the amount of other legislation from other countries that is being compared with it and researched in order to come up with a comprehensive review. That particular exercise is still ongoing. It might assist the House if I say that legislative counsel has already prepared a first working draft. But that ran to some 350 clauses and 150 pages. My concern was that we were able to bring before this House today, in this meeting, the amendments that are so urgently required to the Penal Code. But that does not mean that we have dealt with everything that's in that Select Committee—there will be more to come.

*[Inaudible interjection]*

**Hon. Richard H. Coles:** Well, I can't say when it will be coming. It will be coming when it is ready, Mr. Speaker. So, I just wanted to make that clear right at the start.

I am going to go through the provisions because I think it is important that I move through them, and I will do so as quickly as I can.

Clauses 2 and 4 abolish the concept of common law offences in the Islands. We do not, in fact, charge com-

mon law offences in Cayman because all of our criminal offences are embodied in statute law, most of them of course in the Penal Code.

Clause 3 amends section 3 of the principal Law to provide a definition of "attendance order." An attendance order is an order made in respect of a young person under section 24 of the Youth Justice Law, 1995, to attend at a particular place for a stated number of hours.

The Committee recommended (that is, the Select Committee) that a person should be criminally liable for offences from the age of ten and not eight as in the principal Law. This recommendation has been included in clause 5. It was further recommended that a person under the age of 14 years should not be criminally responsible for an act or omission unless it is proved that at the time of committing the act or making the omission he had capacity to know that he ought not to commit the act or make the omission. In other words, he has to appreciate what he is doing and the fact that it is wrong. The age under the principal Law is 12.

Clause 6 amends section 16 of the principal Law (compulsion by husband) pursuant to the recommendation of the Committee that the section should apply to both genders. This is the compulsion to give evidence.

Clause 7 amends section 21 of the principal Law to include compulsory attendance orders as a form of punishment.

Clause 8 inserts a new section, section 23A, which provides, pursuant to the recommendation of the Committee, that where a person is found guilty by a court of committing an indictable offence for the second time, the court may sentence that person to imprisonment for life for the second offence. When determining whether it would be appropriate not to impose a life sentence in such circumstances the court shall have regard to the circumstances relating either to the offence or to the offender.

In accordance with the recommendation of the Committee, clause 9 amends section 38 of the principal Law to provide that when in the principal Law or any other law no punishment is specifically provided for an offence it shall be punishable with imprisonment for a term not exceeding four years. It further provides that where a person 18 years of age or older is convicted of an offence under this Law or any other law, and a person under the age of 18 is the accomplice or an accessory after the fact of that person in the commission of that offence, the court may in its discretion impose a penalty which is twice the maximum prescribed for that offence, except where the penalty is life imprisonment or death. This gives effect to, in short, a situation where an adult involves a juvenile in the commission of an offence. Then the penalty that that adult faces is double what the permissible penalty would otherwise be under the Law.

And, Mr. Speaker, we intend to also bring a similar amendment for the sake of clarity in the Misuse of Drugs Law which I hope I shall be able to bring at the next meeting of the House.



Clause 10 amends section 39 by removing the reference to corporal punishment, which is no longer a judicial punishment in the Islands.

Clause 11 amends section 64 of the principal Law and increases, upon the recommendation of the Committee, the maximum penalty from one year and a fine of \$250 to five years and a fine of \$5,000. That relates to the publication of false news that is likely to cause fear or alarm to the public.

The Committee noted that the United Kingdom has no legislation to protect its national flag from vandalism. In fact, Mr. Speaker, the United Kingdom does not have a national flag. The Union Jack is not a national flag. But it recommended that such protection be included in the principal Law. Clause 12 provides a new section 76A, which provides that a person who unlawfully destroys or damages the flag of the Islands commits an offence.

The Committee recommended that the penalty for offences relating to offensive weapons be brought in line with comparable offences. The maximum penalty in section 78 of the principal Law (restriction on the importation etc. of prohibited weapons) has been increased by clause 13 to a term of imprisonment not exceeding ten years and to a fine not exceeding \$10,000.

Under clause 14 the maximum penalty under section 79 of the principal Law (restriction on carrying offensive weapons) is increased to a term of imprisonment for two years and a fine not exceeding \$2,000.

Clause 15 amends section 80 of the principal Law by increasing the maximum penalty to \$100 for refusing to accompany a constable to the nearest police station.

Clauses 16 and 17 increase the maximum penalties under sections 88 and 89 respectively for official corruption and extortion to imprisonment for five years and to a fine not exceeding \$5,000.

Clause 18 amends section 90 of the principal Law to provide that where a public officer receives property to show favour he is liable to a penalty of one year's imprisonment.

Clause 19 amends section 91 of the principal Law by increasing the maximum penalty for corrupt public administration to two years' imprisonment.

Clause 20 amends section 93 of the principal Law by increasing the maximum penalty for abuse of office to three years' imprisonment, and to four years' imprisonment where personal gain is involved.

Clause 21 amends section 95 by increasing the maximum penalty for unauthorised administration of oaths to two years' imprisonment.

Clause 22 amends section 96 by making a false assumption of the office of notary public a criminal offence.

Clause 23 increases the maximum penalty for personating a public officer under section 97 to four years' imprisonment.

Clause 24 repeals section 105 of the principal Law and reforms the law relating to the offence of perverting or conspiring to pervert the course of justice.

Clause 25 amends section 109 by increasing the maximum penalty for a number of offences relating to judicial proceedings to four years' imprisonment.

Clause 26 amends section 121 of the principal Law which deals with the offence of disturbing religious assemblies to provide that the disturbance must be unlawful.

Clause 27 repeals section 125 of the principal Law. It reforms the law relating to the offence of rape and provides that a man may be the victim of rape.

Clause 28 reforms the law relating to the offence of indecent assault on a female by repealing section 130 and substituting new provisions. Under the new section 130 the maximum penalty for the offence is ten years' imprisonment.

Clause 29 increases the maximum penalty for insulting the modesty of a woman to three years' imprisonment.

Clause 30 amends the offence of administering drugs with intent to have unlawful sexual intercourse to cover offences committed against both sexes.

Clause 31 increases the maximum penalty forbugery or bestiality under section 142 to ten years' imprisonment.

Clause 32 repeals section 143 of the principal Law. It provides that it is an offence to make an indecent assault on a man. A woman may be prosecuted under this section. Further, the clause provides that a boy under the age of 16 cannot in law give any consent that would prevent an act from being an assault for the purpose of this section.

Clause 33 amends section 168 by re-defining the offence of promoting the superstition of Obeah.

Clause 34 amends section 190 of the principal Law to extend the duty of the head of a family to a child up to 17 years of age. It was previously extended only to a child of 14 years or less.

Clauses 35, 36 and 37 combine the offences of wounding and causing grievous bodily harm. Clause 35 provides that a person who unlawfully and maliciously by any means whatsoever, wounds or causes any grievous bodily harm to any person with intent so to do or with intent to resist or prevent the lawful apprehension or detainer of any person commits an offence and is liable on conviction to imprisonment for life.

Clause 36 provides that a person who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any person, either with or without any weapon or instrument commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

Clause 37 repeals the offence of wounding.

Under Clause 38 the penalty for other negligent acts or omissions causing harm has been increased to two years and a fine of \$2,000 is provided.

Clause 39 provides a penalty of two years' imprisonment and a fine not exceeding \$2,000 for the offence of dealing with poisonous substances in a negligent manner.

Clause 40 deals with the offence of dishonestly using electricity without due authority or dishonestly wasting or diverting electricity. In accordance with the recommendation of the Committee the penalty has been decreased.

The Committee was of the opinion that the punishment for this offence was excessive. The clause therefore provides that the maximum penalty is a term of imprisonment of two years or a fine not exceeding \$2,000 or both.

The Bill also contains new offences relating to property. This is one of the clauses. In fact, there are more than one but this is the start of the clauses that do not emanate from the recommendations of the Select Committee but are new offences or new definitions of offences that I and the Government deemed desirable to put in the Penal Code and I will explain why.

Clause 41 sets out the offences of evading liability by deception, obtaining services by deception, obtaining a money transfer by deception and dishonestly retaining a wrongful credit. There are some further offences that I will go through in just a moment which also relate to obtaining property by deception. These new offences have been included as a result of a House of the Lords' decision in the case commonly called the case of "Preddy" which was decided by the House of Lords in London in 1996, and interpreted the law at that time (which law of the United Kingdom is mirrored by the criminal law in Cayman, the Penal Code) which in essence said that where someone was defrauded and money stolen by means of an electronic transfer from one bank account to another, this could not fall within the definition of "property" and therefore did not fall within the definition of a criminal offence. So in that particular case the prosecution failed.

Within a matter of literally a week or maybe two weeks of that House of Lords' decision the House of Parliament in London had passed an amending piece of legislation to ensure that that loophole in the criminal law was plugged. And this particular clause that I am dealing with now and the ensuring clauses which I will explain in a minute do exactly that same thing. Fortunately we have not had that problem in Cayman. But that is to make sure that we do no have it in the future as well.

The Committee had recommended that the penalty for false accounting be brought into line with comparable offences. However in researching this offence in other jurisdictions such as the United Kingdom and the Virgin Islands, which has recently enacted a new Criminal Code, it was noted that there was a similar penalty of seven years' imprisonment, so the law was not amended.

Clause 42 re-defines the offence of making off without payment.

Clause 43 deals with destroying or damaging property. The Committee had noted that the penalty for arson is imprisonment for life, while attempted rape, robbery and burglary carry lesser penalties. However it was noted again that under the Virgin Islands Criminal Code and the United Kingdom Criminal Damage Act 1971 the penalty for arson is in fact life imprisonment.

Clause 44 amends the principal Law by inserting a new section 250A to provide for the offences of threats to destroy or damage property or possessing anything with intent to destroy or damage property.

Clause 45 makes repeals consequent upon clauses 43 and 44.

Clause 46 amends section 261 by increasing the maximum penalty for criminal trespass to a fine of \$1,000 or one year's imprisonment, or both. Clause 46 also provides that a person who is convicted of the offence of criminal damage to trees and plants is liable to a fine of \$2,000 or two years' imprisonment, or both, or if the offence is committed in a public park or a private garden to a \$3,000 fine and three years' imprisonment, or both.

Clause 47, upon the recommendation of the Legal Department, amends section 262 by increasing the penalty for aggravated trespass to four years' imprisonment.

Under clause 48 the penalty for doing damage to or on unenclosed land has been increased from six months to two years.

Clauses 49 to 55 deal with the offence of forgery and counterfeiting. Some penalties have been decreased and others have been increased upon the recommendation of the Committee.

Clause 56 deals with attempts to commit offences. The Committee recommended that the punishment for an attempt to commit an offence be a set percentage of that which would be imposed for the offence itself. It was felt, however, upon an examination of precedents that the Criminal Law Act, 1977 UK provides appropriate penalties. Clause 56 amends section 303 of the principal Law to provide that a person who attempts to commit an offence, commits an offence and is, unless any other punishment is provided in the principal Law or any other law -

(a) Liable on conviction on indictment, if the offence attempted is murder or any other offence the sentence for which is fixed by law, to imprisonment for life;

(b) Liable on conviction on indictment, if the offence attempted is indictable but does not fall within paragraph (a), to any penalty to which he would have been liable on conviction on indictment of that offence; and

(c) Liable on summary conviction, if the offence attempted is triable either way, to any penalty to which he would have been liable on summary conviction of that offence.

A person charged with an attempt to commit an offence shall be charged under the section, whether of the principal Law or any other law, creating the offence under which he would be charged if the charge was of the complete offence.

A provision in any law, including the principal Law, as to the consequences which may or shall follow conviction for any offence, or as to the procedure or any other matter applicable where a person is convicted of an offence, is to apply equally where a person is charged or convicted of an attempt to commit the offence.

Clause 57 increases the maximum penalty for conspiracy to commit an offence to ten years' imprisonment.

Clause 58 amends the definition of "accessory after the fact" to provide that the spousal exemption applies to both men and women.

Clause 59 of the bill amends section 308 of the principal Law to provide that a person who is convicted of

being an accessory after the fact is liable to imprisonment-

- (a) If the offence is one for which the sentence is fixed by law, for a term not exceeding ten years;
- (b) If the offence is one for which a person (not previously convicted) may be sentenced to imprisonment for 14 years or more, for a term not exceeding seven years;
- (c) If the offence is not included in paragraph (a) or (b) but is one for which a person (not previously convicted) may be sentenced to imprisonment for ten years, for a term not exceeding five years; and
- (d) In any other case, for a term not exceeding three years.

I have now been through all of the clauses in the amending Bill. As I said, the only one that falls outside of the recommendation . . . well, there was one recommendation by the Legal Department, otherwise the only clause that fell outside of the recommendations of the Select Committee was the one I talked about on the issue of obtaining property by deception, and clause 41 sets out a number of new offences that relate to that. We have also re-instituted the offence of obtaining services by deception as well and there is no indication or no intent to pay for them.

I don't think I have any more to say at the moment, but if any Members have any queries, obviously I will try to deal with those when I wind up. Thank you.

**The Speaker:** The question is that a Bill entitled A Bill for a Law to Amend the Penal Code be given a second reading. It is now open for debate. The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** My contribution will be very short as the mover of this Bill has explained in his initial delivery that only some of the amendments proposed by the committee are included in this Bill. My only question at this point in time, and while I respect that he cannot give me a definite answer, I think the Members of the House would like to know what follows from here on in with those other proposed amendments? Perhaps we can get some type of indication as to how they are proposed to be dealt with.

I understand that there were some other important amendments which is why the partial amendments are being brought now, but I think it is important because it has been quite some time, understanding all of the circumstances surrounding it. But I believe we should be able to get some type of finite answer as regards exactly what is going to happen with the rest of those amendments that were proposed by the Select Committee. Thank you.

**The Speaker:** Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause) If not, does the mover wish to reply?

The Honourable Second Official Member responsible for Legal Administration.

**Hon. Richard H. Coles:** Thank you.

I would like to thank Members for their support, tacit or otherwise. As to the comment made by the First Elected Member for George Town, I can certainly assure him that the research and some of the drafting of the other recommendations not dealt with in this Bill is underway. It is not in a finished state yet which is why it has not come to the House. I can say that there is no reason why those recommendations should not be dealt with in a further amendment during the course of next year. I will certainly be commending to my successor that he bring this forward next year.

As I said originally, in view of the number of clauses and the number of pages that were contained in the first draft, a decision will have to be taken whether it is brought in the form of an amending Bill, or whether it might be better to consider a complete new Penal Code and a repeal of the old one. I don't know. That probably will be a decision for my successor to make. But I see no reason at all from the point of view of time why those recommendations should not be addressed in amending legislation brought during 1999.

**The Speaker:** The question is that a Bill entitled A Bill for a Law to Amend the Penal Code be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE PENAL CODE (AMENDMENT) BILL, 1998, GIVEN A SECOND READING.**

**The Speaker:** Bills, second reading.

**THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Criminal Procedure Code (Amendment) Bill, 1998.

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

**Hon. Richard H. Coles:** Thank you.

I think I can deal with this Bill very quickly. The amendments in this particular Bill, The Criminal Procedure Code (Amendment) Bill, 1998, are all consequential to the amendments to the Penal Code just passed for second reading. They are necessary in order to deal with that.

There is one recommendation of the Select Committee that was in fact not appropriate for the Penal Code

but is incorporated in this amendment. So I will read this out. **“This Bill amends the Criminal Procedure Code to bring it in line with the Penal Code as amended. The Select Committee of the Legislative Assembly to review the Penal Code noted that difficulties are caused by the number of cases which are required to go to the Grand Court in light of the limited jurisdiction of the Summary Court. Clause 3 therefore amends section 6 of the Criminal Procedure Code to provide that the Summary Court may pass sentences of imprisonment of 4 years and impose fines up to \$2,000.”**

In fact, Mr. Speaker, that is doubling the sentencing powers as they are at the moment.

**“The First Schedule of the Code, which provides for the mode of trial for offences, and indicates whether offences are arrestable without a warrant, is also amended to reflect the changes made to the Penal Code in offences and the penalties for offences.”**

Perhaps I can also reassure Members that the amendment which increases the sentencing powers of the Summary Court is something that I have discussed with the Honourable Chief Justice (the present Honourable Chief Justice) and he is comfortable with that and has given his support to it.

**The Speaker:** The question is that a Bill shortly entitled The Criminal Procedure Code (Amendment) Bill, 1998, be given a second reading. This is now open for debate.

Does any Member wish to speak? (Pause) Does any Member wish to speak? (Pause) If there is no debate, does the mover wish to reply? (Silence)

The question is that a Bill shortly entitled The Criminal Procedure Code (Amendment) Bill, 1998 be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1998, GIVEN A SECOND READING.**

**The Speaker:** Bills, second reading.

**THE COMMUNITY COLLEGE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Community College (Amendment) Bill, 1998.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** This is a very short Bill. In effect all that it really does is provide for the change in the name of the “Principal” of the College to “President”, and the “Deputy Principal” to “Vice President”. And it also deals with establishing Deans of the College. The rea-

soning is in many respects that the students who finish their Associate Degrees will be going on to American universities. This is the reasoning on it. It also allows for entry into articulation agreements. That, I think, is basically what this is about. So it is basically dealing with a cosmetic side of the College.

**The Speaker:** The question is that a Bill entitled The Community College (Amendment) Bill, 1998 be given a second reading. It is now open for debate. Does any Member wish to speak? (Pause) Does any Member wish to speak? (Pause)

If no Member wishes to speak, would the mover like to exercise his right of reply?

No reply? I shall put the question. The question is that a Bill entitled The Community College (Amendment) Bill, 1998 be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE COMMUNITY COLLEGE (AMENDMENT) BILL, 1998, GIVEN A SECOND READING.**

**The Speaker:** The House will now go into committee to consider a Bill entitled The Liquor Licensing (Amendment) (Protection of Minors and Need for Licensed Premises) Bill, 1998, and three other Bills.

**HOUSE IN COMMITTEE AT 3.55 PM**

## **COMMITTEE ON BILLS**

**The Chairman:** Please be seated. The House is now in Committee. With the leave of the House, may I assume that, as usual, we should authorise the Second Official Member to correct minor printing errors and such like in these Bills. Would the [Deputy] Clerk state each Bill and read its clauses?

**THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS AND NEED FOR LICENSED PREMISES) BILL, 1998**

**The Deputy Clerk:** The Liquor Licensing (Amendment) (Protection of Minors and Need for Licensed Premises) Bill, 1998.

**The Chairman:** In accordance with Standing Order 52(2) I grant leave for the amendments to the Bill to be moved.

**The Deputy Clerk:** Clause 1 Short title.

**The Chairman:** Amendment to title. The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I beg to move that the title be changed by deleting “and Need for a Licensed Premises”.

**The Chairman:** The question is that Clause 1 be amended. If there is no debate, I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED. AMENDMENT TO CLAUSE 1 PASSED.**

**The Chairman:** I shall now put the question that Clause 1, as amended be part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 1 AS AMENDED PASSED.**

**The Deputy Clerk:** Clause 2 – Amendment of section 2 of the Liquor Licensing Law (1996 Revision).

**The Chairman:** The question is that Clause 2 do stand part of the Bill.

**Hon. Donovan Ebanks:** Mr. Chairman, I beg to move that Clause 2 be deleted and Clause 3 renumbered Clause 2.

**The Chairman:** If there is no debate, the question is that Clause 2 be deleted and Clause 3 renumbered Clause 2. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT PASSED, THAT CLAUSE 2 BE DELETED AND CLAUSE 3 RENUMBERED CLAUSE 2.**

**The Deputy Clerk:** Clause 3: Amendment of section 4 Licensing Boards and Districts.

**The Chairman:** I shall now put the question that Clause 3, which is now Clause 2, the new clause in accordance with Standing Order 52(8)—

**Hon. Truman M. Boddén:** Mr. Chairman, I was wondering whether on this specific law, since there had been some discussions that were going on, the Chief Secretary, I should say, was looking at certain things with some of the Members, whether we shouldn't put the Committee stage of this to the end so that after the break we could look at the two new sections being brought in.

**Mr. D Kurt Tibbetts:** Mr. Chairman, the reasoning behind that, as I understand it, was that there was a need for other Members to be here. I don't see anybody else here who wasn't here before, so I don't see why we shouldn't continue.

**The Chairman:** My view is that we have already started it. I would like to continue if possible.

The question is that Clause 3, which is now renumbered Clause 2, do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. Clause 3 do stand part of the Bill.

**AGREED: CLAUSE 3 (NOW RENUMBERED CLAUSE 2) PASSED.**

**The Deputy Clerk:** Clause 4: Amendment of section 9, Requirements for licensed premises.

**The Chairman:** The question is that Clause 4 do stand part of the Bill. The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** Is this Clause 4 of the Bill? So that Clause will now read “A Board shall not grant any new licences in any part of the Islands from the date of the commencement of this Law until such date as may be determined by the Governor who shall cause notice of that which shall be published in the Gazette”? Or is that . . . this is why I was asking . . . there are committee stage amendments, and that was one of them I understood . . .

**Hon. Donovan Ebanks:** Mr. Chairman.

**The Chairman:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Under the amendments it had been proposed that we insert as Clause 3 an amendment to section 7. I am just curious if that is what we next should be dealing with. No? Okay.

**The Chairman:** According to Standing Orders, amendments should be taken at the end of the Bill. All new Clauses were taken—

**Hon. Donovan Ebanks:** Okay. Thank you, sir.

**The Chairman:** Will you move the amendment to Clause 4?

**Hon. Donovan Ebanks:** Yes, Mr. Chairman. I propose to move the following amendments to Clause 4, that, first of all by deleting paragraph (a); and secondly that paragraph (b) be re-worded to read: “In paragraph (b) (i) by

deleting (1A) and substituting the following: *“(1A) A Board shall not grant a licence in any part of the Islands from 9<sup>th</sup> October 1998 until such date as may be determined by the Governor, who shall cause notice of the date to be published in the Gazette.”*

The substantive change is that “the date of the commencement of this Law” would be replaced with “9<sup>th</sup> October 1998”.

**The Chairman:** The question is that the amendment do stand part of Clause 4. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE PASSED.**

**The Chairman:** The question is that Clause 4 as amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 4 AS AMENDED PASSED.**

**The Deputy Clerk:** Clause 5: Repeal of section 21 and substitution.

**The Chairman:** The question is that Clause 5 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. Clause 5 do stand part of the Bill.

**AGREED: CLAUSE 5 PASSED.**

**The Deputy Clerk:** Clause 6: Amendment of the principal Law – new sections.

**The Chairman:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Mr. Chairman, I beg to move that Clause 6 be renumbered as Clause 8, and that it be amended as follows: [by deleting 21A. (1) and substituting the following] *“21A. (1) A licensee shall not allow a person under the age of eighteen (a) to be in premises in a bar or licensed premises.”*

And (b) be amended *“No person shall knowingly cause, procure or attempt to cause or procure any person under the age of eighteen to be in the bar of licensed premises.”* The substantive effect of that would be that

the provision as small (a) to be in a premise to which a package or distributors licence relates would not be part of the amendment either in (a) or (b).

**The Chairman:** What about (c), (d) and (e)?

**Hon. Donovan Ebanks:** Turning then to (c), I beg to move that (c) [in section 21A] be amended by inserting *“the bar of”* before the words “licensed premises” where those words first appear.

In respect of (d): By renumbering 21A (4) as 21A (5) and by inserting the following as 21A (4) *“(4) No offence shall be committed under this section if the person under the age of eighteen is in a bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.”*

And (e) by inserting the following as 21A (6): *“(6) Subsection (5) comes into force on 1<sup>st</sup> October 1999.”*

And (f) by deleting 21C and 21D.

And finally (g) by renumbering 21E as 21C.

**The Chairman:** The question is that Clause 6 be amended as read. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENTS PASSED.**

**The Chairman:** The question is that Clause 6, as amended, do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 6 AS AMENDED PASSED.**

#### **NEW CLAUSES —Standing Order 52 (8)**

**The Deputy Clerk:** New Clause 3: Amendment of section 7.

**Hon. Richard H. Coles:** Mr. Chairman, I wonder if I could just interject at this point?

**The Chairman:** The Honourable Second Official Member responsible for Legal Administration.

**Hon. Richard H. Coles:** I know we have already dealt with Clause 4, and the First Official Member proposed that a date be put in there; instead of the date of commencement, that a date be put in in three instances as 9 October. And I understand, of course, why that is going in. But it occurs to me that I think the date ought to be the 10<sup>th</sup> of October because we are dealing with applications

made prior to that date. If we make that date the 9<sup>th</sup>, some applications might have already gone in today, and I don't think we would wish to stop those. So I think the date should really be the 10<sup>th</sup> which will mean that any application that went in today would be in order. Anything after today would not.

I believe that the Courts Office is closed now, but I am quite happy to say that yes we can say . . . [inaudible interjection] I think the Courts Office is closed. Well, that is the danger I am seeking to rectify. I think if we have the date as being today's date what we are actually doing is disallowing people's applications that have been put in prior to now.

**The Chairman:** Are you recommending that we recommit Clause 6? And take a further amendment as to dates?

**Hon. Richard H. Coles:** No, Mr. Chairman. Clause 4.

(pause)

**Hon. Richard H. Coles:** Mr. Chairman, if there is some concern, let's leave it as it is. It may well be that there are no applications made today. I have no idea whether there are or not. That was all my concern. Leave it as the 9<sup>th</sup>, and that means that any application that has been presented today will fall away.

**The Deputy Clerk:** New Clause 3.

**The Chairman:** The question is that new Clause 3 do stand part of the Bill. Will you read the amendment?

**Hon. Donovan Ebanks:** I beg to move that new Clause 3, Amendment to section 7, be inserted, and one minor amendment in the proposed subsection (5), that "toilets" be changed to "bathrooms".

**The Chairman:** The question is that this Clause be added to the Bill as Clause 3. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. This Clause has been added as Clause 3.

**AGREED: NEW CLAUSE 3 PASSED.**

**The Deputy Clerk:** New Clauses 5 and 6.

**The Chairman:** The question is that new Clauses 5 and 6 [do stand part of the Bill.]

**Hon. Donovan Ebanks:** I beg to move that the following new Clauses be inserted as Clauses 5 and 6. *"Amendment of section 10 – categories of licences. 5. Section 10(1) of the principal Law is amended by inserting the following new paragraph '(h) occasional'".*

*"Amendment of section 19—Occasional licences. 6. Section 19 of the principal Law is amended by repealing the word 'authorisation' wherever it appears and substituting 'occasional licence'."*

**The Chairman:** The question is that these Clauses be added to the Bill as Clauses 5 and 6. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. These have been added as new Clauses.

**AGREED: NEW CLAUSES 5 AND 6 PASSED.**

**The Deputy Clerk:** New Clause 9 (which should be Clause 10) Amendment of the Schedule.

**The Chairman:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** I beg to move that the new Clause 9: Amendment of the Schedule—and it should be 9 rather than 10 (that was simply a typo)—"9. The Schedule to the principal Law is amended (a) by repealing the heading 'Authorisation' and substituting 'Occasional licence'; and (b) by repealing 'authorised' and substituting 'licensed'."

**The Chairman:** The question is that this Clause be added to the Schedule as Clause 9. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: NEW CLAUSE 9 PASSED.**

**The Chairman:** Did the Member for West Bay have something to say?

**Mr. John D. Jefferson, Jr.:** Yes, Mr. Chairman. Where are we?

**The Chairman:** We are acting in accordance with Standing Order—

**Mr. John D. Jefferson, Jr.:** I mean in the Bill. That was an amendment to the Schedule?

**The Chairman:** Your amendment says 10, but it is 9.

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

Mr. Chairman, I am not a lawyer, and I know we have gone through the amendments and that type of thing, but just for my own clarity as the mover of the original motion calling for this moratorium on new liquor licences. I don't have a copy of my motion before me, I don't even have

the *Hansard* extracts, but I recall specifically that the request was for a moratorium on new liquor licences in residential areas. And then subsequently this year the First Elected Member for West Bay and I moved a motion calling for a moratorium on the issuance of new liquor licences in West Bay, period. My question is in accordance with section 9 of the Law, as amended, it says "A board shall not grant any new licences in any part of the islands from the date of the commencement of this Law until such date as may be determined." We are saying from 9<sup>th</sup> October or whatever it is. But maybe I missed something, and that is why I am asking: Are saying that we are placing a moratorium on all new liquor licences—be it commercial, residential, whatever? Is that the case? If so, I need that confirmed, Mr. Chairman.

**The Chairman:** The Temporary Acting First Official Member explained that when he moved the motion, but I will ask him to repeat it please.

**Hon. Donovan Ebanks:** That is certainly what we are doing, and I acknowledged that the motion which that honourable Member was party to did not call for a total moratorium on the whole of the islands, but, certainly, that is the Government's position and the position that the House adopted earlier.

**The Deputy Clerk:** A Bill for a Law to amend the Liquor Licensing Law (1996 Revision) to prohibit the sale of intoxicating liquors by or to persons under the age of 18; to widen the discretion of the Board in considering applications for liquor licences and for connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

### **THE PENAL CODE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Penal Code (Amendment) Bill, 1998.

Clause 1. Short title,

Clause 2. Amendment of section 2 – Saving of certain laws.

Clause 3. Definitions.

Clause 4. Insertion of new section – Abolition of common law offences.

Clause 5. Amendment of section 12 – Immature age.

Clause 6. Repeal of section 16 and substitution – Compulsion by spouse.

Clause 7. Amendment of section 21 – Different kinds of punishment.

Clause 8. Insertion of new section - imprisonment.

Clause 9. Amendment of section 38 – General punishment for offences.

**The Chairman:** The question is that Clauses 1 through 9 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 9 PASSED.**

**The Deputy Clerk:** Clause 10. Amendment of section 39 -repeal of corporal punishment.

Clause 11. Amendment of section 64 - publication of false news likely to cause fear and alarm to the public.

Clause 12. Insertion of new section - vandalising the flag of the Islands.

Clause 13. Amendment of section 78 - restriction on importation, etc., of prohibited weapons.

Clause 14. Amendment of section 79 - restriction on carrying offensive weapons.

Clause 15. Amendment of section 80 - power of search.

**The Chairman:** The question is that Clauses 10 through 15 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 10 THROUGH 15 PASSED.**

**The Deputy Clerk:** Clause 16. Amendment of section 88 - official corruption.

Clause 17. Amendment of section 89 - extortion by public officers.

Clause 18. Amendment of section 90 - public officers receiving property to show favour.

Clause 19. Amendment of section 91 - officers charged with administration of property of a special character or with special duties.

Clause 20. Amendment of section 93 - abuse of office.

Clause 21. Amendment of section 95 - unauthorised administration of oaths.

Clause 22. Amendment of section 96 - false assumption of authority.

Clause 23. Amendment of section 97- personating public officers.

Clause 24. Repeal of section 105 and substitution – conspiracy to defeat justice and interference with witnesses.

Clause 25. Amendment of section 109 - offences relating to judicial proceedings.

Clause 26. Amendment of section 121- disturbing religious assemblies.

**The Chairman:** The question is that Clauses 16 through 26 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.



**AGREED: CLAUSES 16 THROUGH 26 PASSED.**

**The Deputy Clerk:** Clause 27. Amendment of section 125 - rape.

**The Chairman:** The Honourable Second Official Member responsible for Legal Administration.

**Hon. Richard H. Coles:** Yes, Mr. Chairman, if I might request your permission under Standing Order 52.

**The Chairman:** Granted.

**Hon. Richard H. Coles:** The amendment is that Clause 27 be amended by inserting "*(whether vaginal or anal)*" in section 125(2) after "person".

**The Chairman:** The question is the amendment to Clause 27. The Elected Member for North Side.

**Mrs. Edna Moyle:** Would the Honourable Member state the amendment again? I didn't get it.

**Hon. Richard H. Coles:** Yes, Mr. Chairman, I will read it again, but it has been circulated. The Clerk will give you a copy.

**The Chairman:** I shall put the question on the amendment to Clause 27. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT PASSED.**

**The Chairman:** The question is that Clause 27 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 27 AS AMENDED PASSED.**

**The Chairman:** I would appreciate a motion for the suspension of Standing Order 10(2) in order to continue beyond the hour of 4.30. The Honourable Minister responsible for Education, Aviation and Planning.

**SUSPENSION OF STANDING ORDER 10(2)**

**Hon. Truman M. Bodden:** I move the suspension of Standing Order 10(2) to enable the House to go beyond 4.30.

**The Chairman:** The question is that Standing Order 10(2) be suspended in order to continue until the busi-

ness on the Order Paper is completed. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED. STANDING ORDER 10(2) SUSPENDED.**

**The Deputy Clerk:** Clause 28. Repeal of section 130 and substitution - indecent assault on females.

Clause 29. Amendment of section 131 - insulting the modesty of a woman.

Clause 30. Repeal of section 135 and substitution - administering drugs, etc. to a person.

Clause 31. Amendment of section 142 - unnatural offences.

Clause 32. Repeal of section 143 - indecent assault on a man.

Clause 33. Repeal of section 168(4) and substitution - Obeah.

**The Chairman:** The question is that Clauses 28 through 33 do stand part of the Bill. The Member for North Side.

**Mrs. Edna Moyle:** Thank you.

I have a problem with [Clause] 30 which amends [section] 135 subsection (2), administering drugs, etc., to a person. Subsection (2) says: "**No person shall be convicted of an offence under subsection (1) upon the evidence of one witness only unless that witness is corroborated in some material particular by evidence implicating the accused.**"

Who is going to administer drugs to somebody where there is a witness for them to be able to have sexual intercourse or carnal knowledge or anything else? Can you explain that to me please?

**The Chairman:** The Honourable Second Official Member responsible for Legal Administration.

**Hon. Richard H. Coles:** Mr. Chairman, I don't think I can really deal with hypothetical offences. What it means is that there must be some corroboration.

**Mrs. Edna Moyle:** Such as?

**Hon. Richard H. Coles:** Well, the corroboration could be the drug itself; a swab from the victim; it could be forensic corroboration; it could be DNA sample. It could be any matter of things.

**Mrs. Edna Moyle:** For doing drugs, injecting drugs into somebody? Isn't this what I am understanding? "**Whoever applies, administers, or causes to be taken by another person any drug, matter or thing with intent to stupefy or overpower that other person so as to enable any person to have unlawful carnal knowledge of such person is guilty of an offence.**" This is what I am asking.

**Hon. Richard H. Coles:** Mr. Chairman, the type of offence I can envisage being prosecuted under this is something that has become, unfortunately, quite common

in the United States where there are substances available now that can be inserted into somebody's drink, they have no taste, they have no smell, they pass through the body extremely quickly, but they leave the victim, if you want to call her that, which is the right description, so that she is unable to resist this type of offence. Now, that is the type of situation—

**Mrs. Edna Moyle:** Well, thank you so much. That's not hypothetical is it?

**Hon. Richard H. Coles:** There may be others, but it is difficult for me to deal with hypothetical instances. That is what I envisage anyway.

**Mrs. Edna Moyle:** You're so nice. Thank you so much. That's not hypothetical. Now I understand.

**The Chairman:** Any further debate?

**Hon. Anthony S. Eden:** Mr. Chairman, just to follow up on that.

**The Chairman:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I am aware that in the UK there is a drug that is passed on at parties that is conducive to what they are talking about here.

**The Chairman:** Any further debate. If not, I shall put the question that Clauses 28 through 33 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 28 THROUGH 33 PASSED.**

**The Deputy Clerk:** Clause 34. Amendment of section 190 - duty of head of family.

Clause 35. Repeal of section 201 and substitution-wounding or causing grievous bodily harm.

Clause 36. Insertion of new section - wounding or inflicting grievous bodily harm.

Clause 37. Repeal of section 206 - wounding.

Clause 38. Amendment of section 209 - other negligent acts causing harm.

Clause 39. Amendment of section 210 - dealing with poisonous substances in a negligent manner.

**The Chairman:** If there is no debate I shall put the question that Clauses 33 through 39 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 33 THROUGH 39 PASSED.**

**The Deputy Clerk:** Clause 40. Amendment of section 233 - abstracting electricity.

Clause 41. Insertion of new sections - evasion of liability by deception, etc.

Clause 42. Repeal of section 237 and substitution - making off without payment.

**Hon. Richard H. Coles:** Mr. Chairman, there is an amendment to Clause 43.

**The Chairman:** If there is no debate, I shall put the question that Clauses 40 through 42 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 40 THROUGH 42 PASSED.**

**The Deputy Clerk:** Clause 43. Repeal of section 250 and substitution - arson.

**The Chairman:** The Honourable Second Official Member responsible for Legal Administration.

**Hon. Richard H. Coles:** I would like to move an amendment to Clause 43. The amendment is that Clause 43 be amended by deleting subsection (1) of section 250 and *renumbering subsections (2), (3) and (4) as (1), (2) and (3) respectively.*

**The Chairman:** If there is no debate I shall put the question that Clause 43 be amended. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 43 AMENDED.**

**The Deputy Clerk:** Clause 44. Insertion of new section - threats to destroy or damage.

Clause 45. Repeal of sections 257 and 260 - destroying or damaging property and threats to burn, etc.

Clause 46. Amendment of section 261 - criminal trespass.

Clause 47. Amendment of section 262 - aggravated trespass.

Clause 48. Amendment of section 263 - doing damage to or on unenclosed land.

Clause 49. Amendment of section 270 - imprisonment for life.

Clause 50. Amendment of section 279 - importing or purchasing forged notes.

Clause 51. Amendment of section 280 - falsifying warrants or money payable under public authority.

Clause 52. Amendment of section 281 - falsification of register.

Clause 53. Amendment of section 283 - false statements for registers of birth, marriages and death.

Clause 54. Amendment of section 285 - counterfeiting coin.

**The Chairman:** The question is that Clauses 44 through 54 do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 44 THROUGH 54 PASSED.**

**The Deputy Clerk:** Clause 55. Repeal of section 288 and substitution - impairing, etc., current coin.

Clause 56. Repeal of section 303 and substitution - attempts to commit offences.

Clause 57. Amendment of section 305 - conspiracy to commit an offence.

Clause 58. Amendment of section 307 - definition of accessories after the fact.

Clause 59. Repeal of section 308 and substitution - punishment of accessories after the fact.

**The Chairman:** The question is that Clauses 55 through 59 do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 55 THROUGH 59 PASSED.**

**The Deputy Clerk:** New Clause 11 – Discharge of offender without punishment.

**The Chairman:** New Clause 11. The Honourable Second Official Member responsible for Legal Administration, would you read the Clause again?

#### **NEW CLAUSES—Standing Order 52 (8)**

##### **NEW CLAUSE 11**

**Hon. Richard H. Coles:** The following Clause to be inserted is Clause 11, and the Bill be renumbered accordingly.

“Section 41 of the principal Law is amended by repealing subsection (1) and substituting the following - discharge of offender with *(1) Where in a trial a court thinks that the charge is proved, but is of the opinion that, having regard to the character, antecedents, age, health or mental condition of the accused, or to the trivial nature of the offence or to the extenuating circumstances in which the offence was committed, it is inexpedient to inflict any punishment, the court may, without proceeding to conviction, make an order either (a) discharging the accused absolutely; or (b) if the court thinks fit, discharge the accused subject to the condition that he commits no offence during such period not exceeding three years from the date of the order as may be specified in the order.’*”

**The Chairman:** The question is that new Clause 11 do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: NEW CLAUSE 11 PASSED.**

**The Deputy Clerk:** New Clause 41 (sic) Property capable of being stolen

**The Chairman:** The Honourable Second Official Member responsible for Legal Administration.

**Hon. Richard H. Coles:** Yes, Mr. Chairman. It is new Clause 40, but when the renumbering takes place, it will be new Clause 41. I move that new Clause 40 be inserted which reads: “[Section 226 of the principal Law is] amended by renumbering subsections (1), (2) and (3) as subsections (3), (4) and (5) respectively and by inserting the following new sub-sections *(1) “Property” includes money, whether in the form of cash, cheque, credit card, bank draft, money order or otherwise, and all other property, real or personal, including things in action and other intangible property. (2) In the case of a credit card the interest or number comprised in the card shall constitute property.’*”

**The Chairman:** The question is that new Clause 40 do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: NEW CLAUSE 40 PASSED.**

**The Deputy Clerk:** A Bill for a Law to amend the Penal Code (1995 Revision).

**The Chairman:** The question is that the Title do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**THE CRIMINAL PROCEDURE CODE (AMENDMENT)  
BILL, 1998**

**The Deputy Clerk:** The Criminal Procedure Code (Amendment) Bill, 1998.

Clause 1. Short title.

**The Chairman:** The question is that Clause 1 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 1 PASSED.**

**The Deputy Clerk:** Clause 2. Definition.

Clause 3. Amendment of section 6 – Sentences which the Courts may impose.

Clause 4. Amendment of the first Schedule – Mode of trial and arrestable offences.

**The Chairman:** The question is that Clauses 2 through 4 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 2 THROUGH 4 PASSED.**

**The Deputy Clerk:** A Bill for a Law to amend the Criminal Procedure Code (1995 Revision).

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

### **THE COMMUNITY COLLEGE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Community College (Amendment) Bill, 1998.

Clause 1. Short Title.

Clause 2. Amendment of section 2 of The Community College Law (1997 Revision), definition.

Clause 3. Amendment of section 3 of the principal Law.

**The Chairman:** The question is that Clauses 1 through 3 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 1 THROUGH 3 PASSED.**

**The Deputy Clerk:** Clause 4. Amendment of section 11 of the principal Law.

Clause 5. Amendment of section 16 of the principal Law – President.

Clause 6. Amendment of section 17 of the principal Law – Deputy Principal.

Clause 7. Amendment of section 19 of the principal Law.

Clause 8. Amendment of the schedule of the principal Law.

**The Chairman:** The question is that Clauses 4 through 8 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSES 4 THROUGH 8 PASSED.**

**The Deputy Clerk:** A Bill for a Law to amend the Community College Law (1997 Revision).

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** That concludes proceedings in Committee. The question is that the Bills be reported to the House. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: THAT THE BILLS BE REPORTED TO THE HOUSE.**

**HOUSE RESUMED AT 4.54 PM**

**The Speaker:** Please be seated. Reports.

### **REPORTS ON BILLS**

#### **THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS) BILL, 1998**

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

**Hon. Richard H. Coles:** In the absence of the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs, who has unavoidably

had to leave the House, I beg to report that a Bill entitled A Bill for a Law to amend the Liquor Licensing Law (1996 Revision) was considered by a Committee of the whole House and passed with amendments.

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

The Honourable Second Official Member responsible for Legal Administration.

#### **THE PENAL CODE (AMENDMENT) BILL, 1998**

**Hon. Richard H. Coles:** I beg to report that a Bill entitled a Bill for a Law to amend the Penal Code was considered by a Committee of the whole House and was passed with amendments.

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

#### **CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1998**

**Hon. Richard H. Coles:** I beg to report that a Bill entitled a Bill for a Law to amend the Criminal Procedure Code (1995 Revision) was considered by a Committee of the whole House and passed without amendment.

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

The Honourable Minister responsible for Education, Aviation and Planning.

#### **THE COMMUNITY COLLEGE (AMENDMENT) BILL, 1998**

**Hon. Truman M. Bodden:** I beg to report that a Bill entitled The Community College (Amendment) Bill, 1998 was considered by a Committee of the whole House and passed without amendments.

**The Speaker:** The Bill is set down for Third Reading. Bills, Third Readings.

### **THIRD READINGS**

#### **THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS) BILL, 1998**

**The Deputy Clerk:** The Liquor Licensing (Amendment) (Protection of Minors) Bill, 1998.

**The Speaker:** The question is that a Bill entitled The Liquor Licensing (Amendment) (Protection of Minors) Bill, 1998 be given a Third Reading and passed. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

#### **AGREED. THE LIQUOR LICENSING (AMENDMENT) (PROTECTION OF MINORS) BILL, 1998 GIVEN A THIRD READING AND PASSED.**

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

#### **SUSPENSION OF STANDING ORDER 47**

**Hon. Richard H. Coles:** In order to allow the Third Reading of the Penal Code, the Criminal Procedure Code and the Community College [Bills] I would move the suspension of Standing Order 47.

**The Speaker:** The question is the suspension of Standing Order 47. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

#### **AGREED. STANDING ORDER 47 SUSPENDED.**

#### **THE PENAL CODE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Penal Code (Amendment) Bill, 1998.

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

**Hon. Richard H. Coles:** I beg to move that a Bill entitled The Penal Code (Amendment) Bill, 1998, be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled The Penal Code (Amendment) Bill, 1998 be given a Third Reading and passed. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

#### **AGREED. THE PENAL CODE (AMENDMENT) BILL GIVEN A THIRD READING AND PASSED.**

#### **CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1998**

**The Deputy Clerk:** The Criminal Procedure Code (Amendment) Bill, 1998.

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

**Hon. Richard H. Coles:** I beg to move that a Bill entitled The Criminal Procedure Code (Amendment) Bill, 1998, be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled The Criminal Procedure Code (Amendment) Bill, 1998 be given a Third Reading and passed. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED. THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1998, GIVEN A THIRD READING AND PASSED.**

**THE COMMUNITY COLLEGE (AMENDMENT) BILL,  
1998**

**The Deputy Clerk:** The Community College (Amendment) Bill, 1998.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** I beg to move the Third Reading of The Community College (Amendment) Bill, 1998.

**The Speaker:** The question is that a Bill entitled The Community College (Amendment) Bill, 1998 be given a Third Reading and passed. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE COMMUNITY COLLEGE (AMENDMENT) BILL, 1998 GIVEN A THIRD READING AND PASSED.**

**The Speaker:** That concludes the business on the Order Paper this afternoon, unless we want to go back to Question Time. Is it the wish of the House that the remaining questions on the Order Paper be answered in writing?

The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Mr. Speaker, we would like to seek a compromise. Given the circumstances, we would like to know if the questions that are remaining—not the one that we were in the middle of, we will stop that one—could be asked again during the November [meeting].

**The Speaker:** I will put the question to the House that the remaining questions be answered orally in the next meeting. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it. They will be answered in the next meeting.

**AGREED: REMAINING UNANSWERED QUESTIONS TO BE ANSWERED ORALLY AT THE NEXT MEETING OF THE LEGISLATURE (THE FOURTH (BUDGET) MEETING OF THE 1998 SESSION).**

**The Speaker:** That concludes the business on the Order Paper for today. My understanding is that this will be the last meeting that the Honourable Attorney General will be sitting in this Chamber with us. We wish to express our very best wishes to you and to thank you for your services while you have been here.

[interjections]

**The Speaker:** You will actually be here for part of the November sitting? Oh well, maybe I am pre-empting it.

I would like to thank all Members for their courtesies and tolerance to the Chair, there have been some heated moments during this meeting but I think we have all survived. I would like to thank the Clerk, the Deputy Clerk, all the office staff, the Hansard Officers and the Serjeant-at-Arms for their services and also to Anita for her kind services to us. I wish for all Members a little rest in between the two meetings. Thank you all very much.

I will now ask for the motion for the adjournment of this honourable House.

## **ADJOURNMENT**

**Hon Truman M Boddén:** Mr. Speaker, I am very happy to move the adjournment of this honourable House until Friday, the 6<sup>th</sup> of November at 10:00 AM.

**The Speaker:** The question is that this House do now adjourn until Friday, 6<sup>th</sup> November, at 10:00 AM. Those in favour please say Aye, those against No.

**AYES.**

**The Speaker:** The Ayes have it. The House do now stand adjourned until Friday, 6<sup>th</sup> November, at 10:00 AM.

**AT 5.01 PM, THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 6 NOVEMBER 1998\*.**

*(\*Subsequently changed to 16 November 1998)*

## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY I** We will establish a national curriculum with standards at every level which will fulfill the needs of students of every ability.

| PLAN | OBJECTIVE                                                                                                                                                                                                                       | IMPLEMENTATION UPDATE                                                                                                                                                                                                                                                                                                                                                       |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | To establish national guidelines to govern educational policies.                                                                                                                                                                | National guidelines were developed by the Curriculum Team and accepted by the Ministry of Education.                                                                                                                                                                                                                                                                        |
| 2    | To establish a committee which includes a cross-section of society, to advise on curriculum content.                                                                                                                            | A National Curriculum Advisory Committee has been established. This Committee consists of sixteen members. The Chairman of this committee is the Senior Education Officer for Curriculum and Test development. This committee has met on two occasions.                                                                                                                     |
| 4    | To provide a wide range of subjects, knowledge and experiences for students of all skills and aptitudes at every grade level.                                                                                                   | Work is continuing on the National Curriculum in four areas, Language Arts, Mathematics, Science and Social Studies. An Assistant Education Officer for Language Arts has recently been appointed. Learning outcomes for Years 1-3 have been developed in the areas of Mathematics and Science. Learning packets are being developed for each year level in Social Studies. |
| 6    | To provide programmes of work which promote mastery of basic language and mathematical skills at each grade level.                                                                                                              | These programmes are in operation and are ongoing.                                                                                                                                                                                                                                                                                                                          |
| 7    | To incorporate in the curriculum strategies to promote cognitive, affective and psychomotor behaviour, self-motivation, self-confidence, independent and cooperative working and thinking, curiosity and other learning skills. | These strategies are in operation and efforts to achieve them are ongoing.                                                                                                                                                                                                                                                                                                  |
| 10   | To infuse key elements of Caymanian culture in all subjects of the curriculum.                                                                                                                                                  | Much effort is being made to infuse key elements of our culture across the curriculum. There is more integration of subjects. Older Members of the community have been invited to talk to students about life in these islands long ago and students have been on numerous field trips in order to learn more about our culture.                                            |
| 11   | To promote a sense of responsibility towards local and global environmental issues.                                                                                                                                             | Schools have been placing much emphasis on environmental issues. Most schools are participating in various projects or have formed recycling clubs. Students participated in a Caribbean Sea Project and won prizes. Field trips, beach clean ups etc. are ongoing activities. Much assistance has been given by the Department of Environment.                             |

## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY II** We will develop and implement a personal education plan for each student that ensures his/her success.

| PLAN | OBJECTIVE                                                                                                                                                           | IMPLEMENTATION UPDATE                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | Centralize professional services so that all children will have equal access to services provided by the Multidisciplinary Team.                                    | There is a Special Services Committee and also a Multidisciplinary Evaluation Team in operation. These operate according to specific guidelines which outline their roles and functions. It is anticipated that we will have a computerized records management system soon. It is proposed that the new Lighthouse building will contain a diagnostic and treatment centre.                                                           |
| 2    | Develop a comprehensive, non-discriminatory evaluation policy for all students.                                                                                     | All Schools have School Based Teams that make referrals and assessments are done on regularly. Individualized education plans and individualized treatment programmes have been developed and are reviewed termly or annually. A policy for testing students was created, approved and used for criterion referenced tests. Monthly staff development training sessions were held and referral assessment procedures were formalized. |
| 3    | Provide a continuum of alternative placement and related services to meet the varied needs of exceptional students, from the least to most restrictive environment. | All schools with over 200 students have full time resource teachers. Other schools have part time help.<br>The old teachers centre in Cayman Brac has been converted into a Unit for Special needs students. The Early Intervention Programme as well as Homebased Programme for school aged children continues.                                                                                                                      |
| 6    | To ensure that all personnel within educational institutions are suitably qualified and receive opportunities for further professional training.                    | Periodic Surveys are conducted to determine the topics that teachers would like to have addressed. As a result of this identification workshops are being held on inset days to address these needs.<br>Only trained personnel assess students and implement specialized programmes.                                                                                                                                                  |
| 7    | Establish early detection screening procedures to identify developmental delays which may result in learning difficulties.                                          | Students who appear to be "at risk" are referred for comprehensive assessments. Entry behaviour tests are also administered to beginning students.                                                                                                                                                                                                                                                                                    |
| 10   | To establish a national policy on the education of the gifted and talented.                                                                                         | Guidelines have been created to identify the "Gifted" students, however there is the need for additional staff to implement these programmes.                                                                                                                                                                                                                                                                                         |



## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY III** We will establish throughout the system individual and school accountability while preserving the unique character and effectiveness of each school.

| PLAN | OBJECTIVE                                                                                                                                                        | IMPLEMENTATION UPDATE                                                                                                                                                                                                                                                                                                                            |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | To establish a localised system which will preserve the unique character and effectiveness of each school.                                                       | At the end of each school year Principals do an inventory and submit it to the Education Department. Any furniture or equipment not fit for future use is referred to a board of condemnation.<br>Annual reports from schools outline projects for the following year. This information is also attached the budget that is submitted each year. |
| 2    | To create an independent school inspectorate to ensure that standards are maintained.                                                                            | An independent schools inspectorate has been established and inspections began in November 1997.                                                                                                                                                                                                                                                 |
| 3    | To establish a community based School Board for each school to promote more effective schools                                                                    | An investigation of the viability of having school boards is being completed and efforts to establish them is scheduled for 1998-1999.                                                                                                                                                                                                           |
| 4    | To establish and promote a system of consistent accountability for Principals in order to maintain efficient and effective management of schools.                | Summer sessions conducted by the Schools' Inspectorate and Education Department helped to focus Principals attention on self assessment and improve administrative procedures.                                                                                                                                                                   |
| 5    | To establish and promote a system of consistent accountability for teachers to ensure that maximum educational standards are maintained.                         | Teachers do maintain up to date information in the necessary record books. Lesson plans are seen/reviewed weekly. Principals hold conferences with individual teachers to discuss the appraisal system established by Government and to set objectives for each year.                                                                            |
| 6    | To establish and promote a system of parental accountability in schools to engender parental responsibility and develop a working partnership with schools.      | One school has developed a Parents Charter. Parents are kept up to date on student progress through parent conferences and other forums. Some parents assist their children with research work. Others have been instrumental in holding fun fairs to raise funds to buy playground equipment or organising events such as banquets .            |
| 7    | To establish and promote a system of consistent accountability for students in order that they be made aware of their role and responsibility within the school. | Student accountability is addressed on an individual school basis. All schools have discipline plans. One school has a Students charter. This charter is subject to review and update when it is deemed necessary. No central committee has been formed to standardize student accountability.                                                   |
| 8    | To establish a High School Council in order that the students may be aware of their role and responsibility within the school.                                   | School councils have been established in some schools. These councils include both staff and students who identify areas of responsibility and accountability. Students have input on behaviour, standards and the monitoring of these standards                                                                                                 |

## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY IV: We will identify and counteract the social problems affecting our students education.**

| PLAN | OBJECTIVE                                                                                                                                        | IMPLEMENTATION UPDATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | To provide the students and parents, skills to cope with the trauma of family breakdown.                                                         | This area is being addressed through the Life Skills Programme or with the assistance of counsellors.                                                                                                                                                                                                                                                                                                                                                                                   |
| 2    | Teach parenting skills within the Life Skills Curriculum.                                                                                        | Topics on parenting are taught through the Life Skills Curriculum and parenting sessions have been held for parents in each district.                                                                                                                                                                                                                                                                                                                                                   |
| 1.3a | Develop an ongoing programme designed to establish greater communication between parents/guardians, students and educators.                      | Schools are now producing monthly/termly newsletters, conducting parents assemblies and home visits. They also have parents / teachers / principals conferences. Good news progress reports are sent home regularly. Workshops for parents have been conducted by the psychologists, school counsellors, overseas personnel and also cayman against substance abuse (CASA). Some schools have termly forums where parents and teachers freely share their concerns, thoughts and ideas. |
| 1.3b | Provide opportunities for parents to acquire necessary parenting skills in order for the parent to positively influence their children.          | This was initiated in February 1998 with workshops in all districts. This will be continued.                                                                                                                                                                                                                                                                                                                                                                                            |
| 2.1  | To use all types of media, electronic and printed, to bombard the students and their families with positive messages.                            | The Ministry of Education and Planning hopes to develop a media policy. Some schools have produced their own newspapers and also supplied the media with much information on school activities. Currently there are still no student supplements in the local newspaper.                                                                                                                                                                                                                |
| 2.2  | To provide parents and students with ideas on how they can effectively make use of the media.                                                    | This plan has not been implemented yet.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3.1  | To motivate students to obey the rules of the school.                                                                                            | Students are encouraged to share their problems with their teachers and counsellors. Role models are invited to address students during devotions. Personnel such as the Police and Social Workers also assist in addressing students. School rules are prominently displayed in classrooms, assembly halls and lunch rooms.                                                                                                                                                            |
| 3.2  | To develop incentives intended to reward and reinforce good character traits and behaviour.                                                      | Incentives for good behaviour are given on a daily /weekly/termly/annual basis. Some schools operate a students of the month scheme. House points are awarded for good behaviour, punctuality, neatness and deportment.                                                                                                                                                                                                                                                                 |
| 4    | To develop a support system for students, parents and teachers to increase their awareness of abuse and their ability to counteract its effects. | There is a Liaison Group that meets monthly with representatives of the Social Services Department to address these issues. This Group has made presentation to the schools and hopes to now make presentation to the PTA's                                                                                                                                                                                                                                                             |

|     |                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5   | To reduce incidence of delinquency among the students population.                                                                                                                                                            | Students are constantly reminded to accept responsibility for their own behaviour. Schools have discipline codes that outline a system of rewards and punishments. Students also receive counselling on a regular basis. Some schools have after school programmes and Summer school is now held each year, at three centres.                                                                                 |
| 6   | To establish support for the Young Parents Programme.                                                                                                                                                                        | We continue to support in various ways the Young Parents Programme.                                                                                                                                                                                                                                                                                                                                           |
| 7   | To provide students with knowledge on sexually transmitted diseases.                                                                                                                                                         | Representatives from the Public Health Department have been invited to discuss sexually transmitted diseases and Acquired Immune Deficiency Syndrome. This is done dependent on the maturity level of the students.                                                                                                                                                                                           |
| 8   | To educate teachers, parents and students on the issues relating to suicidal tendencies.                                                                                                                                     | Issues relating to suicidal tendencies are addressed through the Quest/Life Skills/Social Education programmes at schools as well as through counselors.                                                                                                                                                                                                                                                      |
| 9.1 | To collaborate with the Ministry of Health and Drug Abuse Prevention and Rehabilitation to ensure that all services and facilities currently available, and those proposed will include the needs of the student population. | Needs of students in relation to drug abuse is constantly being addressed by the Ministry of Health and Ministry of Education. Both Ministries share resources and support each others programmes.                                                                                                                                                                                                            |
| 9.2 | Initiate a drug awareness programme involving all schools.                                                                                                                                                                   | A Health and Drug Curriculum is being implemented in schools. Several Quest workshops were held for teachers. We now have two trained trainers for the Quest programme. Schools participated in Drug Free Week, Police Week and No Tobacco Day activities. Beat Officers from Community Relations section of the Royal Cayman Islands Police visited schools and spoke to students about the misuse of drugs. |
| 10  | Establish and encourage participation in an attractive comprehensive, vocational programme for school children.                                                                                                              | The Careers officer assist students with their interest in needs. The work experience programme as well as the yearly job fair has been expanded. This area still needs to be expanded.                                                                                                                                                                                                                       |
| 12  | Provide counsellor and facilities on Cayman Brac for the School and Community.                                                                                                                                               | A community counsellor has been employed and therefore is addressing the needs on Cayman Brac.                                                                                                                                                                                                                                                                                                                |
| 13  | Create a Big Brother - Big Sister organisation in Cayman Brac.                                                                                                                                                               | There is no Big Brother/Big Sister system operating in Cayman Brac at the present time.                                                                                                                                                                                                                                                                                                                       |
| 14  | Expose 100% of students to instruction which is intended to instill a strong national identity and foster cultural pride and an appreciation for Caymanian Heritage.                                                         | Some schools have instituted a Caymanian Heritage Day. Volunteers have shared their knowledge, experiences and skills particularly in areas such as thatch and rope making, quadrille dancing, storying telling, etc. Posters, depicting national symbols and heroes are displayed in most class rooms.                                                                                                       |

## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY V** We will strengthen the relationship between parents, students and educators.

| PLAN | OBJECTIVE                                                                                                                      | IMPLEMENTATION UPDATE                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | To ensure effective communication between parents and teachers.                                                                | Five schools now have Sitebased Plans which include their missions, objectives, and tactics. One school has established a parents charter. Schools continue to hold welcome sessions for new parents.                                                                                                                                                                                                                                                    |
| 2    | To ensure better communication between teachers and students.                                                                  | Pupil teacher ratios ensure optimum communication with individual groups. Comfortable classrooms have been provided..<br>A functional student monitor system is in place in some schools and this has resulted in more responsible and respectful students<br>Some teachers are using daily/weekly diaries/journals to communicate student progress.<br>Notice boards are also placed at strategic points to display current projects and future events. |
| 3    | To involve parents, teachers and students in a partnership in education.                                                       | Teachers and parents have been encouraged to use more positive reinforcement in dealing with the students. Parenting workshops were held, eg. workshop on attention deficit disorders.<br>Community persons have been assisting in the teaching of dance, pottery, macrame, and holding discussions on substance abuse and social skills.                                                                                                                |
| 4    | To ensure that all parties will be responsible and accountable.                                                                | Schools have various discipline plans. Some schools have devised and are implementing contracts for students.                                                                                                                                                                                                                                                                                                                                            |
| 5    | All sections of the community will be involved in schools.                                                                     | Positive reports relating to school activities, parents, teachers and students are frequently sent to the media. Community agencies are sometimes invited to assist with some school events.                                                                                                                                                                                                                                                             |
| 7    | Highlight and enhance the value of the Parent Body in the life of the school through involvement in a Home-School Association. | Some P.T.A's have changed to . Home-school Associations with new constitutions.<br>Discussions have begun on the feasibility of formulating a National Home-school Association.                                                                                                                                                                                                                                                                          |

## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY VI** We will develop the spiritual, moral and social character of each student to the highest possible standards.

| PLAN | OBJECTIVE                                                                                                                                                                     | IMPLEMENTATION UPDATE                                                                                                                                                                                                                                                                                                                                                  |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | To create a National Christian Religious Education Curriculum / Syllabus for all schools.                                                                                     | Work on the National Curriculum is being done in stages. Stage 1 of the National Christian religious education curriculum will begin in 1998.                                                                                                                                                                                                                          |
| 2    | To create an environment in schools aimed at promoting Christian principles.                                                                                                  | Weekly General Assemblies and daily classroom devotions are conducted by teachers, ministers and other community persons. Religious Education is a time tabled subject. There has been growth in religious assemblies/tutorials. School choirs continue to perform at Easter and at Christmas. A creative christian character award has been introduced in one school. |
| 3    | To foster enthusiasm for and adherence to Christian principles.                                                                                                               | Some schools have fellowship programmes at lunch time. These programmes are supervised by staff members and local pastors are invited to participate.                                                                                                                                                                                                                  |
| 4    | To involve students in clubs and societies whose aims include the development of spiritual and moral values.                                                                  | Clubs and societies are promoted through various avenues, eg. bulletins, t.v. radio and newspaper. Efforts have been made to establish clubs and societies in schools where none exist.                                                                                                                                                                                |
| 5    | To establish a structured counselling programme in schools.                                                                                                                   | In some schools all grades receive weekly counselling sessions. Counsellors do meet with teachers to identify unacceptable behaviour patterns and discuss ways of dealing with them. There is a strong team of counsellors that deal with extreme and difficult problem cases.                                                                                         |
| 6    | To establish effective, decisive disciplinary standards and practices at each school.                                                                                         | Systems of restrictions and punishments exist in all schools.                                                                                                                                                                                                                                                                                                          |
| 7    | To reinforce desirable behaviour through reward.                                                                                                                              | Desirable behaviours are promoted through various forms of public recognitions.                                                                                                                                                                                                                                                                                        |
| 8    | To establish a programme which will alert parents and the community to the need for effective disciplinary standards and practices in the home, the school and the community. | Parents are constantly made aware of the need for students to be exposed to consistent, loving discipline. Forums used to provide awareness are Parent conferences, reporting sessions, and Parent, Teachers Associations/Home, School Associations. Cooperation and partnership is encouraged.                                                                        |
| 9    | To establish a programme of activities for parents which will guide them in their interaction with their children.                                                            | Some schools have conducted Parenting workshops. Videos have been used in some of these sessions.                                                                                                                                                                                                                                                                      |
| 10   | To create a support programme for students who lack                                                                                                                           | Some students are assisted through a peer group system. Churches and some                                                                                                                                                                                                                                                                                              |

|    |                                                                                                   |                                                                                                                                                                                                                                                                            |
|----|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | parental guidance, control and or support.                                                        | organisations have been asked to assist in encouraging students to attend youth groups and after school programmes. Enrollment in many afterschool programmes has increased. The services of the Home-Bound Teachers are fully utilized.                                   |
| 11 | To provide students with information on how to relate to one another.                             | Poster competitions, essay contests and role play are ongoing activities. Audio visuals are available and are fully utilized in the Lifeskills and Social Education Classes.                                                                                               |
| 12 | To develop a programme that will counteract the negative effects of peer pressure among students. | Topics such as Peer pressure are being addressed on an ongoing basis. Peer counselling is also encouraged and promoted.                                                                                                                                                    |
| 14 | To help students be aware of the National symbols, eg. flag, coat of arms, flower.                | Kits on National symbols are in use in schools. National flags are flown at each school and students are trained to raise and lower them.                                                                                                                                  |
| 15 | To create an awareness of National Days and National Heroes.                                      | Students are reminded of the significance of National Days and they also study about our National Heroes.                                                                                                                                                                  |
| 16 | To develop respect for National Song and National Anthem.                                         | The National Anthem and National Song are sung/played at assemblies and official school functions. Posters of the National Song are displayed in most classrooms. Students are being trained in the proper stance to be adopted during the singing of the National Anthem. |
| 17 | To recruit teachers with christian principles and commitment, whenever possible.                  | Applicants are not yet required to sign any statements related to moral/ethical principles. At the orientation session for new teachers, they are briefed on our standards. A code of ethics has not been approved yet.                                                    |
| 18 | To identify and communicate a Code of Ethics for teachers.                                        | A code of ethics has been drafted and is being submitted to the Legal Department for review. Once this review has been completed a committee will be asked to revisit it.                                                                                                  |

## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY VII** We will ensure the continuous development of all staff, with emphasis on elevating the status of the teaching profession.

| <b>PLAN</b> | <b>OBJECTIVE</b>                                                                                           | <b>IMPLEMENTATION UPDATE</b>                                                                                                                                                                                                                                                                                                                 |
|-------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2           | To create an aggressive and comprehensive recruitment programme.                                           | The teachers aid programme has been restructured and renamed "Trainees Programme" A Buddy System is in place in most schools. Job descriptions have been reviewed for some peripatetic staff and jobs filled according to required skills..                                                                                                  |
| 3           | To create an environment that will motivate and retain competent creative and caring classroom teachers.   | Overseas contracts are reviewed and newly created posts are advertised in the newspaper. There has been improvement in the advertising and promoting of promotion opportunities.                                                                                                                                                             |
| 4           | To provide guided professional development plans to improve job performance and competency of all teacher. | Teachers have access to the new appraisal forms and have been utilizing them. Some schools use a part of their inset days to work on their appraisal forms. A course conducted by the schools inspectorate has help staff to look not only at school assessment but also at self assessment as a tool in promoting professional development. |
| 6           | To establish a professional Teacher's Resource Centre.                                                     | A new Teachers Centre has been built on Cayman Brac.                                                                                                                                                                                                                                                                                         |
| 7           | To develop a Code of Ethics for the teaching profession.                                                   | A code of Ethics has been drafted and is being referred to the Legal Department for review.                                                                                                                                                                                                                                                  |
| 10          | To create a balance between curriculum and extra-curricular activities.                                    | Schools are encouraged to make decisions on the extra curricular activities that they wish to participate in.                                                                                                                                                                                                                                |
| 12          | To create an organization within the Cayman Islands to solicit resources for schools.                      | No organization has been created to solicit resources for schools.                                                                                                                                                                                                                                                                           |

## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY VIII** We will identify and capitalize on all available support services and resources within the local and international community, to achieve our mission and objectives.

| <b>PLAN</b> | <b>OBJECTIVE</b>                                                                                                                                        | <b>IMPLEMENTATION UPDATE</b>                                                                                                                                                                                                                                               |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5           | To arrange student participation in overseas exchanges.                                                                                                 | These exchanges are made possible through the generosity of our local service clubs and organizations such as the Olympic Committee. Two students attended a Rotary Central sponsored exchange in Rode Island last June. These exchanges are published in the local media. |
| 6           | To expand a career orientation programme.                                                                                                               | Students are encouraged to participate in community activities that promote career awareness, activities such as the Job Fair, Business Fair and Junior Achievement.                                                                                                       |
| 7           | To assist students in selecting the appropriate tertiary education for their individual needs.                                                          | In addition to the resources at schools libraries, students can visit libraries at the Community College and at ICCI. Students can also receive advice on scholarship opportunities from the secretary of the Education Council.                                           |
| 8           | To establish procedures to implement a comprehensive special education programme in the sister islands.                                                 | The Special Needs of students are being addressed by qualified personnel and the old Teachers' Centre is now being utilized as a Special Needs Centre.                                                                                                                     |
| 9           | To improve second-language skills among students.                                                                                                       | There are programmes at three schools dealing with the teaching of second language skills. One teacher has been hired and a second teacher will take up post in September.                                                                                                 |
| 10          | To integrate the existing services of clubs and societies into all government schools.                                                                  | Schools are aware of services available in their communities and are utilizing them. eg. CASA, Humane Society and Vision Screening (LIONS).                                                                                                                                |
| 11          | To collaborate with the various support services and networks both locally and internationally to ensure maximum attendance at school for all students. | Students attendance is being monitored and children who are at risk are identified.                                                                                                                                                                                        |



## EDUCATION DEVELOPMENT PLAN IMPLEMENTATION REPORT

**STRATEGY IX** We will provide and maintain all necessary facilities that are required to achieve and support our stated mission and objectives.

| PLAN | OBJECTIVE                                                                                                                                              | IMPLEMENTATION UPDATE                                                                                                                                                                                                                          |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | To establish "Health, Safety, and Building Standards" for schools.                                                                                     | Health, Safety and Building standards are maintained through liaison with Public Health, Public Works Department and the Department of Environment. However, no comprehensive document has been produced.                                      |
| 2    | To establish procedures needed to maintain and upgrade schools to minimum standards.                                                                   | Monitoring and Maintenance has been implemented by the Assistant Education Officer for Monitoring, Maintenance and Planning. Recently a Facilities Officer has been appointed. New procedures have been devised.                               |
| 3    | To determine future building needs and develop a building Time-Line.                                                                                   | Future building needs have been determined by the Chief Education Officer and his team in liaison with members of the Public Works Department.                                                                                                 |
| 4    | To develop a school inspection team to inspect, report on, and follow up on schools' physical plant.                                                   | Our current inspection team has been strengthened by the addition of a Facilities Officer. Procedures have been developed.                                                                                                                     |
| 5    | To provide necessary facilities to achieve required standards in the teaching of curriculum and to enhance the educational environment of the student. | This is being addressed by the Monitoring and Maintenance Officers. However, enrolment is outpacing space requirements.                                                                                                                        |
| 6    | To develop policy guidelines for equipment and its maintenance with a view to possible standardization, "Life" expectancy and resulting obsolescence.  | A maintenance log is kept in each school and monthly reports are made to the Public Works Department. Work continues on developing standards.                                                                                                  |
| 7    | To create an interior physical environment that is conducive to learning.                                                                              | Classroom lighting has been upgraded and two schools have been painted with colours that stimulate learning. The painting of others will follow. All computer rooms have been air-conditioned and an airconditioning plan has been started.    |
| 8    | To supply and install proper play ground equipment at each school.                                                                                     | Some PTA's in liaison with the Assistant Education Officer, Monitoring and Maintenance have compiled lists of age appropriate play ground equipment and also purchased and installed play ground equipment with the necessary safety features. |
| 9    | To ensure safe and operable school facilities.                                                                                                         | A maintenance log is kept in each school and the Facilities Officer makes regular visits to schools.                                                                                                                                           |
| 10   | To upgrade and landscape the exterior of each school.                                                                                                  | Traditional Caymanian architectural features were used in the design of the Cayman Brac Teachers' Centre. A building colour scheme that will enhance the learning process has been                                                             |

introduced initially at two schools. ( George Hicks and North Side Primary.)

- |    |                                                                            |                                                                                                                                                                                           |
|----|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 | To cultivate students' personal pride in school and communal environments. | School have developed mottos and logos. They hold open days. They involve the Agriculture Department and local Nurseries in their garden projects.                                        |
| 12 | To provide a central sports complex for Sister Islands Schools.            | No work has begun on this plan as yet.                                                                                                                                                    |
| 14 | To provide an appropriate canteen at each school.                          | Kitchen facilities are at most schools and sanitary inspections are done annually by the Department of Environment. Reports are submitted to the Education Department and to the schools. |

**EDITED  
MONDAY  
16 NOVEMBER 1998  
11.39 AM**

*[Prayers read by the Honourable Minister for Community Affairs, Sports, Women, Youth and Culture]*

**The Speaker:** Please be seated. The Legislative Assembly is in session. Reading by the Speaker of Messages and announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**The Speaker:** We would like to welcome Mr. Dalmain Ebanks back with us this morning after his illness.

Item number 3 on today's Order Paper: Presentation of Papers and Reports, Draft Estimates of Revenue and Expenditure of the Cayman Islands Government for the Year 1999. The Honourable Third Official Member responsible for Finance and Economic Development.

**PRESENTATION OF  
PAPERS AND REPORTS**

**Hon. George A. McCarthy:** This morning I would like to commence by submitting an apology for the postponement of proceedings which should have started at 10.00 AM. There were a few changes that had to be made to the Draft Estimates, and these are currently being made. In fact, the Estimates document will be available to Members in the next fifteen to twenty minutes.

I would ask the indulgence of this Honourable House to commence with the reading of the Budget Address (which is the moving of the second reading of the Appropriation Bill), and during the course of the reading, the document will then be presented.

**The Speaker:** Would you then move a motion in accordance with Standing Order 86, to suspend Standing Order 63(1) in order that we can proceed with the first and second reading of the Appropriation Bill?

**Hon. George A. McCarthy:** I so move, Mr. Speaker.

**SUSPENSION OF STANDING ORDER 63(1)**

**The Speaker:** The question is that in accordance with Standing Order 86, we suspend Standing Order 63(1) so that we can proceed with the first and second reading of the Appropriation Bill and await the arrival of the Estimates. The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Thank you, Mr. Speaker. On a matter of procedure. I heard what the Honourable Financial Secretary said. However, the House does not have

the Appropriation Bill before it. I understand that the Estimates will be later.

**The Speaker:** I shall put the question. Those in favour of suspending Standing Order 63(1) please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 63(1) SUSPENDED.**

**The Speaker:** Moving on to item 4 on today's Order Paper: Government Business, Bills, First Reading.

**GOVERNMENT BUSINESS**

**BILLS**

**FIRST READING**

**THE APPROPRIATION (1999) Bill, 1998**

**The Clerk:** The Appropriation (1999) Bill, 1998.

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

**SECOND READING**

**THE APPROPRIATION (1999) BILL, 1998**

**The Clerk:** The Appropriation (1999) Bill, 1998.

**The Speaker:** The Honourable Third Official Member responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** I beg to move the second reading of The Appropriation (1999) Bill, 1998.

**The Speaker:** Please continue.

**BUDGET ADDRESS**

**Delivered by the Hon. George A. McCarthy, OBE, JP  
Financial secretary**

**Hon. George A. McCarthy:** Mr. Speaker, a mere three weeks ago the future of these islands was threatened by Hurricane Mitch, one of the most dangerous hurricanes

in history to have passed through the south-western Caribbean. We have to be thankful that Hurricane Mitch veered west away from our shores and we were spared the wrath of a large-scale natural disaster. It is, indeed, quite unfortunate that the storm surges caused destruction to some homes, other property and infrastructure on Grand Cayman. The Government extends its greatest sympathy to all those who have sustained losses.

But while there was no loss of life in the Cayman Islands, this was not so for Honduras and Nicaragua. Our hearts go out to the people of these countries whose lands were ravaged by the storms and floods that accompanied Hurricane Mitch. It is very encouraging to see the outpouring of love for our neighbours by Caymanians and other residents of our community.

Mr. Speaker, this Budget Address being delivered today is a particularly significant one. It relates to the year 1999—the very last one in this century. As we look back over the past decade and take stock of our present situation, there is so much of which we have to be proud. Our achievements have been truly outstanding.

Today we take pride in being one of the world's largest financial centres and in maintaining a high quality, up-scale tourism industry. Our people enjoy a high standard of living and have ample job opportunities. Health and education facilities are expanding to meet the rapid growth in demand and the society as a whole maintains a healthy and wholesome lifestyle.

With such an impressive past, the question that comes to mind is: Can we continue to be successful in the future? The short answer to this question is “yes”.

Mr. Speaker, we are all aware of the crisis in the world economy and the numerous challenges facing the Cayman Islands, including the recent OECD, EU and G7 initiatives. I will discuss the details of these shortly when I address the world economic situation.

What we need to bear in mind, however, is that a “crisis” should not be considered in an altogether negative light. The word “crisis” in Chinese also means “change” or “opportunity”. Change is an inevitable part of life and we should not be afraid of the challenges posed by it. Our approach is a positive one—to assess the implications of change and manage it in a way to guarantee our future success.

I am pleased to say Mr. Speaker that over the past decade our financial industry and our economy have kept pace with progress internationally. We intend to continue along this trend in the years to come. Allow me, therefore, to apprise you of the planning initiatives and policy measures being undertaken to meet the challenges of the future.

In April of this year, a delegation led by His Excellency, the Governor and myself travelled to Brazil to conduct a seminar on “Financial Services in the Cayman Islands”. This initiative formed part of a wider market diversification strategy and its specific aim was to enhance recognition of the Cayman Islands in the Latin American region. The seminar proved to be an enormous success and others are being planned for the South American region.

To complement this initiative, a series of workshops is being organised locally for Cayman's financial managers on co-ordinated marketing strategies. The first of these was held 2 ½ weeks ago. It is hoped that these workshops will allow both the public and private sectors to develop a shared vision on effective, responsible marketing of the jurisdiction.

Over the next year, the Cayman Islands will become a focal point of attention in the international financial community as it prepares to host some major regional and world events. During the course of this week on 18-20 November, the Caribbean Financial Action Task Force (CFATF) Council of Ministers will hold its meeting here, at which time the Cayman Islands will assume the chairmanship due to run for one year. Our term as Chair is quite significant as the CFATF expects to implement the regional anti-money laundering project in 1999 together with many other valuable programmes.

In September 1999, the Commonwealth Finance Ministers' Meeting will be held here in Grand Cayman for the first time. It will be chaired jointly by the United Kingdom and the Cayman Islands. Some 300 delegates from 53 countries in Africa, Asia, the Caribbean, North America and the Pacific will attend this gathering, which is normally held on the eve of the IMF/World Bank Annual Meetings. It will provide a forum for the rich exchange of views on issues facing the world economy. Both Government and the private sector are expected to benefit tremendously from this meeting of minds on a global scale.

Mr. Speaker, for some time now the Government has been planning a number of important initiatives to prepare itself for the 21st century. This year, many of the ideas came to fruition as the Government introduced several integrated initiatives designed to meet the need for planning on a national scale and for financial and other administrative reforms in the public service.

In March of this year, H.E. the Governor, launched the Vision 2008 project, which aims to establish national goals and objectives for the Cayman Islands over the next ten years. Participation in this exercise has been extensive and all segments of the community are contributing to this project that is of obvious national significance. It is expected that a draft Ten-Year National Strategic Plan will be presented to the Legislative Assembly in March 1999.

Effective implementation of the Vision 2008 project will depend critically on a well-functioning public service and an efficient financial system. The need for financial reform has been discussed in this Honourable House on many occasions. Today I am pleased to say that this issue is now being addressed in a number of different ways—through the redesign of budgetary processes; better specification of departmental outputs; and a shift from a cash-based accounting system to an accrual-based one. A New Zealand consulting firm, Public Sector Performance (New Zealand) Ltd is facilitating the financial reform exercise.

It is expected that the extensive financial reforms will improve all aspects of financial management in gov-

ernment—planning and programming; budgeting; budget execution and accounting; and audit and evaluation. It is expected that administrative reforms will be phased in along with the financial and other reforms.

Two other large-scale projects deserve mention: the Y2K Project and the 1999 Census of Population and Housing. The Y2K problem is quite a serious one since it affects all types of electronic devices and applications, including computer systems, computer applications and embedded electronic control systems. In view of the wide and varied ramifications of the problem, Government has taken early action to address the problem comprehensively.

A Millennium Advisory Compliance Committee has been established to assist in the planning and corrective action needed to be taken in conjunction with Ministries, Portfolios and Departments. A Project Manager has also been appointed to provide advisory services on action to be taken. Considerable progress has already been made in each of the key phases of awareness, assessment, renovation, validation and implementation. Work will intensify in the coming months in order to ensure that all systems are millennium compliant before 1<sup>st</sup> January, 2000.

Finally, the Census of Population and Housing will be undertaken next year, with Sunday, October 10<sup>th</sup>, designated as "Census Day". This exercise, which is undertaken only once every ten years, is a vitally important one. It will provide us with current data on population size, work force demographics, the state of housing and a wealth of other information that are essential for effectively interpreting and addressing national needs. In view of its importance, I would like to urge every resident on these islands to participate fully in this national exercise.

### **THE WORLD ECONOMY**

Mr. Speaker, economic and financial conditions in the global economy over the past few months have worsened in the face of deepening recession in Asia and Japan, and more recently in Russia. The spillover effects have been felt in world stock markets, various currencies and in weak commodity prices.

The Asian crisis has resulted in the fourth global economic slowdown in a quarter century. World economic growth of only 2.0 per cent is projected for 1998, a full percentage point less than the projection made in May. The USA is expected to grow by 3.4 per cent and growth in both the eleven Euro-zone countries and those in Latin America is not expected to exceed 2.8 per cent. In addition, Japan and the countries at the center of the Asian crisis, i.e. Thailand, Malaysia, South Korea and Indonesia—are all expected to show negative growth.

Given this evolving scenario, considerable uncertainty remains about the outlook for 1999. South Korea and Thailand have made some recent advances towards initiating recovery, but China appears to be slowing and many Asian countries continue to face difficult times.

Of particular interest to the Cayman Islands are the growth prospects for the USA. Alan Greenspan, Chair-

man of the Federal Reserve, has noted that US economic growth has "weakened measurably" in recent weeks, but many analysts agree that a slowdown rather than a recession is likely for 1999. The recent cuts in interest rates are expected to boost liquidity and although consumer confidence has fallen recently, there are no signs of panic in consumer spending. If no sharp reductions in consumption and investment are expected, then the US economy is likely to experience a mild downturn rather than a recession. A growth rate of 1.9 per cent is projected for 1999.

The contagion effects of the Asian crisis have demonstrated quite clearly what impact globalisation could have on the international economy. In fact, in recent years this whole process of globalisation has come under increasing scrutiny. One aspect that is being reviewed by the OECD, G7 and EU countries is the effect of tax competition on the global economy.

It is indeed, unfortunate, that the OECD, G7 and EU countries are seeking to take action on this issue. The term "harmful tax competition" has not been clearly defined; the arguments in support of the allegation appear to be quite tenuous; and the criteria for identifying alleged offending countries are not clear-cut nor are they being uniformly applied.

The Government has been invited to give its comments on the OECD Report, G7 Statement and EU Code of Conduct. It has recently provided an initial response but is currently working closely with the financial community to develop a more comprehensive one. In view of the seriousness of this issue, the Government intends to form a Secretariat to study the full implications of the various initiatives, to monitor developments as they occur and to advise on actions to be taken. This will ensure that we are always fully informed of current developments; our responses will be timely and appropriate; and the interests of all stakeholders will be protected.

### **THE DOMESTIC ECONOMY**

Mr. Speaker, figures for the first three quarters of the year show buoyant activity in the construction and real estate sectors, good growth in financial and business services and increases in tourism. Overall growth in the economy in 1998 is therefore expected to be in line with the 5.0 per cent rate shown in recent years.

For the first half of 1998, the Consumer Price Index rose by 3.5 per cent compared to 2.4 per cent over the same period in 1997. This was mainly because of an increase in housing, specifically mortgage and rent payments. However, inflation is not expected to exceed 4.0 per cent in 1999.

I will now report on developments in the main sectors of the economy.

### **FINANCIAL AND BUSINESS SERVICES**

During 1998, the Cayman Islands maintained its prominence as one of the world's leading financial centres despite the turmoil plaguing emerging markets.

Good foresight, ability to grasp new opportunities, flexibility to changing circumstances and a host of other factors continue to play an important part in the success of our financial and business services sector.

I am proud to announce that the Cayman Islands Stock Exchange passed its 100th listing in July this year, thereby earning its status as one of the world's fastest growing exchanges. The Exchange now has a total of 122 listed issuers with a market capitalisation of approximately US\$8.9 billion. There is growing interest from Latin America; and the Exchange is also working on the development of facilities for the domestic capital market.

One of the main factors contributing to the Asian crisis has been the lack of adequate supervision and regulation of the financial sector. I am very pleased to report that, in an effort to comply with international supervisory requirements, the Monetary Authority recently expanded its supervisory framework and commenced on-site reviews of banks, trust companies, insurance companies and mutual fund administrators.

As at September 30, 1998 there were 584 banks and trust companies licensed to operate in the Cayman Islands—10 less than at the same time in 1997. The decline was mainly due to a number of institutions merging or restructuring their operations to focus on core businesses.

However, the trend was different in terms of total assets. As at June 30, 1998, the total assets of category "A" banks and trust companies increased from \$506.9M to \$569.5M or by 12.4 per cent over the June 1997 figure.

The strong growth of both the mutual funds and insurance industries continued into 1998. In the first nine months of the year, 243 additional mutual funds were registered and 40 new insurance licenses issued. These increases brought the totals to 1,928 and 473 respectively, 17.4 per cent and 6.8 per cent higher than the same period in 1997.

Increases in company registrations were also recorded in 1998. The total number of companies registered during January-September was 6,712, an increase of 259 or 4.0 per cent over the same period last year.

In order to ensure that the Cayman Islands keeps pace with innovations in the financial industry, two main amendments were made to the Companies Law this year. One affected companies holding insurance licences and provided for the legal separation between the individual participant cells of rent-a-captive companies. Another related to companies holding bank licences to include in the preferential debts in the winding up of a category "A" bank, the first \$20,000 of a customer's deposits with the bank. Deposits in all currencies are covered and, with a few exceptions, all classes of depositors.

Turning to shipping, the Cayman Islands Shipping Registry continued to streamline its operations in 1998 and prepare itself to meet the needs of the twenty-first century. The first phase of a database for registration, surveys and accounts has recently been installed; office automation is in progress; and ISO 9002, a quality as-

urance procedure, is being implemented. In addition, drafting continues on the revised Merchant Shipping and Pollution Law.

The restructuring efforts have already led to efficiency gains in the Registry and performance this year has been outstanding. Compared to the first three quarters in 1997, the number of registered vessels increased by 182 in 1998, and gross tonnage increased by 118 per cent.

## TOURISM

Over the past 2-3 years, growth of air arrivals in the tourism industry slowed somewhat in line with regional trends. However, I am quite pleased to report that in the first nine months of this year, air arrivals recorded a higher than expected increase of 6.8 per cent—from 289,014 to 308,577. The high quality service being offered, excellent diving facilities and numerous attractions continue to make Cayman a favoured destination by tourists.

By contrast, cruise ship passenger arrivals declined in the first three-quarters of the year by 2.2 per cent — from 628,815 to 615,119. The previous two years were particularly good ones because of the diversion of ships from the Eastern Caribbean to the Cayman Islands due to adverse weather conditions.

In keeping with the policy to diversify and expand the base of the tourism market, a decision was taken this year to explore new markets in South America, particularly Argentina. The Government has appointed a company to represent it there and various marketing initiatives are being developed to promote the Cayman Islands in that market.

Another development in the marketing of tourism has been the launch of the official Cayman Islands tourism website. This very beautiful site is much more than a website. It is a destination management system designed to allow the user to request specific information about the Cayman Islands by searching the extensive database. It includes information such as accommodation, entertainment and attractions and also has a special focus on the Sister Islands.

Cayman Brac and Little Cayman are expected to benefit from the first ever Air Exit Survey conducted this year on those islands. The results of the survey will be critically important in the planning and formulation of an appropriate tourism policy for the Sister Islands.

In January of this year, restoration of the Pedro St. James Castle was completed. This project, aimed at promoting an appreciation of the history of the Caymanian people, is already welcoming visitors. It is scheduled for completion in early December with the addition of the Visitors' Centre, gift shop and restaurant.

## AGRICULTURE

Following the deleterious effects of the "El Niño" weather phenomenon and the presence of various crop diseases, the estimated value of domestic agricultural production in 1997 was just \$960,000. In 1998, however,

this figure is projected to rise to a bumper \$1.7 million. Significant increases are expected in the yields of plantains, vegetables and root crops.

In June of this year, the Department of Agriculture co-hosted the first "Convention on International Trade in Endangered Species of Wild Flora and Fauna" training programme for Overseas Territories. The different elements of the Treaty were discussed and participants were advised on the proper implementation of the Convention.

A fact-finding mission led by a UN/Food and Agricultural Organisation consultant visited the Cayman Islands in August to advise on the importation, distribution and regulation of pesticides. The need for a Pesticide Control Board and supporting regulation were recommended.

### **LOCAL BANKING**

Total loans and advances to Cayman Islands' residents in the first half of this year amounted to \$1.34 billion, a decrease of 2.9 per cent over the June 1997 figure.

The largest shares of these loans and advances were for personal mortgages (32.5%) and real estate (9.5%). These amounted to \$435.4M and \$127.9M respectively.

On the deposits side, demand deposits were \$106.8M; savings deposits \$78.9M and fixed deposits \$226.0M—a total of \$411.7M. All three categories showed increases, with demand deposits rising by almost one-third, savings deposits by 12.8 per cent and fixed deposits by 7.2 per cent.

### **CONSTRUCTION AND REAL ESTATE**

These two sectors surpassed expectations in 1998 as construction activity expanded throughout the year and the sale and transfer of property continued on a large scale.

In the first three quarters of the year, the Planning Department approved some 676 applications for construction, mainly in the George Town (48%) and Bodden Town (28%) areas. The total value of approved projects as at 30th September, 1998 was \$312.5M. This was \$21.6M more than that approved as at 30th September, 1997.

The majority of projects were in the apartment/condo category (\$142M), reflecting a 58 per cent increase over 1997. No significant increases were recorded in the other two main categories—residential and commercial—whose contributions were distributed fairly evenly at \$58.6M and \$61.9M respectively.

No major hotels were approved in the first three quarters of 1998, but in October approval was given for the Ritz-Carlton project, valued at \$169M.

As at September 30, 1998 the value of land transfers was \$253.3M. This reflected a 17.7 per cent increase over the \$215.3M recorded at September 30, 1997. The value of lease transfers showed a decline over the same period—from \$5.5M to \$1.9M. But the duties

collected from both land and lease transfers increased by 28.3 per cent or from \$19.8M to \$25.4M. This included a 35 per cent increase in Cayman Brac from \$168,546 to \$258,170.

### **ECONOMIC OUTLOOK**

Mr. Speaker, growth forecasts for 1999 will depend to a great extent on the state of the world economy. If there is a slowdown in the United States economy, this may cause growth to moderate in the domestic economy. However, to the extent that growth in the United States affects the Cayman Islands with a lag, any moderation in growth will not be felt here until late 1999 or the year 2000.

Mr. Speaker, I shall now turn to a review of the public finances.

### **THE STATE OF PUBLIC FINANCES 1998 FORECASTED POSITION**

Mr. Speaker, the Portfolio of Finance and Economic Development's forecasts for 1998 indicate total recurrent and statutory expenditure and contributions at \$232.0 million, which is 2.2% less than the budgeted figure of \$237.3 million.

Total recurrent revenue is forecasted at \$241.4, which is 2.7% below the budgeted figure of \$248.1. However, this will be partially offset by the brought forward accumulated surplus balance from 1997 of \$2.3 million. This balance was \$1.4 million above the budgeted figure of \$0.9 million.

Mr. Speaker, after taking into consideration this favourable brought forward balance and the positive recurrent and statutory expenditure and contributions performance, the 'recurrent revenue available to capital expenditure' is expected to be as budgeted at \$11.7 million.

Mr. Speaker, I now move on to capital acquisitions expenditure which is forecasted at \$8.5 million and is as budgeted. The 'recurrent revenue available to the capital development fund' is therefore on budget at \$3.2 million. (which is the \$11.7 minus the \$8.5 I mentioned earlier).

Total capital development expenditure is forecasted at \$24.6 million which is 11.2% below the \$27.7 million budgeted. If achieved as forecasted this would result in a capital development fund balance of \$3.2 million at year-end 1998 rather than the \$0.1 million that was budgeted. These funds would then be available to assist in financing the continuing projects under the 1999 Capital Development Programme.

### **RESERVE FUNDS General Reserve Fund**

Mr. Speaker, at the beginning of 1998 the General Reserve Fund balance stood at \$9.0 million. This balance is expected to rise to approximately \$10.5 million by year-end 1998 as a result of interest earnings and a budgeted inflow of \$1.0 million from general revenue. Honourable Members should note that the 1999 Budget

also includes a \$1.0 million appropriation for this Fund under Head 13: Portfolio of Finance and Economic Development.

### **Public Service Pension Fund**

Mr. Speaker, the Public Service Pension Fund was established in 1990 to support the long-term pension liability of the Government under its existing "defined benefits" scheme. Honourable Members will, however, be aware that on-going pension payments continue to be made from general revenue until this Fund has been certified as self-sustaining based on an independent actuarial evaluation.

Honourable Members should note that the Fund's balance was \$29.5 million at year-end 1997 and is expected to reach \$36 million by the end of 1998.

Mr. Speaker, the Government recognises that the continued build up of this Fund is extremely important and has included in the 1999 Budget a sum of \$1.0 million under statutory expenditure to increase the contribution by civil service employees from 4% to 6% of pensionable salaries and wages. In addition, the 1999 Budget also includes an additional \$3.2 million contribution towards the 'past service liability' of the Fund.

### **Housing Reserve Fund**

Honourable Members will recall that the Housing Reserve Fund was established in 1997 to support any calls that might arise from guarantees issued by the Government under the Guaranteed Home Mortgage Scheme. It is worth noting that so far there have been no calls on guarantees issued under this Scheme.

Mr. Speaker, the balance on this Fund is expected to be \$0.64 million by year-end 1998, up from \$0.42 million at the beginning of the year.

Mr. Speaker, it is worth noting that the 1999 Budget includes \$100,000 towards the establishment of a Student Loan Reserve Fund that would work along similar lines as the Housing Reserve Fund. This new Fund would support any calls that might be made on the Government under the Guaranteed Student Loan Scheme. The next Finance Committee Agenda will include a request for approval to establish this new Fund.

## **OTHER FUNDS**

### **Capital Development Fund**

Honourable Members will recall that the Capital Development Fund was brought into operation on January 1, 1998 as a result of a decision of this Honourable House. The two main objectives underlying the creation of this Fund were: (1) to remove the uncertainty surrounding capital project planning and implementation activities which results from annualised approvals; and, (2) to support a medium-term approach to financial planning. Whilst these two objectives have yet to be fully achieved, the Government has taken an important first step along this path with the establishment of the Fund.

Mr. Speaker, the total forecasted inflow to the Fund during 1998 is \$27.81 million, which is on target as budgeted. This amount is broken down as follows: \$3.17 million from general revenue; \$20.6 million in loan receipts; and a total of \$4.04 million in transfers from the Infrastructure Development Fund and the Environmental Protection Fund.

Total expenditure against the Capital Development Fund for 1998 is forecasted at \$24 million as compared to the estimate of \$27.7 million. If achieved, this would result in an accumulated balance of \$3.2 million on the Fund at year-end 1998, as compared to the budgeted sum of \$0.1 million.

### **Infrastructure Development Fund**

Mr. Speaker, the balance brought forward from 1997 on the Infrastructure Development Fund was \$0.77 million. Forecasted income for 1998 from this source is \$2.8 million. After taking into consideration the budgeted transfer from the Fund to the Capital Development Fund of \$2.04 million this would leave a balance of \$1.53 million to be carried forward to 1999.

Mr. Speaker, expected income on the Fund for 1999 is \$4.0 million which, when combined with the forecasted balance at year-end 1998 of \$1.53 million, would make available a total of \$5.53 million available to assist with the 1999 capital development programme.

### **Environmental Protection Fund**

Mr. Speaker, the balance brought forward from 1997 on the Environmental Protection Fund was \$0.48 million. Forecasted income for 1998 from this source is \$1.8 million. After taking into consideration the budgeted transfer from the Fund to the Capital Development Fund of \$2 million this would leave a balance of \$0.28 million to be carried forward to 1999.

Mr. Speaker, expected income on the Fund for 1999 is \$3.67 million which, when combined with the forecasted balance at year-end 1998 of \$0.28 million, would make available a total of \$3.95 million available to assist with capital development projects of an environmental protection nature.

## **PUBLIC DEBT**

Mr. Speaker, total public debt was \$82.9 million at January 1, 1998. This amount includes central government public debt of \$66.4 million and \$16.5 million in self-financing public debt owed by the statutory authorities but guaranteed by central government. After taking into consideration loan repayments of \$11.4 million and total loan receipts of \$20.6 million during 1998, total public debt is expected to rise to \$92.1 million by year-end 1998.

Mr. Speaker, even though the total value of outstanding loans has risen over the year, total public debt service (principal and interest) remains at 7.2% of 1998 forecasted recurrent revenue which is below the interna-



tionally accepted 10% upper limit established by the Government.

### CIVIL SERVICE

Mr. Speaker, in March 1997, His Excellency the Governor announced in the Throne Speech that the Chief Secretary, on the advice of Executive Council would appoint a Salaries Review Committee ("the Committee"). This Committee would be charged with advising on appropriate salaries and allowances with effect from 1st January 1998.

The decision to conduct the review was in keeping with the acceptance of the Review of Salaries and Allowances, 1995 Report. That report had served as the basis of 'maintenance adjustments' to salaries at 1st January 1996 and 1st January 1997 based on movements in the Consumer Price Index only.

Mr. Speaker, while the Committee was charged with considering further changes in the Consumer Price Index, it was also expected to take into consideration salaries in the private sector and the results of the job evaluation exercise that had been ongoing since the early 1990's. This reflected the fact that the last 'structural adjustment' to salaries had been made in 1989 and implemented in January 1990. All adjustments in intervening years since then have been as a result of cost of living increases, or 'maintenance adjustments'.

The report of the Committee comprised 4 key elements:

1. a 2.7% Consumer Price Index adjustment to salaries, wages and pensions to reflect the actual 1997 increase in the Index, payable with effect from 1st January 1998;
2. an increase in employee pension contribution from 4% to 6% of pensionable salaries with effect from January 1, 1998;
3. an extensive review of allowances and other non-salary benefits;
4. the results of the Job Evaluation exercise combined with a comparison of salaries in the private and quasi-government sectors.

Items 1) and 2) of the above have been agreed by Executive Council but are subject to Finance Committee's approval. In addition, Executive Council also gave favourable consideration, again subject to approval by Finance Committee, to a 3.3% Consumer Price Index adjustment to salaries, wages and pensions with effect from 01st January 1999 to reflect the projected actual 1998 Consumer Price Index increase.

Mr. Speaker, the effect of cost-of-living adjustments for both years has been reflected in the 1999 Budget. In total, these adjustments ensure that the purchasing power of public servants will be no less at the end of 1998 than it was at the beginning of 1996 when the last cost-of-living adjustment was made.

Item 3) and Item 4) recommendations remain outstanding and are currently being addressed.

Mr. Speaker, it is important to note that the 1999 Budget includes a provision to obtain health insurance coverage for public service entitled cases. This includes public servants and their dependents, and pensioners and their dependents. Other areas such as veterans, seamen, indigents and prisoners will be addressed during 1999 with a view to also providing coverage.

### 1999 BUDGET

~and~

### THE APPROPRIATION (1999) BILL, 1998

Mr. Speaker, the 1999 Budget total recurrent revenue is estimated at \$282.57 million, up 17.1% over the 1998 forecasted figure of \$241.4 million. This recurrent revenue figure, however, does include proposed revenue enhancement measures in nine areas totalling \$11.8 million. If we remove the effects of these measures from the recurrent revenue, its growth would be 12.2% over the 1998 forecast. Mr. Speaker, I will outline these revenue enhancement proposals in depth during the introduction of the associated revenue bill.

The total recurrent expenditure is estimated at \$237.2 million, up 17% over the 1998 forecast of \$208.8 million. In addition, new recurrent services totalling \$1.97 million are budgeted. These new recurrent services are spread over 23 departments but with an emphasis on the Education, Roads, Police, Prisons, Health Services, and Postal departments.

The total on-going statutory expenditure is \$23.18 million and represents debt repayment, pension and gratuity payments. In addition, total employer and employee contribution to the Public Service Pensions Fund is \$9.66 million.

Other Contributions from Recurrent Revenue (except the Pension Fund mentioned above) include: \$1.0 million to the General Reserve Fund; \$0.2 million to the Housing Reserve Fund; and, \$0.1 million to the proposed Student Loan Reserve Fund.

Mr. Speaker, total expenditure against the Capital Development Fund is budgeted at \$29.16 million and is financed as follows: a \$3.18 million Capital Development Fund balance brought forward from 1998; \$0.01 million; \$5.0 million from the Infrastructure Development Fund; \$2.0 million from the Environmental Protection Fund; and \$19.15 million in new borrowings. These borrowings mainly relate to educational and health facilities development.

Mr. Speaker, the Environmental Protection Fund, the Infrastructure Development Fund, and the Capital Development Fund are all expected to have positive balances of \$1.9 million, \$0.53 million, and \$3.2 million, respectively, at year-end 1999.

Mr. Speaker, I offer sincere appreciation to those persons who assisted in the preparation of this Budget Address, the 1999 Budget document, and the various associated Bills. In addition, I wish to express deep gratitude to the public service on whose support we all continue to rely.

There are some persons I would like to mention by name. First, Dr. Parson for the excellent job she has done on the economic section of the Budget Address, the Deputy Financial Secretary, the Director of Budget and Management Services, Mr. Gough, and his supporting staff, the Accountant General from the Treasury Department, Ministers and Members of Executive Council for their patience in terms of the discussions that we have had, and also the Members of the Legislative Assembly (as I mentioned earlier).

In effect, we should have started at 10.00 this morning, and this was the second leg of a postponement by approximately two weeks for which I am thankful to Members.

Before I move the recommendation of the Appropriation Bill, I would ask that a short adjournment be allowed now in order for the document to be in the House when the recommendation is made.

**The Speaker:** We shall suspend for ten minutes.

**PROCEEDINGS SUSPENDED AT 12.29 PM**

**PROCEEDINGS RESUMED AT 1.12 PM**

**The Speaker:** Please be seated. Proceedings are resumed. The Honourable Third Official Member Responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, once more I would like to crave the indulgence of this Honourable House to suspend proceedings until 3.30 this afternoon. This will allow for the Appropriation Bill and supporting documents to be finalised and available to Honourable Members. Thank you.

**The Speaker:** If that is the wish of the House. I shall put the question. Those in favour of suspending proceedings until 3.30, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House shall suspend until 3.30.

**AGREED: THAT THE HOUSE SHALL SUSPEND UNTIL 3.30 PM.**

**PROCEEDINGS SUSPENDED AT 1.13 PM**

**PROCEEDINGS RESUMED AT 3.55 PM**

**The Speaker:** Please be seated. Proceedings are resumed.

The Honourable Third Official Member Responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, Members have at this time the Appropriation Bill. So at this time I will just conclude.

**Mr. W McKeeva Bush:** Mr. Speaker—

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Mr. Speaker, on a point of procedure. I was trying to find the Appropriation Bill. I knew that they took it back. I don't have it.

**The Speaker:** Madam Clerk.

**Hon. George A. McCarthy:** Mr. Speaker, continuing with that section of the Budget Address which, in effect, is the second reading of the Appropriation Bill, at this time I would like to recommend the Appropriation (1999) Bill, 1998 which proposes total expenditure of \$278.99 million. This amount is broken down as follows: Recurrent Expenditure, \$237.29 million; New Services, \$1.97 million; Capital Acquisitions, \$9.24 million; Capital Development Expenditure, \$29.16 million; Contributions to General Reserve, Housing Reserve and Student Loan Reserve Funds of \$1 million, \$.23 million, and \$.01 million, respectively.

As is normal, this total expenditure figure does not include statutory expenditure of \$32.84 million which includes \$23.18 million in ongoing public debt service, pension and gratuity payments and \$9.66 million in employer and employee contributions to the Public Service Pension Fund.

Once more, I would like to conclude by thanking honourable Members for this opportunity to present the 1999 Budget Address and as usual I look forward to a congenial and fruitful deliberation under the guidance of Almighty God. Thank you.

**The Speaker:** Motion to defer the debate on the Budget Address. The Honourable Third Official Member Responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, I beg to defer the debate on the Budget Address until Wednesday, 18 November, 1998.

**The Speaker:** Do you have . . . The Honourable Third Official Member Responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, there is Government Motion No. 3/98.

## **GOVERNMENT MOTION NO. 3/98**

### **THE CUSTOMS LAW (1998 REVISION)**

#### **THE CUSTOMS TARIFF LAW (1998 REVISION)**

**Hon. George A. McCarthy:** In accordance with the provisions of Standing Order 69, and pursuant to section 74 of the Customs Law (1998 Revision), the following resolution is moved:

**“BE IT RESOLVED this day by the Legislative Assembly, under the power conferred on it by section 74 of the Customs Law (1998 Revision):**

**“THAT the following exemptions from, and variations of the rates of, customs duty, and new charges of customs duty, under the First and Second Schedules to the Customs Tariff Law (1998 Revision) be made:”**

**Mr. W. McKeeva Bush:** Mr. Speaker, on a matter of procedure. I don't have this [motion]. At least this one we should have. I am sorry to interrupt the Honourable Financial Secretary, but I would certainly like to have the motion in my hand. But I don't find it.

**The Speaker:** Has the motion not been circulated?

**Mr. W. McKeeva Bush:** No, sir. Not yet.

**Hon. George A. McCarthy:** Mr. Speaker, my apologies. I thought that it was circulated to Honourable Members. But . . . Mr. Speaker, I will just wait until the Serjeant—

**The Speaker:** Wait a few minutes until we get it circulated, please.

Madam Clerk, could we have copies?

*(pause)*

**The Speaker:** Honourable Third Official Member, you may continue.

**Hon. George A. McCarthy:** As far as I can recall, the Appropriation Bill was circulated with the Draft Estimates earlier this afternoon. And for Members who cannot find their copy, if they would look amongst those documents it should be attached to the Draft Estimates.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** We have the Estimates, the Appropriation Bill. It was the motion that he was reading that we did not have.

**The Speaker:** Okay.  
The Third Official Member.

**Hon. George A. McCarthy:** Thank you, Mr. Speaker. To continue:

| Code Number | Heading                                                                                                                          | Duty              | New Duty            |
|-------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------|
| 22.22       | Ciders and meads.                                                                                                                | \$1.50 per litre  | \$1.88 per litre    |
| 22.23       | Wine coolers not exceeding seven per cent alcohol content.                                                                       | \$1.50 per litre  | \$1.88 per litre    |
| 22.31       | Table wines, red, white or rose.                                                                                                 | \$3.00 per litre  | \$3.75 per litre    |
| 22.32       | Dessert wines, including Port, Sherry, Vermouth and other fortified or flavoured wines containing under thirty per cent alcohol. | \$4.50 per litre  | \$5.63 per litre    |
| 22.33       | Champagne.                                                                                                                       | \$4.50 per litre  | 25% of c.i.f. value |
| 22.34       | Other sparkling wines.                                                                                                           | \$3.75 per litre  | \$4.69 per litre    |
| 22.41       | Spirits, unsweetened, containing less than fifty per cent by volume of alcohol.                                                  | \$10.50 per litre | \$13.13 per litre   |
| 22.42       | Spirits, unsweetened, containing fifty per cent or more by volume of alcohol.                                                    | \$14.25 per litre | \$17.81 per litre   |
| 22.43       | Spirits, sweetened and flavoured, including liqueurs.                                                                            | \$12.00 per litre | \$15.00 per litre   |
| 24.01       | Manufactured tobacco—cigarettes.                                                                                                 | \$30.00 per 1,000 | \$52.50 per 1,000   |

**“AND THAT it is hereby declared that it is expedient in the public interest that this resolution shall have statutory effect under the provisions of the Customs Law (1998 Revision).”**

Mr. Speaker, I so move this motion. Thank you.

**Mr. W. McKeeva Bush:** Mr. Speaker, before you put the question, I wonder if you would permit a question.

#### **MOTION FOR DEFERRAL OF DEBATE ON THE BUDGET ADDRESS**

**The Speaker:** Before doing that, I would like to put the question on the deferral of the Budget Address. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Budget debate is deferred until Wednesday and I will allow you to put one short question.

**AGREED: DEBATE ON THE BUDGET ADDRESS DEFERRED UNTIL WEDNESDAY, 18 NOVEMBER, 1998.**

**Mr. W. McKeeva Bush:** Mr. Speaker, thank you. I would like to find out whether this has been discussed with the Hotel, Tourism and Restaurant Association and the Council of Associations, whichever one the Government is using. I think it is the Business Council which is the Government's Council. But, more specifically, the Hotel, Tourism and Restaurant Association.

**The Speaker:** I don't know if the Government can answer that, but according to the Law I am bound to put the question forthwith. In accordance with the Standing Orders, it is my responsibility to put the question forthwith. Those in favour please say Aye. Those against, No.

**AYES & NOES.**

**The Speaker:** I think the Ayes have it.

**Mr. Roy Bodden:** Mr. Speaker, may we have a division?

**The Speaker:** Certainly. Madam Clerk, will you call the division please?

**The Clerk:**

#### **DIVISION 19/98**

**Ayes: 8**

Hon. James M. Ryan  
Hon. Richard H. Coles  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. Julianna O'Connor-Connolly

**Noes: 5**

Mr. W McKeeva Bush  
Mr. D Kurt Tibbetts  
Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle

**Abstentions: 4**

\*Mr. John D. Jefferson, Jr.  
Mr. D. Dalmain Ebanks  
Mr. Linford A. Pierson  
Miss Heather Bodden

*\*Mr. John D. Jefferson, Jr.: I abstain at this stage.*

**The Clerk:** Eight Ayes, five Noes, four Abstentions.

**The Speaker:** The Ayes have it.

**GOVERNMENT MOTION NO. 3/98 PASSED BY MAJORITY.**

**The Speaker:** That concludes the business on the Order Paper for today. I would entertain a motion for the adjournment of this House. The Honourable Minister responsible for Education, Aviation and Planning.

## **ADJOURNMENT**

**Hon. Truman M. Boddan:** Mr. Speaker, I move the adjournment of this Honourable House until next Wednesday at (pause)

**The Speaker:** Ten o'clock?

**Hon. Truman M. Boddan:** I'm sorry, sir. I give way to the Third Official Member.

**The Speaker:** The Honourable Third Official Member Responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, this is just to deal with the tabling of the Estimates. Although they were handed out as promised, for the record, if I can be allowed to move the motion to Table the—

**The Speaker:** Certainly.

## **PRESENTATION OF PAPERS AND REPORTS**

### **DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR 1999**

**Hon. George A. McCarthy:** I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure of the Cayman Islands Government for the year 1999.

**The Speaker:** So ordered.

The motion has been made that this House do now adjourn until 10.00 AM on Wednesday. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.10 PM THE HOUSE STOOD ADJOURNED UNTIL  
10.00 AM WEDNESDAY, 18 NOVEMBER 1998.**

**OFFICIAL HANSARD REPORT  
WEDNESDAY  
18 NOVEMBER 1998  
10.28 AM**

*[Prayers read by the First Elected Member for West Bay]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Third Official Member who will be arriving later this morning. He is attending an official function.

Item number 3 on today's Order Paper, Questions to Honourable Members/Ministers. Deferred questions from the third meeting that we agreed would come forward to this meeting. I see that question 194 is directed to the Honourable Third Official Member Responsible for Finance and Economic Development. As he is not here we will move on to question 195. If he comes, we will go back to this at the conclusion. Question is 195, standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 195**

**No. 195: Mr. Roy Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning to state whether or not all Government Schools are now equipped with fire safety equipment.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** All Government schools are equipped with fire extinguishers. These are located in all classrooms, staff rooms, libraries, kitchens and halls. They are serviced annually by the Public Works Department personnel on Cayman Brac as well as Grand Cayman. In addition, the George Hicks High School and the John Gray High School have fully operational fire alarm systems. Red Bay Primary also has a complete system.

Work on the installation of fire alarm systems for George Town Primary, East End Primary, North Side Primary, Savannah and Bodden Town Primary Schools commenced on 1 September 1998 and were completed on 11 October 1998.

Installation for the John A. Cumber Primary School commenced on 7 September 1998 and was completed on 21 September 1998.

**SUPPLEMENTARIES**

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Minister say if the fire safety equipment that has been installed in these public schools is basically to meet requirements of Planning, or an extended agency of Planning, or is it something that is simply done as a policy within the Education Department?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** This was dealt with internally. And it does comply with the safety Fire Code for the Cayman Islands. But they would have had Planning permission, most of them, well before. However, as far as I can remember, we do have the Fire Department itself that goes and inspects the schools from time to time just to make sure they are properly equipped.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** So the Minister can say then that all of these schools mentioned in the answer have met with, as he mentioned, the Fire Code, and inspections that have already been done by the Fire Department have given all of these schools the green light in regard to the requirements?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I can't answer that specifically in the form of the question, but from what I understand if there were anything lacking the Fire Service would let us know and we would get that done. But as to whether they have inspected every building since we put this in, because some of this only recently went in, I can't say that. I could get the answer for the Member.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Minister simply give an undertaking to ensure that this takes place and perhaps indicate that to us by whatever means he

wishes as early as possible as it is obvious that while the answer that has been given shows that there is some attention being paid, we have to ensure that the attention is sufficient.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I will give that undertaking. We will ask the Fire Service to look at all of these and give us an assessment.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister tell the House, now that the schools are equipped with fire extinguishers what other procedures accompany this to ensure that in the event of an emergency there is an orderly evacuation plan and that the affected persons would know what to do?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** At the beginning of each year and during each term, there are fire drills carried out in the schools.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** It is my understanding that at times children tamper with these alarms. Can the Honourable Minister say how this is being dealt with?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I know this has been a problem. Children can reach the alarms where they are put. I thank the Honourable Member for pointing this out. We discussed at one stage maybe putting them beyond the reach of the little children who sometimes go by, and seeing the nice-looking red gadgets, pull them. But being fairly new, I would rather give [the children] a couple of terms to see that the discipline gets in and that they get used to having the [alarms] without really touching them. If not, we will have to look at an alternative: maybe moving them a bit higher so that the older children can reach. However, it is important that at least the older children can reach them in case they are needed.

**The Speaker:** If there are no further supplementaries the next question is 196, standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 196

**No. 196: Mr. Roy Bodden** asked the Honourable First Official Member responsible for Internal and External

Affairs to state what has been done to ensure that the required complement of coaches is maintained at the Lions Aquatic Centre.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** Government has employed three full-time coaches at the Lions Aquatic Centre. These are assisted by temporary staff when necessary.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say whether this complement has some permanence because, as I vividly recall, prior to summer vacation there was a condition in which one of the coaches was under the impression that the contract under which he was operating was not going to be renewed. As a result there was some apprehension and even some discussion as to how some of those enrolled would be accommodated.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** It is my understanding that all but one are contracted officers and naturally are subject to renewal of contract. That would be on the recommendation of the relevant person in the Ministry, in this case.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Official Member is in a position to say how many children are coached daily in swimming by each of the coaches.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** The information the Member seeks is apparently unavailable. But this can certainly be obtained if she so desires.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I would wish to receive that if the Hon. Official Member can supply that to me. Maybe my questions should not be directed to him because I guess this question was directed to the First Official Member because of Personnel. So, I don't think I will put him in a position that he may not be able to answer me. I will bring my supplementary now in a question later on to the relevant Ministry.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Can the Member clarify whether or not these coaches are new?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** It is my understanding that all but one have been there for quite some time. There is one in a temporary capacity relieving someone who is on maternity leave. That person is new.

**The Speaker:** If there are no further supplementaries, we will return to Question 194. As the Honourable Third Official Member Responsible for Finance and Economic Development has still not arrived, would a Member of Government move the deferral of this question please, under Standing Order 23(5)?

#### DEFERRAL OF QUESTION 194

**Hon. Truman M. Bodden:** As the Honourable Financial Secretary is not here, I would ask the House Committee to put this on at a later date to be answered orally.

**The Speaker:** I didn't understand what you said. Would you repeat that please?

**Hon. Truman M. Bodden:** Yes, sir. It could go on at a later stage for answering as the Honourable Financial Secretary is not here. So if we could stand it down till a later date. . .

**The Speaker:** Yes, if you would just defer it under Standing Order 23(5) I will put the question.

**Hon. Truman M. Bodden:** Under Standing Order 23(5) I would ask for the question to please be deferred.

**The Speaker:** Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: QUESTION 194 DEFERRED.**

**The Speaker:** That concludes Question Time for this morning. Item 4 on today's Order Paper, Government Business, Bills. Second Reading.

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READING

#### THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (FOREIGN OFFENCES) BILL, 1998

**The Clerk:** The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998.

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

**Hon. Richard H. Coles:** Honourable Members will recall that this Bill received its first reading in the last meeting of the Legislative Assembly and was held over until this meeting for the remainder of its passage through the House. Mr. Speaker, my duty this morning is somewhat unusual because normally the presenter of a Bill, or an amending Bill, is describing to the House the various changes, certainly in an amending Bill, that the amendment makes to the Law and the beneficial effect that those changes will have and the consequences. But my presentation this morning is to do the exact opposite of that and to present to the House an amendment that will cause absolutely no change to the Proceeds of Criminal Conduct Law at all, and leave it as it is at the present time.

That might sound a rather odd situation and I will certainly explain why as I go through the presentation. But that is indeed the case, and the amendments that are before the House this morning are designed to maintain the status quo as far as the Proceeds of Criminal Conduct Law is concerned. So let me go through them and I am not just going to read out the Memorandum of Objects and Reasons. I may well do so towards the end of my presentation, but I think it would be easier if I take them in a somewhat different order to the way they are set out in the Memorandum of Objects and Reasons.

If there is any doubt in the minds of Members of this House, the Bill we are reading is The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998, which amends The Proceeds of Criminal Conduct Law. That is the purpose of it.

There are three amendments to the Law contained in this Bill. As I said, I am not going to go through them in the order that they are set out in the Memorandum of Objects and Reasons because I think it is more intelligible if I do it in a different way.

The first thing that I need to emphasise is that these amendments do not change the effect of the Proceeds of Criminal Conduct Law, and they are designed to do exactly that. The amendment principally removes from the schedule to the Law itself what has become known as the Fiscal Exemption Clause. Those of you who have a copy of the Law in front of you, if you turn to page 44, the Clause I am referring to is Clause 3(1) of the Schedule (there is only one Schedule to this Law). This amendment amends the subsection (b) so that it now reads: "References to conduct to which this Schedule applies are references to conduct which constitutes an offence to which this Law applies, or would constitute such an offence if it had occurred in the islands, other than drug trafficking offences." The Law at the moment

goes on then to specifically exclude Fiscal Offences with some exceptions.

Now, let me say that this Schedule applies only to external confiscation orders. It does not relate to money laundering offences within the islands. The Schedule itself is headed "Modifications to the Law when applied to external confiscation orders and related proceedings." For an external confiscation order to be registered in Cayman, the country in which that confiscation order has been made has to be a designated country under the Law. And, Mr. Speaker, there are only two such countries—one is the United Kingdom, the other is the United States of America.

I have stated that the so-called fiscal exemption clause is being removed by this amendment. And for those of you with the green Bill in front of you this is accomplished by clause 5 of the amending Bill. The reason I say that this makes no change to the effect of the Bill is because the real test of whether or not Cayman can offer assistance, or is able to register an external confiscation order, is what is called the dual criminality test. It is something that I have referred to on a number of occasions in this House and I don't propose to go through it in detail other than to say that colloquially speaking it means that the facts giving rise to an offence overseas in another country, if those same facts were repeated in the Cayman Islands, they would give rise to a relevant offence in the Cayman Islands. The reason I use the expression 'relevant offence' is because the Proceeds of Criminal Conduct Law only applies to indictable offences.

That dual criminality test remains in place. So any request for the registration of a confiscation order in Cayman has to pass the dual criminality test. As Members are well aware, Cayman does not have any form of direct taxation. Consequently, there are no tax offences in Cayman. And so, a request to enforce by way of registration of an external confiscation order or, indeed, in any other way, a tax offence in another country would not pass the dual criminality test in Cayman. And so, the fiscal exemption clause is not needed. That is why it is being removed, and that is why the amendment is being brought.

The fiscal exemption clause is merely setting out specifically that Cayman would not enforce tax offences of other countries. And that has caused some problem for Cayman internationally because internationally that is viewed with some concern and was seen, I believe, by some jurisdictions that although Cayman was perfectly capable of enforcing the fiscal offences of other jurisdictions, it was choosing not to do so, and was emphasising that by putting a specific exemption in this piece of legislation.

This amendment gives a clear indication to those outside Cayman, that Cayman is making no exception as to tax offences, or fiscal offences, they have to pass exactly the same test as any other criminal offence. And only if they pass that test will Cayman enforce them. As I just indicated, they are not going to pass that test because we do not have those equivalent offences in

Cayman. So that is why I say there is no change: Cayman has not enforced the fiscal statutes of other countries and it will not do so because those offences will not pass the dual criminality test. But it does avoid the remarks and positions taken by some other jurisdictions that in some way Cayman is making a complete exception and specifically excluding these offences.

Tax offences will have to run exactly the same gamut, exactly the same tests as any other offence. And because we have no direct taxation in Cayman, because we have no tax offences then they will fail that test.

I don't think I can put it any clearer than that, Mr. Speaker. I am also going to deal with some other amendments in this amending Bill because one of the concerns is that relying so heavily on the dual criminality test we have to be absolutely certain that we are able to apply it properly. And the way that we can ensure that we are applying it properly is to know that we are in possession of all the relevant facts surrounding the offence or charge, or whatever it may be.

Now, there is already a provision for that in the Proceeds of Criminal Conduct Law, and that would be found in section 33 of the Law, on page 41. If you turn to the green Bill you will see that clause 4 of the green Bill repeals section 33 and substitutes a new section 33. And, if I may say so, a much tougher section 33. This new section 33 now specifies the information that has to be provided by any other jurisdiction seeking the assistance of the Cayman Islands under this Law. I will read it out because it bears reading out: "**33. A request for assistance sent to the Attorney-General by the appropriate authority of a designated country** [bearing in mind that those designated countries are the United Kingdom and the United States of America] **shall- (a) be accompanied by a statement of the facts, either alleged or proved, in respect of which proceedings have been, or are about to be, instituted which have resulted, or may result, in an external confiscation order being made;**"

In other words, we will require not just details of the charges being laid, not just details of the offences that have been committed, or alleged to have been committed, but the facts upon which those charges or offences are based, we will want to know all the circumstances that relate to that so that we can ensure the dual criminality test has been satisfied. If you remember that test calls for us to (and I am using this colloquially now) transpose those facts, put them into a Cayman setting and say if that had happened in Cayman, would it amount to an offence. So you will see that unless we know what those facts are and know in detail what those facts are we can't actually carry out that test. So it is very important that we know those.

Then it goes on to say in this new section 33 "**and (b) unless the contrary is shown, be deemed to constitute the authority of the government of that country for the Attorney-General to act on its behalf in any proceedings in the Grand Court under section 30 or any other provision of this Law as applied by section 29(2).**" Now that is a repeat of the existing section 33, in effect. But it is the one that I read out initially, 33(a) that is the new tougher section and ensures that we will have all the information



to make that judgment. The section refers to the Attorney General, so that request for assistance comes to the Attorney General and it is the Attorney General and his officers that apply the dual criminality test to those facts to determine whether or not it meets the test.

But it doesn't end there because this amending Bill goes a stage further. If we go back again this time to clause 3 of the amending Bill, you will see why I did not follow the Memorandum of Objects and Reasons (because I am actually taking this Bill in the reverse order because I think it makes more sense like that); clause 3 amends section 30 of the principal Law. Section 30 can be found on page 39 of the Law itself. Section 30 deals with the actual registration by the Grand Court of an external confiscation order the way an application is made by the Attorney General on behalf of the Government of the designated country to the Grand Court and the facts and tests that the Grand Court has to carry out.

I will now read out the amendment contained in clause 3 of the amending Bill. It says, "**(3) The Grand Court shall not register an external confiscation order made in a designated country- (a) where the Attorney-General has issued a certificate to the effect that the application to register the order is contrary to the public interest of the Islands;** [that's a pretty wide discretion that is in there, Mr. Speaker. And then it goes on to say,] **or (b) where the facts described in the statement made under section 33(a)** [that's the new section that I have just been reading out] **or in the affidavit made under paragraph 8 of the Schedule do not amount to criminal conduct."**

In other words, there is a second hurdle here, that even if the Attorney General or his officers get it wrong and they think that the dual criminality test has been passed, that is not the end of the matter because the application has to go before the Grand Court. If the Grand Court is not satisfied that the test has been met, the Grand Court doesn't have any discretion. The Grand Court has to throw it out. It has to deny it. In fact, it has to refuse to hear it. So, there is a backup, a long-stop test that is performed by the Grand Court.

First of all, we have the full statement of facts, and an affidavit prepared and sent to Cayman by the designated country setting out all the surrounding and underlying facts of the particular case. Then the Attorney General considers it, comes to a decision as to whether or not this meets the dual criminality test, if it doesn't that's the end of it, it doesn't go any further. Even if he does think that it meets the dual criminality test and then makes an application to the Grand Court, he, on behalf of that overseas jurisdiction (the USA or the UK) has to satisfy the Grand Court judge that it does indeed meet the dual criminality test. And if the Grand Court judge is not satisfied, it gets thrown out again and it doesn't move any further.

There are, I believe, ample safeguards to make sure that Cayman is fully aware of the facts surrounding any requests that come to us from a designated country (as I say, the United States and the United Kingdom) and to make sure that we have the full facts and the full underlying basis for those offences and/or charges.

But even then, we have two tests, two stages that that request has to go through: first of all, the Attorney General and his officers have to look at it and be satisfied, and then there is yet a further stage, that even if it passes that, the Grand Court judge has to be satisfied. And only then would that external confiscation order not necessarily be granted because that would depend again upon the facts of the case. Only then would the individual facts and the decision as to whether or not it should be registered be taken. If it failed to meet either of those two hurdles, well, to use a baseball expression, it wouldn't even get past first base. It wouldn't get anywhere at all.

So that is the reason those amendments have been brought in the way they have. I can tell Members that the amending Bill was discussed at considerable length with the Financial Secretary's Private Sector Consultative Committee. Some months ago it was discussed before it came for its first reading back in June, and was approved by them. I have explained the reasoning behind at what first sight seems a rather odd amendment, when I say that here I am bringing an amending Bill that is designed to change absolutely nothing. I hope that Members now understand why it is felt necessary to bring this Bill and will feel comforted by the assurances that I have given as to the way the amendments have been crafted.

Thank you.

**The Speaker:** The question is that a Bill entitled The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998, be given a second reading. The motion is open for debate. The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wish to thank the Honourable Second Official Member responsible for Legal Administration for his very able presentation of this very important and somewhat delicate amendment Bill to our Proceeds of Criminal Conduct Law.

The amendment Bill, for the record and for clarity, is The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998. He has covered a lot of ground, so my contribution will be brief. But there are one or two points I wish to raise and hopefully the Honourable Member can clear these up during his winding up remarks.

One point that I feel the Member should consider, and should be considered by the House, is that this Government cannot afford on this Bill or any future Bill to be taking a reactive position. In other words, we should be moving forward with a proactive stance. We should not find ourselves in a position where we are reacting every time there is some pressure from overseas governments, be that the UK or any other country. We realise that in this Law there are two designated countries, the United States and the United Kingdom. By virtue of the position of the UK now in particular in the European market, we wonder what danger that might have in extending this privilege to some of those countries at a later date.

On the positive side, this Bill is particularly important in view of the scrutiny now being placed on the Cayman Islands, not only by the mother country, the UK, but also by her OECD member countries including the United States. Hopefully by the extension and removal of this fiscal clause it will also counter much of the criticism now being levelled against the Cayman Islands in particular in regards to the lack of transparency in our laws.

There is one particular point in regard to the designated countries that I wish to raise, and hopefully the Honourable Second Official Member will comment on this. Under the Schedule of the Proceeds of Criminal Conduct Law Designated Country Order 1997, and in sections 3 and 4 it is noted that as regards the designated country, the United Kingdom, that is, the point at which proceedings for an offence are instituted seem to be at the level of a Justice of the Peace. The point at which proceedings for an offence are instituted in regard to the United Kingdom is when a Justice of the Peace issues a summons or warrant under section 1 of the Magistrates Court Act 1980 in respect of that offence. Perhaps at some later stage this should be reviewed. I am not sure that this position should not be at a higher level when the point of proceedings would be instituted, that is in respect to the United Kingdom. It is not in any way to denigrate, or look down on the position of the Justice of the Peace, but I believe that this matter is so delicate and so important that perhaps someone with a legal background should be the person to issue such a summons or warrant.

The position in regard to the United States is slightly different. It states that the point at which proceedings for an offence are instituted are when an indictment, information or complaint has been filed against a person in respect of an offence. Even though I know that that particular point was not covered by this amending Bill, it is relevant to the principal Law and perhaps the Honourable Member would be kind enough to comment on that.

The Honourable Second Official Member has done a comprehensive job in explaining the reasons, the purpose of this amending Bill. Basically, it would seem to me that the most important areas would have to be section 30 as regards the addition of the statement of facts, and section 3(1)(b) under the Schedule to the principal Law.

The amendment to section 30 adds to that section a very important addition where the designated country cannot just receive information by requesting it, but must support such a request by a statement of fact to show that the request is warranted. This is very important. And I wish to congratulate the Honourable Second Official Member for piloting this change.

It basically states under 33(a) (the new section) “**33. A request for assistance sent to the Attorney-General by the appropriate authority of a designated country shall- (a) be accompanied by a statement of the facts, either alleged or proved, in respect of which proceedings have been, or are about to be, instituted which have resulted, or may result, in an external confiscation order being made; . . .**” The position before this amendment came about did not make any reference at all to a statement of facts. So this inclusion is most important.

Under the Schedule the removal, as mentioned by the Honourable Second Official Member . . . this section principally removes the fiscal exemption clause 3(1)(b) of the Schedule. This has caused a lot of concern. But, as mentioned by the Honourable mover upon presenting this amendment, this will not make a lot of difference because of the principle of dual criminality in the Cayman Islands. We do not now recognise taxation as an offence. So even though cosmetically this will be in line with what is expected not only by the UK, but by other OECD countries (and throughout the world no doubt), as regards the Cayman Islands because taxation is not regarded as an offence here this can hardly make a major difference in regard to these amendments.

Other than those points raised which I would wish the Honourable Second Official Member to look into, I certainly have no objection to this amendment Bill, and I give it my full support. Thank you.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I too would like to congratulate the Honourable Attorney General in his presentation of this Bill. I feel that he has done a good job in seeing the matter through to this stage. I am particularly glad that he came to us so that we had some knowledge beforehand of the contents.

In the contribution by the Third Elected Member for George Town, he mentioned being proactive. And the Attorney General mentioned the OECD. This, presumably, is one of those international obligations that was talked about in the speech given by Mr. Cook (the Secretary of State) on the review of the Dependent Territories when he talked about our international obligations, particularly financial matters. I know that some people do not hold the same view as I do, but this has to be part and parcel of what the review is all about.

If that is so, and if I am correct, the only objection I have to the whole thing is that Government cannot continue to ignore important committees set up by this House. This House has set up a committee to deal with the review. And while we did have knowledge, I would like to see these kinds of things go through that stage in the future. All I am asking is for the Government to bear that in mind because if we are going to talk about being proactive, if we are going to talk about being transparent, that is what that committee was set up to assist us to do. And I completely agree with the Third Elected Member for George Town when he mentioned these things.

That is all I have to say on this Bill. I would, again, like to congratulate the Honourable Attorney General in seeing the matter through, and for those changes made. I agree with the Member for George Town regarding the Justice of the Peace and the summons. I would like to see that where somebody else would issue it. Thank you.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I will be brief, but I think there are just a couple more questions which the mover might want to address in his winding up. I think everyone knows that I am not very good at congratulating people in this Honourable House, so he will forgive me if I don't start with the same tone as the other two speakers. But it is not meant in a pointed fashion.

In his delivery, the Honourable Second Official Member spent a little time dealing with the dual criminality principle. While it is accepted by me at this point in time that the amendments will not affect this principle, I have to reiterate that we have to be very careful from here on in with the pressures that have been mentioned which may be coming from external forces to ensure that all of our laws relating to these offences must never, ever weaken the principle of dual criminality which we hold on to dearly here. It is the foundation on which we function in that area. So, I don't think too much emphasis can be put on that.

There is also a question of cost. And I am not 100% sure of the way the situation will work. But if I may use what the Honourable Second Official Member mentioned earlier on, my colloquial way to explain it, perhaps it can be addressed. If there are requests that are coming from other countries and we have to go through our court system, we have to do specific, what I call means tests, to decide on what action is to be taken; there must be costs involved. I don't know how these costs will be addressed and perhaps if it is something that does not happen very often, then the costs involved may not be something that you will really pay very close attention to. But, we don't know that that will be the case down the line. Hopefully it will. But in case it isn't, is this something that we find ourselves in a situation where we have to be budgeting special funds in that area to take care of these matters? I am raising these questions so that some explanation can be proffered so we can understand exactly what the whole thing will entail.

I have to admit, and I think probably most other people in here will understand that when it comes to these matters I am not the easiest one to deal with, and I accept that. I have good reasons, but that doesn't mean that I can't listen and understand. As the mover has presented the Bill, and not even grudgingly this morning, I have to admit that I accept the explanations for the amendments and this will not be one of the times when I am jumping up and taking anybody on about it. But if he would give a couple of those explanations in his winding up, I think to tie in with what the other two speakers mentioned, one thing I am sure he will explain is in regard to what was mentioned to a Justice of the Peace triggering the action. I think perhaps there may be cause for concern there and I certainly understand exactly where the Third Elected Member for George Town is coming from with the question.

I also believe that it is important for us not to fall into the trap mentioned by the Third Elected Member for George Town whereby we get paranoid once pressures start to come from elsewhere, regardless of where it is, because I hold the view that a lot of it is designed to be

how they want us to be, and I think perhaps while we understand certain things have to fall in line we also must understand that at certain points in time, once we know we are right, then we must stand our ground.

So I think we have to kind of hold on to that thought in regard to these dealings as intricate and delicate as they may be. But I, for one, as nervous as the situation has been in the recent past, am by no means disheartened to the point where we are going to be caused total distress. But it certainly is a situation that we have to keep monitoring and this one I don't have a problem with. But perhaps the mover could give those few explanations that some of us on the Backbench have asked to be done.

I will support the Bill, and if all of them were like this perhaps we would have less trouble. Unfortunately, I am sure they won't be. Thank you.

**The Speaker:** Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause) If not, would the mover like to exercise his right to reply? The Honourable Third Official Member Responsible for Finance and Economic Development.

**Hon. Richard H. Coles:** Thank you.

I would like to first of all thank those Members who have spoken, and I will do my best to deal with some of the issues they raised. One thing that seemed common to all the speakers was their concern about the dual criminality test. Perhaps one of the many faults that people would express is that lawyers tend to assume that everyone they are talking to is another lawyer and we talk about these expressions and expect everyone to understand it. The dual criminality is something that I am very familiar with and most lawyers are. But it is a somewhat odd concept for non-lawyers to grasp. I will say this as much for the benefit of the listening public as the Members in this House. What I am going to say, perhaps for the benefit of lawyers, is that I am not giving a legalistic definition of dual criminality. What I am going to try and do is explain in layman's terms how dual criminality works.

Perhaps I can say, before I even start on that, that the principle of dual criminality really underpins the whole principle of international cooperation. This is not something just dreamed up by the Cayman Islands. This is something which is accepted as a fundamental international principle of cooperation, well understood by every other jurisdiction. So Cayman is just using an internationally accepted principle to establish a test in the Cayman Islands, and this principle has been used in Cayman every since international cooperation has been offered by the Cayman Islands, so it is nothing new.

For a criminal offence to be committed in Cayman, the criminal act has to have taken place. Someone has had to have committed some act which under our law, the Cayman Islands Law constitutes a criminal offence, or at least the prosecution alleged that it is a criminal offence, and alleged that that's what happened. And then it

finds its way before the Court. If that act does not constitute a criminal offence, then probably the case will never get to court in the first place, and even if it does, the individual would be found innocent.

But, when these facts, and when the act itself takes place in another jurisdiction, normally you would be applying that other jurisdiction's law to the act. So if the offence took place in the United States, then their lawyers would be looking at the act that took place, the particular surrounding circumstances and asking 'Does that constitute a criminal offence under the laws of the United States?' or the particular state, or if it is Federal or State law. And only then would it be prosecuted.

Now what we are doing with the dual criminality test is taking the act itself which occurred in one jurisdiction and applying to it the law of another jurisdiction, in this case the Cayman Islands. And so we take the act, which in the case of these designated countries would have to have taken place in either the United States or in the United Kingdom. and we say if that act had taken place in the Cayman Islands would it offend a Cayman Islands criminal statute? Would it be a criminal offence in Cayman?

Ignore whether or not it would be a criminal offence in the United States, ignore whether it would be a criminal offence in the United Kingdom, that is irrelevant for our purposes. All we are interested in is the Cayman Islands law—would it be an offence in Cayman? If the answer to that is no, it would not, then that is the end of the story. That's it. It doesn't proceed any further.

It is only if we answer that question by saying yes, if those individuals had committed those acts in Cayman we too would be prosecuting them for an offence in Cayman. Then that is where the dual criminality test starts to be passed. More has to be done, but that is essentially how it works. So, there is no intention of abandoning this dual criminality test. And, certainly, it would never be my advice that Cayman should do so because it underpins the whole principle of international cooperation.

There has been talk about the Cayman Islands being proactive. I wholeheartedly endorse that. And the Cayman Islands has a history of being proactive. In fact, a history of being the leaders in financial services legislation—in legislation that promotes the finance industry and in legislation that regulates the financial industry. I believe that this amendment is yet another example of that.

I say that because I know personally that other jurisdictions have not passed this similar legislation. In fact, there are many jurisdictions that have yet to pass the equivalent of the Proceeds of Criminal Conduct Law, let alone an amendment like this. There are many jurisdictions that some would regard as competitors with Cayman who have no all crimes money laundering legislation at all yet. So Cayman really is at the forefront. And I do believe that this amendment, which is a significant one I think, internationally as well, will be a help to Cayman in the task ahead with the OECD and G7 initiatives. I think this is a step that will be some ammunition, if you like, that Cayman can use in those initiatives and show that Cayman does continue to lead. So I believe that it is, in fact, a proactive step and I think Cayman will continue to be proactive in these areas.

Now I have also been asked why there is a reference to Justices of the Peace in the designating order. I have to confess that I don't have a copy of the designating order in

front of me, but that doesn't matter because I don't really need to see the actual wording of it and refresh my memory because I understand the principle perfectly well that Honourable Members are talking about. I will explain it, and hope that it will reassure them.

This relates purely and simply to the way that criminal proceedings are brought in England. I can speak, if I may say so, with some authority on that because before I came to Cayman I practised as a criminal lawyer in England. Justices of the Peace serve a very useful function in England, indeed, as they do in the Cayman Islands. But it is not quite the same function. In England, Justices of the Peace always sit in what we call Summary Court. And in England it is called the Magistrate's Court. Here, of course, we have Magistrates. But what we refer to as a Magistrate is a legally qualified, professional employed Judge, in effect. We call them Magistrates.

Now, in England that is not quite the same. In England, a Magistrate is, in fact, a Justice of the Peace—an unqualified, appointed individual. So, the Summary Courts in England have on the Bench, normally two or three, sometimes more, Justices of the Peace called Magistrates. Invariably they are not legally qualified, so they have to sit with a legally qualified Clerk. The Clerk that sits in front of them is either a barrister or a solicitor, qualified in England.

The Magistrates deal with the facts of the case much the same way as a jury does in Cayman. But the Clerk is the sole arbiter of what the law is, like a Judge is in the Grand Court here. So it is somewhat different and it is not just a question of an unqualified Justice of the Peace initiating proceedings. They are actually initiated in a court where there is a legally qualified Clerk who sits, not as a member of the bench of Magistrates, cause that would be entirely wrong, but very central to it. It is just the way criminal proceedings are initiated in England. There is no mystique to it. If there is a better way of defining it, I am sure we can look at that. But I wouldn't want Honourable Members to think that in some way the initiation of criminal proceedings in England was not done with the same scrutiny as is done here, or in the United States because it is. The process is just slightly different, that's all.

The final point raised was the question of costs. Well, this amendment will not affect the issue of costs, it won't increase or decrease the cost to the Cayman Islands of implementing and enforcing the Proceeds of Criminal Conduct Law. But I certainly can tell Honourable Members that the issue of the cost is one that I have given some considerable thought to and I have initiated some discussion on it as well. I am very conscious that all of these measures have a cost to Cayman in them.

Now, people would say, and to a large extent I agree, that that is a cost that has to be paid if you are the major player that Cayman is, in the international financial markets. This legislation is necessary and Cayman has to bear its share of the cost. I think we have to face up to that. But, we do have an asset-sharing agreement in place with the United States so that if money is forfeited or confiscated under the Mutual Legal Assistance Treaty, which works along side the Proceeds of Criminal Conduct Law, then we have a right to claim a share in those forfeited proceeds.

And we do recover money in that way. But we do not make a direct charge to the requesting country for cooperation, neither, I believe, should we make a direct charge. I

think it is part of an international obligation that Cayman shoulders, and shoulders willingly.

But we always have to be aware that there is a cost implication, and if the costs are giving cause for concern, and they could do, we need to address it; we need to keep bearing it in mind, and we need to make sure that others are also aware of it because it may be a burden that Cayman is prepared to shoulder and does shoulder, but that is not to say that others should not be aware that Cayman shoulders it because we do. But I don't think it is wrong that we do so. Certainly this amending Bill does not increase the cost to Cayman.

I think with that I have covered the questions that came from the Honourable Members who have spoken, and as I said, I would like to thank them for their contributions and I would like to thank the other Members for their tacit support. I commend the Bill to the House.

**The Speaker:** The question is that a Bill entitled, The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998, be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (FOREIGN OFFENCES) BILL, 1998 GIVEN A SECOND READING.**

**The Speaker:** Would this be a convenient time to take the morning break, or would Members prefer to go right into the Committee stage? We shall suspend proceedings for 15 minutes.

**PROCEEDINGS SUSPENDED AT 11.47 AM**

**PROCEEDINGS RESUMED AT 12.35 PM**

**The Speaker:** Please be seated. The House will now go into Committee to consider a Bill entitled, The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998.

**HOUSE IN COMMITTEE  
COMMITTEE ON BILL**

**The Chairman:** Please be seated. The House is now in Committee. With the leave of the House, may I assume that, as usual, we should authorise the Second Official Member to correct minor printing errors and such like in these Bills? Would the Clerk state each Bill and read its clauses?

**THE PROCEEDS OF CRIMINAL CONDUCT  
(AMENDMENT) (FOREIGN OFFENCES) BILL, 1998**

**The Clerk:** The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998.

Clause 1. Short Title.

Clause 2. Interpretation.

Clause 3. Amendment of section 30 - registration of external confiscation orders.

Clause 4. Amendment of section 33 - representation of government of a designated country.

Clause 5. Amendment of the Schedule - modifications to the Law when applied to external confiscation orders and related proceedings.

**The Chairman:** The question is that Clauses 1 through 5 do stand part of the Bill. I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**CLAUSES 1 THROUGH 5 PASSED.**

**The Clerk:** A Bill for a Law to Amend the Proceeds of Criminal Conduct Law, 1996, to amend the provisions governing the registration of external confiscation orders, to require requests for assistance to be accompanied by statements of facts, and to amend the definition of conduct to which the part of the Law relating to external confiscation orders applies; and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**TITLE PASSED.**

**The Chairman:** That concludes proceedings in Committee on a Bill entitled, The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998. The question is that the Committee do report to the House. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

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

**HOUSE RESUMED**

**The Speaker:** Please be seated. Reports. The Honourable Second Official Member responsible for Legal Administration.

**REPORT ON BILL**

**THE PROCEEDS OF CRIMINAL CONDUCT  
(AMENDMENT) (FOREIGN OFFENCES) BILL, 1998**

**Hon. Richard H. Coles:** I beg to report that a Bill entitled The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998 was considered by a

Committee of the whole House and passed without amendment.

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

Third Reading.

### THIRD READING

#### THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (FOREIGN OFFENCES) BILL, 1998

**The Clerk:** The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998.

**The Speaker:** The question is that a Bill entitled, The Proceeds of Criminal Conduct (Amendment) (Foreign Offences) Bill, 1998 be given a third reading and passed. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

#### AGREED: THE PROCEEDS OF CRIMINAL CONDUCT (AMENDMENT) (FOREIGN OFFENCES) BILL, 1998, READ A THIRD TIME AND PASSED.

**The Speaker:** Item 5 on today's Order Paper . . . but before reading that, do Members want to commence now with the debate, or do you want to take the luncheon break first? If Members are ready we can go ahead with the debate. Okay, item 5, Commencement of the Debate on the Budget Address delivered by the Honourable Third Official Member on 16 November, 1998.

The Third Elected Member for Bodden Town.

### SECOND READING

#### THE APPROPRIATION (1999) BILL, 1998

#### COMMENCEMENT OF DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998

**Mr. Roy Bodden:** Mr. Speaker, I would hope that the Honourable House takes cognisance of the fact that this is well into November and the business of the House would suggest, based on previous years, that if we don't manage our time wisely we are going to be here well into the Christmas.

I have always been prepared to lead off in these kinds of debates well recognising that there is a danger for the first person speaking. I believe that in this case the Government should have come forward since this is their Budget. And while it is true that the Financial Secretary read that Budget, the Government is bringing a loan

package and some revenue measures which they should have taken the opportunity to sell to other honourable Members of the House, certainly to those who may have some difficulty, to those who may find these measures at this stage unpalatable. But I see that, as usual, the Government is unprepared.

Some time ago when I said that the Government was an 'ad hocracy', Members did not take it seriously. Well, I am going to say today that their performance substantiates that what is happening in this country is not anything planned, but as a result of crises management. It is an 'ad hocracy' in the most pejorative form, Mr. Speaker, meaning that the system has been seen as indicating disorganisation rather than praiseworthy of flexibility. And for that the blame has to go on the Leader of Government Business, the political leader of the country. Even though the Budget was read by the Financial Secretary, all and sundry know that it is not the Financial Secretary's Budget, but indeed, the political Government's Budget.

So close to the millennium and yet we are so far behind, so ill prepared, still floundering! I never cease to wonder what has happened to the people who came to power with such prominence, with such a sweeping mandate six years ago. What has happened to the sense of direction? What has happened to the Leader who promised that he would take the country from the doldrums in which he found it, and deliver the country to the promised land, to a place where the finances were all on the level, spending under control, the general reserves built up and all and sundry would be happy? Mr. Speaker, do you know what has happened? The Emperor has no clothes! The Emperor is naked, he has lost his clothes, he has lost his way and by the time I am finished, he is going to lose his will to fight!

This document, the 1996 Manifesto of the National Team, contains some promises that were well accepted by the country. But before I mention some of these promises, I want to remind the Honourable House of what happened on 27 November 1996. That was the swearing in, Mr. Speaker, almost two years to date. The Honourable Leader of Government Business stated at the Swearing In: "**Our mandate from the people of the Cayman Islands to this House is clear. We have clearly set out in our Manifesto details of what policies we will bring in the next four years.**" Now permit me to reflect on some of those policies he said were set out in his Manifesto.

He boasted that they imposed no new duties or taxes to burden our Caymanian people. He said, on page 8, they were going to "**pursue prudent and stable financial management of Government ensuring that recurrent revenue always exceeds recurrent and statutory expenditure thereby enabling us to make further positive contributions.**" I want to read that again for emphasis. He said they were going to "**pursue prudent and stable financial management of Government ensuring that recurrent revenue always exceeds recurrent and statutory expenditure thereby enabling us to make further positive contributions**" towards what? Mr. Speaker, he goes on, they were going to add at least \$2 million each year to our general reserves. And then, the second point, he said,

**“We are going to reduce spending without causing excessive damage to projects and exercise fiscal constraint.”**

I wonder what happened to that little booklet since the 27<sup>th</sup> of November 1996. All of these things have gone by the wayside and instead the Honourable Leader of Government Business has ushered in an ‘ad hococracy’ the likes of which has not been seen since he led the Government beginning at that Swearing-in on 27 November 1996.

Today, the Cayman Islands is operating on a formula that is going to lead it to the World Bank, or the IMF if the situation is not corrected. And, do you know what, Mr. Speaker? The Leader of Government Business does not have the capability to correct that because leadership is not only theoretical, it is practical. And one of the ingredients in any good leadership has to be sound common sense, a quality of which that leader is most devoid.

Anyone can be a spin-doctor. Anyone can get up and sound good. Anyone can rise up when the situation is rosy and make all kinds of promises. But it takes sensible, strong people with foresight to discern and ascertain and set out clear priorities. The Budget speech read by the Honourable Financial Secretary clearly indicates that this country has lost direction. This country has lost leadership and there were those of us who were saying from years ago that we could not continue on the path we were going. And we are now on a treadmill from which we cannot easily get off.

Case in point: We are taxing the same old areas over and over. And I am going to come to this because it bears emphasis and repetition and exposure. The very same things that the Minister of Education and Planning, the Leader of Government Business, chided the Government that he took over for doing are the very same things he did! There is absolutely no excuse for that and history should not treat him kindly!

But I have to admit that I am not fooled. I am not surprised because I have studied that gentleman. I have listened to him, I have read his speeches and I know that he didn’t have a plan. That is why I split from him when I did. At my age and stage of intellectual development I am not going to let the plan-less lead me. The country is despondent. The country is surprised and waiting to hear his excuses.

When a policy fails, or when policies have failed, the Opposition has a special responsibility to point those failures out. When the leaders have fallen short those of us who are on the other side have a special obligation to point out these shortcomings. And I used to think that my old friend and colleague at that time, the Second Elected Member for Cayman Brac, was an overly harsh critic when he would tell me “Don’t worry Roy, this thing is not going to last. Can’t you see we have five different Governments? Each Minister is a Government!”

But, Mr. Speaker, the Budget speech and the position we are in today confirm that there was logic to what he was saying because it seems to me that where we went wrong there was no one capable of marshalling the forces to sit and say, ‘*We need to prioritise.*’ Even when we reached that point when the Backbench sent them

back to reprioritise, what came back? Something which was impractical and unworkable. And as a result we have a good speech, I have to admit, and it was well delivered, but the substance is foreboding.

The future is frightening because what I interpret out of what was read in the document I have is that the Cayman Islands is fast becoming a jurisdiction of contrasts and contradictions. Contrasts, because what I see happening is a widening of the gap between those who are fortunate, and those who are not so fortunate; and a jurisdiction of contradictions because on the one hand we are saying that we are one of the most successful financial centres in the world and at the same time we have to borrow money in order to meet our obligations. And we truly have to borrow money, one could literally say, to balance the Budget.

So it is a contradiction. If we are so well off, tell me why we have to borrow. And this is not the first time the ‘spin-doctor’ put us in this position. This is not the first time we have to borrow. This is not the first time ‘revenue enhancement measures’—what a euphemism, Mr. Speaker, that sounds nice! A euphemism for taxation! Revenue enhancement is still a dirty word. The same things, the same items! And I am going to read the *Hansard* back to him because, Mr. Speaker, I am good. I wouldn’t be a schoolteacher if I didn’t do this kind of research. The same items that he chided in 1991, the Government went on. When he was seeking to wrest the power from those who were in position then, he chided them and warned them with the same thing he came and did.

It reminds me of when I was a young boy growing up. My grandfather had an old friend, and this gentleman had a cow. He used to come and boast to my grandfather about how every year this cow had a calf. My grandfather used to say, “Do you know what is going to happen to you? One of these years your cow is going to have a calf and there is not going to be any grass. Either the cow is going to die or the calf is going to die.” My grandfather Scobel, wise old man he was, and his fear came to pass. One year, when the man came to boast to my grandfather about three or four months later came to my grandfather and said, “Scobel, you must have known something. Do you know what happened? I had to take the calf from the cow because I have no grass.” That is what is going to happen to us if we keep taxing—we are going to dry the well. And the people are already screaming. We are already a high-priced jurisdiction.

One would think that that honourable gentleman who boasts of a degree in credit management and administrative accounting would also have some semblance of creativity. I have said before that there is knowledge and then there is applied knowledge. You can have all the theories in the books, but that is not what counts. If you can’t apply it to the situation you are in you might just as well not have it. I know people who have graduated from universities and if you put them on a strange street corner they could not navigate from one block to the other. And I know people who are illiterate

who would eat their name and not even know it, but be able to carry you all around the world.

So this business that we are in does not have anything to do with amassing degrees and being successful bankers, or successful attorneys. It has to do with managing: applied management. That is the track record. And, Mr. Speaker, I want to say this, because often it has come down this way. Nobody knows what I will do because I haven't been there. But I guarantee this: I would not have made the nonsensical mistakes that some people who boast of being superior have made because I know what applied knowledge is. So, I come back to this. It is a document, a budget of contrasts and contradictions. And I worry about these revenue enhancement measures because it is going to boil down to where the people who are the least prepared, the least well off will be the people who are most affected.

I have certain qualms and reservations. I don't smoke and I don't drink, but that is my personal choice. To some people, that is their only source of recreation, and I would vouch (although I am not a wagering man) that the persons who do that are going to be depriving their wives and children—not themselves. So those are the people who are going to be affected. But do you know what, Mr. Speaker? That is the same thing the Leader of Government Business said in 1991 when he was chiding the Government at that time. I better read that lest anyone think I am fabricating this.

Mr. Speaker, I crave your indulgence to refer to the *Official Hansard Report*, Vol. III of 1991. At that time this was the Budget Debate. This is what the current Leader of Government Business, the Honourable Minister responsible for Education, Aviation and Planning, said to my good friend, the Third Elected Member for George Town. This is what he said on their tax package on pages 1224-1225: **“The increase on liquor and cigarettes, while it perhaps is one of the easier areas to put taxes and import duties on, it has an indirect impact that has to be looked at carefully by Members of the Legislative Assembly. Yes, it is perhaps justifiable, more justifiable than others. But as has been said from time to time in this House, in different sessions, a person who drinks normally is going to go out and buy his bottle of liquor or cigarettes, whatever, and the ultimate hurt is on the children and the wife who get less of the income. That is a reality.”** Spoken by the Leader of Government Business, the man who is bringing it now!

He went on: **“It also impacts on tourism because we are rapidly getting to where I would think that the cost of liquor and cigarettes in this country to the tourist is probably higher than in most other destinations. So they are beginning to strike at the young and defenceless, indirectly, and they are beginning to strike at one of the basis of the economy, which is tourism.”** Mr. Speaker, do you believe that? The gentleman should take an exit at this point.

He went on, Mr. Speaker, on page 1225: **“This heavy amount of taxes has arisen because the Government has been incompetent.”** Oh Mr. Speaker! **“This heavy amount of taxes has arisen because the Government has been incompetent. They have spent all of their time on spending and blaming other people for the problems of the**

**country rather than putting in the time on trying to make some money because there is a very clear principle in finance, that any fool can spend money but it takes a wise man to make it.”**

Mr. Speaker, I can only say that the gentleman was talking about himself! Here we have, as the Honourable Financial Secretary in his professional and able way put it, the gap between expenditure and revenue widening so rapidly and so greatly that the country is heading in due course for further serious financial problems. In all seriousness, if I really wanted, I could conclude my debate with this, and that Minister would be finished as a politician because he prophesied on himself way back in 1991, and here it is! Here it is! [Members' interjections]

There is one thing I know. I may be 'defunct' but he is not 'Moses!'

[Members' laughter]

**The Speaker:** Would this be a convenient time to take the luncheon break? We shall suspend until 2.15 PM.

#### PROCEEDINGS SUSPENDED AT 1.03 PM

#### PROCEEDINGS RESUMED AT 2.43 PM

**The Speaker:** Please be seated. Debate continues on the Appropriation Bill. The Third Elected Member for Bodden Town, continuing.

**Mr. Roy Bodden:** Thank you.

I haven't quite finished with that dramatic introduction, although I have reached a stage where I am going to be getting into my more usual style of delivery. But permit me to make a couple of remarks which follow on to what was laid down in the introduction.

I think the time has come for us to decide what we are serious about in this country. The reflections in the Budget and the comments in the Budget Speech by the Financial Secretary set out the two bases of our economy, that is, tourism and the business of international finance.

Now, if we are serious about tourism, I have to beg the question, Are we not taking stock of what we are doing? This proposed increase in liquor and cigarettes results in the dramatic raising of prices. I would just like to crave the indulgence of the Chair to refer to today's issue of the *Caymanian Compass* on page 2 where there is a little box captioned "The cost of a bottle." I would like to read out some things, and I have to use a pun to describe this. This information is sobering! A bottle of Johnny Walker Black, as a result of the revenue enhancement measures will now sell for C\$47.25, or US\$59.00. Appleton Gold, and we are not drinkers but we know these things because in our business as legislators we have to familiarise ourselves with these things. Appleton Gold, which is a basic common rum—the rum which ordinary people drink, C\$27.95, US\$34.95 for a bottle. Smirnoff Vodka, US\$36.25 a bottle. Bailey's Irish Crème, which is a liqueur preferred by tasteful ladies, \$50.00 a bottle. Do you know what this is going to do



our tourist industry? In less than a year we are going to see the dramatic effect this has.

Well, I tell you what, there is one good thing. We will become a nation of sober people because, believe you me, with these prices, no one will be able to afford to get drunk!

Now, if this is an indicator, I don't know what the Government is trying to prove. On the one hand we say that we want to increase tourism, we want to improve our standing. And on the other hand we are hiking the prices in this kind of way when it is common knowledge that we are already an expensive destination. And I want to take a little time to develop this.

I am not suggesting that we should become a Cancun or any of these other places that cater to package tourism. But we have a reputation to protect. Certainly, we haven't reached the point yet where we want to turn people away. And even if we had reached that point, this is not the way to handle it. These measures show a clear lack of imagination, well thought-out policies on the part of the Government, and I am surprised that the Minister for Tourism has allowed the Government to saddle him with this burden because he cannot deliver with this kind of burden on his back.

I am not advocating drunkenness because I said before, by choice, I don't drink. And I came from a home that suffered the ravages of alcoholism, so I am not advocating that at all. But I am sensible enough as a legislator to realise that there are people in the world with tastes different from mine who have the right to exercise choices other than the one that I choose to exercise. And for many of these people, this is a common form of recreation. If we are making it prohibitive to them it is self-defeating.

The final point I have to make on is this: Is this not counter-productive? Have we not reached the stage where the higher we put these duties, the less we collect because we are also discouraging the importation? I say, sir, that it is time for us to take serious stock, and there are those of us on this side who have been advocating that for many years now. The key—and many of us on this side have said it—lies in more responsible fiscal management.

Let me tell you the fundamental mistake the Government has made. In the years of plenty, the Government competed with the private sector firing up the economy, overheating it, when the Government should have been holding back feeding the general reserves in preparation for the time of the slowdown when the Government could then assume its rightful and responsible role in taking charge and instituting capital works projects that would ensure that our people had optimum employment. Instead, we had all these grandiose projects. And the Government has still not learned! As a result, our general reserves are not as they should be. They are negligible. And now we are killing the geese that have been laying the golden eggs. I don't know where it is going to end.

I don't want to sound like I am overly critical, but the blame must lie on that Minister who is the Leader of Gov-

ernment Business. The blame must lie at the feet of that Minister who has the responsibility of Leader of Government Business. The Parliament expects him to be accountable. I am surprised that such a crown prince of policies as he is . . . that he has been literally bankrupt of ideas.

You know, Mr. Speaker, this Government promised that it was going to diversify. I am going to say more about this. They were going to diversify the economy. The efforts, if they made any—and I would like them to tell us about this when they get up to speak—if there were any efforts they have been feeble indeed. And I am going to point out some areas where they have been feeble or next to none existent.

In 1993, and again I am referring to *The Official Hansard Report*, 1993, Volume I, page 17. In the delivery of the Budget Address at that time, this is what the Honourable Financial Secretary had to say: "**The policy of our government has always been based on the philosophy that the public sector should be kept as small as possible without jeopardising the effectiveness of its operations. Inherent in this philosophy is that if all governmental functions, including central government and statutory authorities are guided by the principles governing efficient allocation of resources, waste and extravagance would be avoided, and the cost to our society, which is required to pay for such services, would be minimised.**"

Mr. Speaker, I have read several of these Budget Speeches and this year will mark ten years since I have been here, so I have heard a few. I am struck by the fact that there is no attempt at coherence. There is no follow on from one speech to the next. I have to wonder if that is the fault of the system, or the fault of the people who operate within the system. I went as far back as 1989 and read these speeches. I have come to the conclusion that the fault lies at the feet of the policy makers. It seems to me that Budget Addresses and Budgets are made up with no reference to previous years—just out of the blue out of sheer expediency. No forward planning, because at this point in time we still have no Medium Term Financial Strategy, let alone any further forward planning.

I am not an economist, neither am I an accountant, neither am I a lawyer! I am just somebody with common sense who sees that it cannot continue as we have been doing. This 'ad hococracy' (as I have called it) must come to an end. And the sooner the better!

Let me say, lest anyone believe that I am just preaching and have no plan, that those of us on this side who associate regularly are aware that there needs to be a better system than the present one. And we are prepared to explore avenues. But only a foolish man would lay his plan his out at this time for other to take and get the glory. But we realise that there has to be some system. That is why there were those of us who advocated that we had to begin by establishing some form of fiscal responsibility. That is why there are those of us who suggest that there must be more openness and accountability.

This Budget Speech, and this Budget, should serve to let all and sundry know that we have to remove the

uncertainties. And when I deal with individual Ministries, and point out what I see as shortcomings, it will become crystal clear that we cannot continue in the mode we have been going in. I don't think anyone is advocating any advance. What we are talking about is better forward planning. It is simple, just better forward planning and the ability to be fair and consistent.

One of the things we have to be concerned about, which was obvious from the Financial Secretary's speech, is that we have reached a point in the country where recurrent expenditure is outpacing recurrent revenue. Everyone knows that a fundamental principle of economic survival is that you make more than you spend. Otherwise, you become bankrupt. While it is true that it is much easier for an individual to become bankrupt than it is for a country, we all know that countries become bankrupt too. What surprises me is that the Leader of Government Business and the other Ministers on his team know full well because they are quick, when they think that they have the advantage, to remind us of the countries in the Caribbean who have fallen on hard times through political mismanagement.

I have to ask: Do they believe that their political management is immune to this flaw? Do they think that it cannot happen to them? Well, it must be by the way they have managed and administered the country's affairs. We have reached a point now where we need to take stock. Indeed, we should have begun taking stock several years ago because we have obligations—education, health, tourism, community affairs—that we have to live up to. Yet, it seems that the resources upon which we have to draw are strained more and more each year in order to meet these needs. Consequently, we have reached a point where we are going to have to make some decisions of exigency. We cannot continue on the route we are taking.

Why I say it is a failure of the leadership, is because it is usual in these cases for the Leader to summon his Ministers and say, '*Listen, here is what we need to do. Set clear priorities.*' Mr. Speaker, this Budget and the Budget speech are devoid of any clear-cut priorities and objectives. I have to say this, because this point needs to be emphasised: This Budget Speech and the behaviour of the Leader reeks of purchased loyalty. I believe that there are some people who only surrounding them people whom they can have the ultimate control over.

In other words, they don't want anything to do with people who may have independence of thought or ability so that they don't have to come running to them for every little answer they need. That is all right for running a village store. That is a village store mentality. But that is not the mentality it takes to run a country on the eve of the 21<sup>st</sup> Century.

This business of purchased loyalty cannot work any more. It has to be open. Each person has to pull his own weight and there has to be a mutuality of respect. Otherwise, it can't work. This is not a one-man show. This is not like the old Wild West when you had one-man shows. This takes a team effort. And it is clear that the

wagon has broken down, and everyone knows that except the Leader.

Believe you me, Mr. Speaker, I have my powers of observation. And you don't need to be a rocket scientist to know that there is trouble in the camp! As the Fourth Elected Member for George Town will tell you, you couldn't have studied sociology without having some powers of observation. So one only has to look to see the kinds of relationships that exist.

I am not capitalising on that, you know, because if I were Machiavellian, believe you me, I could exploit that because I have a little piece of red carpet and I could dust it off and inveigle some people to walk across because the Promised Land is on this side. It is from this side that the next Moses is coming.

We cannot continue to operate like this. It seems to me from this document and from the Budget that there is a rivalry among the various Ministries, that there is no clear cut priority. Do you know why I say that? Even in the recent past, when we advised the Government--when they came here before under similar circumstances--to go and prioritise, what they came back with was sheer, utter unacceptable nonsense. Impractical! It couldn't work! And I have to express profound concern, because certainly with his years of experience one would have thought that the Leader was in a better position than he appears to be in at this point.

Mr. Speaker, just in July we were brought a document where we were told by the Honourable Minister responsible for Education, Aviation and Planning, the Leader of Government Business, that we needed close to \$50 million just to service educational facilities and needs. That, out of a Budget of (let us round it off) \$300 million. How in the world are we going to catch up? When still, in this Budget Speech there is no clear prioritisation. We have been saying for the past six years that there had to be some such system.

If we were not alert, when the Minister brought this document in July 1998, had we given him the commitment, he would have had us in a box. If we had given him the commitment with this \$50 million list that he brought. And as sympathetic as we were, we realised that to have done that would have been tying up this Budget in such a knot that we would not have been able to get out.

I agree that education must continue to get a majority share of the monies available. I agree that education must take priority in any Budget we have because we are committed to prepare our young people and the nation for the future. But I also realise that education is but one competitor among other important competitors. I am surprised that the Ministers, having all of the warnings and experiences that they have had in the recent past, were not able to come and craft a better document that what has been brought before us now.

I recognise the fact that we are trying—emphasis on *trying*—to change the system, to make it (how shall I put it?) more palatable to all of us. I respect the fact that there was some attempt at involving Members other than the Ministers. But I suspect that those efforts came only

as a result of the problems that the Government was having. In the past, when they were in good shape, the Budget came here, the Estimates and the Speech, and we had no prior consultation and no attempt at consultation. Indeed, one year it went so far as to allow outside people to participate. But we were excluded completely.

What it comes down to is the fact that while the speech has much in it to give us hope and encouragement, the reality of the situation does not exactly jive and gel. I am concerned that again, we are only able to tuck away \$1 million in the general reserve fund. I am concerned that we still have to borrow for major capital works, and on top of that borrowing, we had revenue enhancement measures. That is why I say that the document is a contradiction. We cannot, given that position, be as rosy as some people think we are. If we were, we wouldn't have to borrow.

Did we not borrow in 1997 also? Did we not borrow in 1996 and in 1995? This is becoming a trend. That is why I am saying that the path we are on is a road to the IMF and the World Bank. This is the fourth consecutive year we are borrowing over \$20 million. Where will it end? I don't want the Leader of Government Business to forget that this is the same horse that he rode into the Legislative Assembly at the expense, in 1992, of the then Government. This is what he told the people was going to happen. And he told them, *'Listen, we're the answer, elect us. I'm the answer, elect me. I am going to turn this thing around.'* And the people trusted him, they believed him, and they elected him. And what does he do now that he's there? Ride the horse backwards, bankrupt of ideas to right the ship, and he is doing the same thing. It is unforgivable!

He didn't deserve the chance. And let me tell you this: At one point he even had me convinced. I was on the hustings helping him out because I believed it. Certainly, the gentleman looked like someone. He had a record of good ability. But, "I saw the light"—like the song says!—and I quickly jumped ship. I got a flogging for that too! He called me a traitor, a deserter, and all kinds of stuff. But I saw this day coming and I have to hold the Minister accountable.

This Budget cannot be considered a good Budget. It is not what the people deserve; it is not what they expected at such a time, and it is going to hurt all of us. Twenty point six million dollars in loan receipts? No, Mr. Speaker. And then, not only that, we are taking away from the Infrastructural Development Fund and the Environmental Protection Fund. Those were funds set up at the insistence of the Backbench with our goading and our encouragement, and with our cajoling. We are taking away from that. We cannot continue. This trend has to be reversed otherwise it is a formula for economic disaster.

Other more eminent persons than me, other more experienced and authoritative persons than me . . . We quoted this document before, and we also tabled this document put out by the Dominion Bond Rating Service. In 1996 these people said that the debt levels, if they were not brought under control, interest costs would es-

calate and the country would start a debt spiral with interest costs chasing the debt. I am saying that we are approaching that point if we go by what is contained in the Budget Speech, and by what we see in the Estimates. We are approaching the debt spiral. As a responsible legislator, I have to be concerned, particularly as the traditional ways of raising revenue are all but exhausted.

Some of these Ministries are voted considerable sums. Quite frankly, I believe that in a modern world, in a country at our level of sophistication this is so. If we are to be serious about the direction the country is to take, we have to be prepared to vote these sums. But, in return, we also demand greater value for money spent. We also demand better accountability. And we are demanding a better sense of direction. When saying that, I am full of cognisance of the Westminster system of Government in that the Elected Government sets the policy. But that Government is accountable to Parliament, and we are saying that when we vote \$22 million and sums of that magnitude to Ministries we want to see the best value for monies spent. And when it comes to the Parliament, we want proper accountability. We are holding the Government to account, Mr. Speaker.

In 1995, I vividly recall when the then Second Elected Member for Cayman Brac and I, along with the then Fourth Elected Member for George Town (who is now the First Elected Member for George Town) brought the Fiscal Responsibility Bill asking for the Government to set out a system where we could go to accrual accounting where we would have clear cut fiscal policies; where the Parliament would at all times be apprised of the direction the country was taking. The Leader of Government Business beat us down saying that it was the policies of an independent country. It was an Act, and not a Law; saying that he was in the best position to decide where the country should go and what policies should be followed because he had all these years of experience plus all these degrees. When the vote was taken, we were defeated. Only three of us supported the motion. The rest of the Parliament was overwhelmingly against it.

Now, however, more sober minds have prevailed and we realise that we need to alter the course. I am not advocating any wholesale copying of what was tried in any other jurisdiction. And I have said many times that I don't have any degree in accounting or financial management. But I have enough experience to know that we have to be practical and we need to make some modifications. Again, the best testament to that is the Budget Speech and the Estimates, and this whole move we have now with revenue enhancement measures and borrowing. I have to say again that the record of the National Team in Government is not a good record. Indeed, I would argue that it is the worst in modern times because for the last four years consecutively they have had to borrow, and borrow, and borrow! Crises management, Mr. Speaker.

Let me say this: I don't want to dwell on the past but that is not the situation they inherited because the Gov-

ernment they succeeded way back in 1992 . . . remember, Mr. Speaker, that Government came out of a worldwide recession. So the National Team Government, the Government we now have, had years of plenty. And what do we have to show for it? The roads of this country are in the most deplorable state they have ever been in. We will need another \$50 million again, or more, to get decent roads. We still do not have a satisfactory system for mooring cruise ships. We have a problem with sewerage, we have a problem with the landfill site that in five years, according to the reports, will be filled to capacity. We have a problem with cemeteries in the country being filled. Mr. Speaker, nothing has been done in the six years that this Government has had the reigns of the country to address these problems, and yet, we have a general reserve with less than \$20 million.

It is a situation, believe you me, that would cause even Hercules to cry! And now, in spite of that, and in spite of the revenue enhancement measures, remember we have coming on line pensions and health insurance. How much can the proverbial 'little man' take?

I asked the question way back in the last meeting that was not answered as to what will be the inflationary effects of these two things coming on line? I haven't been given an answer. While the economy was being fuelled by the private sector the Government entered into a building spree, building this, and building that—competing. And, on top of all of this, we are spending millions renting office spaces. In the meantime the Government's own Tower Building, . . . when last, Mr. Speaker, have you been there? Believe you me, it is no exaggeration to say that it is soon reaching the standard of some of those old broken down tenement buildings in Brooklyn. It is a disgrace! It is crying out for maintenance. We are paying \$3 million a year to lease office space.

The Leader of Government Business must not be allowed . . . history must not free him from the blame and responsibility in this case because he, single-handedly, led the people of the Cayman Islands to believe that he had the formula for our continued success.

I want the gentleman to understand that personally I have nothing against him. But he is the Leader! And Leaders have to assume responsibility. Shakespeare said "the crown bears heavy on the wearer's head." I have to hold him to account; otherwise I would be abnegating my responsibility as a legislator. He should have gotten his other Ministers in line.

I notice the leadership style. Lots of times he is up front and he takes all the responsibility. He assumes the authority. Well, if that is the situation he has to expect that when the praise comes he gets it, and he must also take the criticism when it comes. I know that this is his Budget. And I have to admire his courage because he is taking this alone now; everybody else has left him. He alone is taking this! I have to admire his courage. But what I have to ask is, Is leadership worth that much?

Mr. Speaker, if it weren't so serious someone could make a good theatre piece out of it. But it is far too serious for that. Every Ministry, if we take this Budget, has demonstrated that the management has, by and large,

been that of crises. We can see by the allotment of funds, by the projects . . . I must remark about one thing that I am concerned over. I think it is a false premise to base economic survival on developing infrastructure and building, and building, and building to keep employment to optimal levels. I think we have to find another way of doing that.

I think we have reached the point in this country where the Government cannot continue to assume financial responsibility for everything and everyone. Maybe this is a good point to interject that we, in the Cayman Islands, can learn even from places that do not have the successful economic record that we have.

Mr. Speaker, I brought this to the attention of His Excellency the Governor some time ago, and I believe—I know—that he made some attempts to investigate. In Bangladesh there is a program. It was started by a man who was a university professor, a Bangladeshi. He returned to the United States. He set up a bank. This bank is called the Grameen Bank. It lends to people, particularly women who would not normally be able to get bank loans from the commercial establishments. It is a micro lending institution in that it has a ceiling that it doesn't lend beyond. This bank is so successful. It has a 98% repayment rate. Only 2% of the loans go into default. It lends to small business people to establish themselves—uniform shops, cottage industry, jam and jelly making, souvenir making. The institution is so successful that the United Nations sent missions to study its successful formula. Mohammed Yunis is the founder. He is someone who is sought out worldwide as a resource person. The bank has now grown to the stage where it has support groups in most of the industrialised countries. People from the inner cities of the United States went to study, and are begging Mohammed Yunis to come and set up similar establishments in their countries.

I read that when he started this gentleman got funds from an organisation in Boston called Action International to start this bank. I wonder if, as lucrative as we are, we could not in this country at this time set up some kind of system which would enable our people, particularly those who are minded to service the tourism industry, to establish themselves in such a way. When one considers that you go into the souvenir shops and pick up the souvenir and see "Made in Hong Kong" or "Made in Taiwan" on the bottom why we could not get raw materials from around here and encourage some of our craftsmen. There are woodcarvers here, there are people here who make all kinds of artefacts.

I noticed that on the Bodden Town District Day there were two displays, one of pottery, the other of the most beautiful . . . I have never seen that kind of straw work, and that standard of craftwork since I left Jamaica many years ago when I was a student there. The most beautiful baskets, placemats and other things made from straw—Caymanian Thatch Palm. When we talk of diversification we need to try these things. That is what I thought the Government was going to embark upon when they said some years ago that they were going to examine diversification seriously.

Such a venture would serve two purposes: It would give these people a sense of independence, because one of the things we have to contend with, according to trends that we see, and according to the Budget document, another thing we have to do is stem the growing welfare roles; the Government cannot be all things to all people. And yes, there are legitimate cases where people need help. But we cannot set ourselves up at this time to be Santa Claus to everybody. And we know, human nature is such that if we allow these people to develop their self-esteem, to earn their own livelihood, even if we have to give them interest free loans, even if we have to help them establish their businesses, that is the best way out. That frees the Government from direct obligation, and we have the numbers of contributing citizens growing.

I wonder why we can't do that. Why can't we teach our people how to fish? rather than giving them fish. I wonder why we can't have our version of the Grameen Bank. I wonder. It is not an impossibility, Mr. Speaker. And even if it has to wait until the next Government, I say to the people, hold on, because there are people on the Backbench who are so minded.

Here is why I am disappointed: There are institutions prepared, who have a record, who have a history, who exist solely for lending money to these kinds of institutions such as the Grameen Bank. That is why I contend that farming in the Cayman Islands will never develop any further than it has because farmers cannot afford to borrow money and pay at the commercial rate. Soft loans—that's what we have to look for. That's the kind of thing we have to get into. I would like to see us reach the point where we have a market where the tourist could come and talk to and watch the Caymanian craftsmen at work, where they could be bussed or take taxis and see Caymanian--made straw-work, shell work, pottery, woodwork, you name it. And do you know what? Our people would feel proud. They are good ambassadors.

I don't want us to develop hostages of politicians, where we have to wait until elections like it is in some other jurisdictions and the truck comes around with corn-beef and biscuits. No, Mr. Speaker! No! We are an independent people; we are a proud people. We just have to find a way to give the people the resources. Fiscal responsibility and the correct policies suggest that Government can no longer afford to be all things to all people.

That is why the political leadership has to change. Because those currently in that leadership lack the vision, lack the resolve and lack the political will to put those kinds of policies in place. That is why it may be time now for those whom they call 'defunct' to take the reigns of Government. That is why it is time for new stewards to come forth. That is why it is time for a different vision because the old vision, while it may have taken us to a certain point, has proven to be bankrupt, to be devoid of any kind of fertility that will take us to the next step.

I want to spend a little time now on education, its position in the Budget, and what I see its role being, going into the 21<sup>st</sup> Century.

**The Speaker:** Maybe this be a convenient time to take the afternoon break. We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.35 PM

#### PROCEEDINGS RESUMED AT 4.14 PM

**The Speaker:** Please be seated. Debate continues on the Appropriation Bill. The Third Elected Member for Bodden Town, continuing.

**Mr. Roy Bodden:** Thank you, Mr. Speaker.

Prior to our taking the break, I had reached the point where I wanted to deal specifically with the Ministries, beginning with the Ministry of Education, for obvious reasons. I would like to preface my comments on these Ministries and their works by saying that politics has to be about people. One of the concerns I have about the Budget and the Estimates is that from an analysis of the various Ministries the policies do not seem to be as people-oriented as they should be. This, perhaps, is borne out by the fact that it is a situation where we have crises management with no thought given to optimum effect of monies spent.

There is no better example than what is happening with education. We have in the Budget (and it is as it should be) the largest apportionment of the monies for education. But we have some problems in education that I am uncertain as to whether they are being addressed. The Minister just recently announced that he is launching efforts into greater use of computers in the schools, and computer-assisted education. When I read a report in the Caymanian Compass ( which was a result of an education conference recently held), I was minded to research my files because I remembered (and sure enough, I found it) back in 1993, November 23, 1993, immediately after a conference then, when the speaker announced the Strategic Plan Initiative (in Education). I wrote to the Minister suggesting that at a future conference he give some thought to computer assisted instruction and the use of computers in education as a teaching aid because this was the way the United States, Canada, and the other developed countries were going. Indeed, I also found in that file a book I had from 1984 entitled *Computers in the Schools—The new Frontier*, from a seminar I attended in New York where they were discussing the impact of computers on education.

So, in 1993 I wrote to the Minister saying that I thought this was, perhaps, a good area to get into. And I remember that one time, in debate in Parliament, I suggested that we earmark some funds to set up a pilot project, probably in one of the primary schools, where we could have a computer bank and see the full effect, and then from that pilot project we would be in a better position to know how to apply computers in the various other schools. Well, the Minister wrote back in January 1994 to

say that he would pass the suggestion on to the relevant persons in his Ministry. I was disappointed, however, to know that this is now 1998 and he is just now reaching that point. It is an indication of the lack of policy and foresight, irrespective of the fact that the Minister is on record in the *Hansards* of this Parliament as saying he would not be accepting any suggestions from me as someone who came from an educational background.

Politics being what they may, I discounted that. But since 1993, . . . To know that he has just reached that point where he realises that computers can be a valuable tool in the dissemination of education is an indication of how far behind we are, of how far afield the Minister is in his leadership, his Ministry and also in the country by inference. We are compounded, we are faced with a myriad of complex and compound problems that we are not prepared nor equipped to address. So, the point I wish to make is that although we have a significant amount of money voted for education, and I support education because it is the vocation of my choosing and my preparation—I support that. All of the money in the world, without planning, without policy, without foresight, will be fruitless.

I am also reminded that in the *Caymanian Compass*, several issues back, there was an article saying that certain technical and vocational courses offered at the Community College are under subscribed. Even when the Government is offering a stipend of \$200 per month, in addition to free tuition and free books. It is a symptom of a greater problem. I have to wonder what is the reason for this very obvious failure in education. Is it because the Minister has too much work? Or is it because he is busy playing Chief Minister? There is something radically wrong, and we have to reach the point where we demand greater returns. Someone has to be accountable. For if we are offering courses and the courses are under subscribed, then we have to get to the root of the problem. If in the United States the computer revolution started in 1984, and we now, in 1998, are just acknowledging that we need to get in on the deal, we are fifteen years late!

It boils down to this, Mr. Speaker, and this, again, is a contradiction: For all the resources we say we have financially, for all the lucrative position we claim to be in, we are not achieving the results we should be achieving. We are behind. We are treading water. We are not getting anywhere. Somebody has to acknowledge and accept the responsibility to lead us out of the morass that we are in, lead us out of the tunnel we are in. Otherwise, the 21<sup>st</sup> Century will come and we will be no further afield. We cannot continue in this vein.

Certainly, I am aware that efforts have been made, and I know that some success has been achieved. But I am saying that it is high time that we got better policies, greater insight into the problems we have. I think, too, that the mistake that has been made is that the assumption is taken that one man can have all the answers. It is impossible, Mr. Speaker! Suggestions are made in Parliament as to how things should be done, and undertakings are given, yet nothing comes to fruition!

I think we need to change our management style. I think we need to change our leadership style. I think we need to be more open, because if education fails the country will fail. And the results are not necessarily exclusive to success in examinations. We have to train and inculcate in our citizens a sense of community and responsibility because the greatest achievements are measured in other ways.

I am left to lament that in certain areas we are lagging. Perhaps the Minister could best begin by changing his style—stop deriding people who claim to be educated, by stopping his poking of fun at philosophers, and by understanding that if one is to be the right kind of leader, then one has to respect that there are people in other fields whose ideas are valid, whose ideas are valuable, whose ideas are worthy of being listened to.

So I would have to say that in many areas we are not getting value for money spent. We are not getting results for efforts expended. So there needs to be a re-assessment in some areas. There needs to be a change of philosophy, perhaps of leadership style. And there needs to be new insight into policies and problems.

I may be a harsh critic, but one of the things we need to do with education is to find a way to get more of our own people into the system; more of our own teachers to come into the system, and stay in the system. I would like to see a special recruitment drive. There is a program in the United States called Teach for America. They recruit just like the Marine Corps recruits. And a certain amount of money is expended each year.

When the Minister sits back there and criticises me and calls me defunct, these are the things he should learn from. I have valuable ideas. I am a trained education administrator. I had to undergo a gruelling four-hour oral examination in defence of my dissertation. So no one who is not at that level can tell me that I am defunct and convince me. These are the yardsticks that I measure success by. Thirty-seven million dollars! We should have more Caymanian teachers every year. We should have programmes, Mr. Speaker, being offered at the Community College where we can get our young people interested, grounded into teaching. We should have facilities for them when they go on: Bachelors, Masters, encourage them to study pedagogy and classroom management, and curriculum studies. If we fail at that level, we will never become the kind of society that we want to become.

We have to regard it as an investment in human capital that will yield those kinds of returns, and we have to realise that it is not good enough to come up and smart-answer Members who ask questions from the Backbench, or to give theses for answers in an effort to poke fun and derision.

I am tempted sometimes to take the attitude that it's no sweat on my bones. I know what I have to do, and I am going to do that. But what about those people who are less fortunate, who are less able to do that? What about those people who are not able to make their way, as I have made my way? When we don't do these kinds of things we become a society of contrasts and contra-

diction. If we are not able to elevate, if we are not able to provide the opportunities and the motivation, we could be spending \$50 billion. That is why Northward [Prison] is full of young people, who we are warehousing. And we have to combat recidivism. It is one of the indications of the failure of the educational system, among other things.

So, Mr. Speaker, politics is about people, and the policies should be people oriented. And those who are in charge of the policy should be sensitive enough to realise that. There cannot be a gap. There has to be some correlation between the monies allotted in the Budget, the money spent, and the results obtained. There has to be greater involvement. There has to be greater input. And it is all well and good, Mr. Speaker, to surround one's self with professionals, and we need that. We need technical advice and expertise. But sometimes, the best advice comes from experience and from lay people--which leads me to make another important point.

One of the criticisms of the last Government was the amount of money spent on consultants. This Government has the worst record in professional fees. They have the worst record for employing consultants. And I am not saying that there is anything wrong with employing consultants. I am just saying that this Government cannot be self-righteous. This Government has lost its innocence—if it ever was innocent! This Government has lost track. So, while I commend the Minister for finally coming to the point where he realises that computers and computer aided instruction can play a vital part of the educational process, I have to chide him for being on the scene so late, for being such a late bloomer.

I hope, Mr. Speaker—and certainly I will give him all the encouragement he needs—I hope we can finally get to the point where he can set up some kind of pilot project in one school because it would be nigh on impossible to equip every school with the amount of computer equipment at one time necessary for an effective strategy.

Mr. Speaker, it is well nigh on to the adjournment hour. And you know that once I get started on education, I could go for a long time. So I will sit, and maybe the House would be so minded to take the adjournment now, sir.

**The Speaker:** I will entertain a motion for the adjournment of this Honourable House. The Honourable Minister responsible for Education, Aviation and Planning.

## ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until tomorrow morning at 11.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 11.00 AM Thursday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 11.00 AM THURSDAY, 19 NOVEMBER 1998.**

**THURSDAY  
19 NOVEMBER 1998  
11.25 AM**

*[Prayers read by the Honourable Minister for Tourism, Commerce, and Transport]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies for absence from the Honourable Minister for Agriculture, Environment, Communications and Works, who will be arriving later today, and also from the Second Elected Member for Bodden Town who will be absent today and tomorrow.

Item number three on today's Order Paper, Presentation of Papers and Reports. Second Interim Report of the Select Committee (of the whole House) to review The Immigration Law, 1992 (1997 Revision), The Local Companies (Control) Law (1995 Revision) and The Trade and Business Licensing Law (1996 Revision).

The Honourable Second Official Member responsible for Legal Administration.

**PRESENTATION OF  
PAPERS AND REPORTS**

**SECOND INTERIM REPORT OF THE SELECT COMMITTEE (OF THE WHOLE HOUSE) TO REVIEW THE IMMIGRATION LAW, 1992 (1997 REVISION), THE LOCAL COMPANIES (CONTROL) LAW (1995 REVISION) AND THE TRADE AND BUSINESS LICENSING LAW (1996 REVISION)**

**Hon. Richard H. Coles:** I beg to lay on the Table of this Honourable House the Second Interim Report of the Select Committee (of the whole House) to review The Immigration Law, 1992 (1997 Revision), The Local Companies (Control) Law (1995 Revision) and The Trade and Business Licensing Law (1996 Revision).

**The Speaker:** So ordered. Do you wish to speak to it?

**Hon. Richard H. Coles:** The second Interim Report relates to Government Motion No. 1/97 which reads:

**"WHEREAS there is considerable inter-relationship between the Immigration Law, 1992, the Local Companies (Control) Law (1995 Revision) and the Trade and Business (Licensing) Law (1996 Revision);**

**"AND WHEREAS there has been considerable passage of time since these Laws were enacted or substantially amended;**

**"AND WHEREAS a Select Committee entitled 'Select Committee (of Elected Members) Control of Local Businesses' made certain recommendations in its final Report to this Honourable House;**

**"BE IT NOW THEREFORE RESOLVED THAT the Immigration Law, 1992, the Local Companies (Control) Law (1995 Revision) and the Trade and Business (Licensing) Law (1996 Revision) be referred to a Select Committee of the whole House, without prejudice to the final Report of the Select Committee (of Elected Members) Control of Local Businesses, for review to formulate principles in accordance with which specific amendments to these and any other relevant laws may be drafted and brought to this Honourable House by the Honourable First Official Member;**

**"AND BE IT NOW THEREFORE RESOLVED THAT, in considering the matter, the Select Committee seek input from the public."**

Mr. Speaker, the Committee has met on a total of nine occasions, and the Second Interim Report reads as follows:

**"STANDING ORDER 74(1) - SECOND INTERIM REPORT**

**"In accordance with the provisions of Standing Order 74(1) the Committee wishes to report that it has not yet concluded its work. In August this year the Committee published a Discussion Paper for public input. The Paper referred to four main immigration issues, namely: (i) long-term residents of the Cayman Islands and their dependants (including children born in the Cayman Islands to non-Caymanian parents); (ii) holders of Cayman Islands' Passports and no Caymanian status; (iii) moratorium on Caymanian status; and (iv) persons with close Caymanian Connections returning to live in the Cayman Islands. Members of the public have been invited to make written representation regarding the issues raised in the Paper, as well as any other issues which the paper may have excluded. The public has also been invited to make appointments to meet the committee in person to discuss any of the issues. As a result of various requests the Committee extended the deadline of 28<sup>th</sup> September 1998, for written representations and appointments to be made, to the 18<sup>th</sup> of January, 1999. All appointments made for**



persons to meet the Committee have been postponed and will be re-scheduled to commence the week 18<sup>th</sup> January, 1999.

“The Discussion Paper has been made available to the public since the 7<sup>th</sup> of August, 1998, throughout the Post Offices and Libraries of the six districts of the Islands as well as the Immigration and Legislative Departments.

“The Paper serves not as an exhaustive list of immigration topics for discussion, nor a policy paper of the Committee, but a Paper to stimulate healthy discussion among all individuals, groups, associations and organisations regarding particular immigration issues in the Cayman Islands.

“REPORT TO THE HOUS: The Committee agrees that this Second Interim Report be the Report of the Committee to this honourable House during the Fourth (Budget) Meeting of the 1998 Session.”

**The Speaker:** Item 4 on today's Order Paper, Continuation of Debate on the Second Reading of the Appropriation (1999) Bill, 1998. The Third Elected Member for Bodden Town, continuing.

## GOVERNMENT BUSINESS

### BILLS

#### THE APPROPRIATION (1999) BILL, 1998

##### DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998

*(Continuation of debate thereon)*

**Mr. Roy Bodden:** Thank you.

At the adjournment yesterday afternoon, I had reached the point where I was commenting on some of the objectives and the vote set out for various Ministries. I had begun to make some remarks on the various Ministries, which I would like to continue this morning.

Mr. Speaker, one of the objectives for Education, according to the documents, is to have a proper site developed for the Alternative Education Unit. That proposed site is what was going to be the Dr. Hortor Memorial Hospital. As a representative and as a Member of this Legislative Assembly I have some observations regarding that. First of all, it has to be taken into account that it may be more effective to have this unit sited on the compound of one of the secondary schools.

The reason I say that, is because educators and educational psychologists contend that for transitional purposes it is better to have these types of students as close to the normal classroom setting as possible, just like the principle which applies to handicapped students.

Therefore, I have to again complain about the logic of the Minister. He subscribes to that logic in dealing with the handicapped kids, so why is there a difference now? Again, this goes to show the disparity and contradiction in the crises management. Why not allow the same principle to obtain in this case? Why go to the extent of developing a site when those financial resources could best be used for some other purposes?

In the second instance, that site was mooted to be developed into a juvenile facility which we desperately need in this country. Quite frankly, I believe that that would be the better of the two uses. So I am calling upon the Minister to review his plans to site the Alternative Education Centre there, and to consider siting it at one of the secondary schools where those who make use of the facilities, the students, would be better motivated to behave in such a way that would allow them to return to a normal classroom setting. I make the point too, that to put them out there is going to compound the problem by stigmatising them and the situation will grow worse rather than improve.

I don't know what excuse the Minister is going to come with for not making more progress on the development of the Lighthouse School and doing whatever is necessary to complete the playfield at the Red Bay School. Just this morning I remarked to the First Elected Member for George Town that there was an incident when I was crossing the Red Bay School. Not one ball, but two balls—football size balls. One looked like a soccer ball, and the other was a green plastic ball. Not one, but two, came over the fence into the road! Three other cars were travelling in the same direction I was, and we had to stop. The driver of a little grey Nissan Sunny going the opposite way also stopped, retrieved one of the balls and threw it back over the fence.

Mr. Speaker, that is a situation which is going to end up in a disaster if that playfield is not completed because those students were playing right out in the front. I couldn't see whether they were being supervised—whether it was a physical education class, because at the time I was passing the school it would have been past the normal play time. The school should have been in session. So I can only assume that it had to be some kind of organised physical education class, or game. But that situation is not good enough. The Minister has come to this Parliament and made all kinds of promises, and yet those children are still playing in a dangerous zone. It is absolutely not good enough!

The final point I wish to make on this is, let us not forget the Sunrise Adult Training Centre. It is bursting at the seams, and there are no provisions for any improved physical facilities at that. The Minister for Education needs to get on with his work. We have voted monies, we continue to vote monies, we continue to support him, budgetwise and otherwise, and he is not doing his work. He must be too busy playing Chief Minister!

The Parliament is going to hold him to greater account. If he cannot do the job, please let him move out of the way and let someone else who can do the job take it

over. But this is clearly not good enough on the eve of the 21<sup>st</sup> Century.

I want to move on to an allied Ministry, and that is the Ministry for Community Affairs. One of the things we have to do in this country is decide what is the best value for the money we are spending. How can we get the best value? I have said this from day one: It makes little sense to invest in physical facilities if we are not going to complement that investment by investing in programmes.

So what I see happening is that we have good facilities, good playing fields, but we don't have any organised programmes. We don't have any organised system, or the system has not gone far enough where we have organised coaches and people who are willing and able to set programmes in place. And I am not talking as much about the national level as I am about the district level where there can be some continuity.

I say this, well respecting the fact that the Government cannot be expected to do everything. But I also say it from the point of view as one who is practising what he preaches because I spend a lot of my time in organised sports in my community, and have been since 1970. I made a vow that politics, or any other activity, would not stop me from giving certain time every month, every week, to help the young people. I continue to do so, but there is a need. It is crying out. It is glaring. And I think we have reached a point now where we need to spend more time and more resources in procuring trained people. And we don't need to recruit expensive coaches. We have a nucleus of our own we can develop.

To complement that, we can get people from the community, volunteers. As I recall in 1996 in the Manifesto of the National Team there was some mention of developing this kind of resource pool. I noticed that since the Minister has taken over, and she has done nothing to further develop this. We have reached a point now where the resources and the physical facilities are being wasted. They are under-utilised, and our efforts are counter productive.

I have to register disappointment with the development of the Women's Office. I see in the Budget... I don't think we are serious about it. We have to reach further than just an office. There is a glaring need for some house of safety for abused women. That is the least this Government could have done. I am even more surprised seeing that falls under the rubric of a capable lady Minister. I lament, and I hope that when the Government gets up to defend their Budget that someone will explain to the Parliament why this particular need is so glaring and not being addressed, and all the financial resources that we have.

Regarding the Ministry of Health and Social Welfare, I want to say something that I have said before. All the money that we have in the Budget—for the whole Budget—if we don't arrive at some sensible system could be given away. We have reached the point in this country where we need to have an index of poverty. We need to find out what is the poverty line, if there is a poverty line. We need to do a survey.

I see that the Honourable Financial Secretary mentioned in the Budget Speech that we are doing a census. Perhaps this would be a good time to arrive at a yardstick and include these questions in the census so that we can arrive at a point where we know exactly how many people we have in the country living below the poverty line so that the Social Services Department and the Ministry can better utilise the financial resources. Gone are the days when we can afford to give without knowing the extent, without knowing the numbers because the whole idea should be to rehabilitate and to salvage, and to bring these people up to the level where they can eventually come off the welfare rolls and be self-sufficient, and help themselves.

While on this point, I want to say that I believe, based on my experience, that the absence of this allows advantage to be taken of the resources we have, because we don't have any empirical measurement that we can apply. I know of at least two cases where a family left a million dollar estate which was bequeathed to someone outside of the family. But there are members of that family still alive. Do you know who is doing for those? The Government. That is grossly . . . we could never expect that to continue.

I know of another case where the estate is not valued near as much, but where the Government did for the person who left the estate for years on top of years, and the Government has nothing to show for it.

Now, let me make my position clear. I am not advocating that the Government go and deprive heirs and appropriate property belonging to people. But I am saying that it is unfair, and perhaps dishonest, for people to expect the Government to do for people who can afford it and then other people come and take everything. Because those same people, when Government can't deliver, will be first to cry the Government down and say they should be voted out of office, they should be cast out, or when the time comes that we have to bring in measures for the Government to raise money, *'Well, the Government is bad. I shouldn't have to do this, and I shouldn't have to do that.'*

We have to be realistic; we have to be fair. I know there are people who need help, and I advocate that they get that help. But I am saying that we must have some empirical and consistent means of arriving at that. That is why I say (and I am going to dwell on this a little more) that it is time to look into some public sector reforms that will allow us to get to this position. It is not a one-way street. There is no such thing as a free lunch anymore—if there ever was.

Recently there was a reshuffle. Quite frankly, I think that is a euphemism for 'stripping'. I believe that what happened was that someone was stripped, but to make it look good the Government announced it was a reshuffling.

Well, Mr. Speaker, you know that the Parliament got no further information than what was in the media.

Be that as it may, however, I noticed that a very important department, Public Works, as of first January will be changing hands. But there is no special provision

in the Budget for the development of roads. I am surprised, and I have to caution the Parliament and the country not to expect any better results because all that is going to happen is that we are going to continue to be frustrated because the new Minister who is succeeding with those responsibilities has no greater resources or tools with which to work.

I would have thought . . . and, quite frankly, if it were me, Mr. Speaker, I would not have accepted it unless I were guaranteed that I would have at least \$5 million to \$6 million to do the roadwork we so desperately need. This, again, is a contradiction: Here we are boasting that we have one of the most lucrative economies in the region, and our roads—fortunately for you, Mr. Speaker, you live on another Island, but the roads in Grand Cayman, I am sure from the limited driving you do here, Mr. Speaker, you realise that in some places the roads are deplorable.

So the shift of responsibilities is merely cosmetic. It is not going to put us in any better position. There was no mention made in the Budget Speech by the Honourable Financial Secretary. So I am saying that all that is going to happen is that we are going to continue to be frustrated, and the Minister who will be assuming the responsibility come 1<sup>st</sup> January, is going to find that his hands are tied and he, too, will be frustrated indeed. His performance may be lessened, stress will be greater because he already has a large Ministry to deal with, and then to add the frustration of not being able to develop good roads. I don't know what the Government's philosophy is, but that is not going to work unless funds are provided so that we can address roadwork. The shift doesn't make any sense, and won't make any sense.

I want to comment on something which is a corollary of that. Recently there was a big fanfare about the opening of a bus depot. Would you believe, Mr. Speaker, that I took a walk out there just yesterday? There is absolutely no place for those drivers to take a call of nature. No place for them to wash their hands, even if they wanted to comply with the most elementary sanitary conditions. I cannot believe it! I refuse to believe that all that fanfare and there is no place for the drivers to answer a call of nature. I thought, *'This is not Harlem.'* I thought we were past the stage where you do certain things against the wall. [*Members inaudible interjections.*]

No, Mr. Speaker! And then people are going to let us believe that this is a good Budget and we are labouring under a good state of affairs? I spoke to some of the drivers. I said *'Gentlemen, where, where . . . ?'* They said, *'Mr. Bodden, anywhere!'* And, in all fairness to them, they understand, they want to be clean. They want to be sanitary. They want to comply. What can the people do? I hope that when the Minister who is responsible for that gets up to debate, that he tells Parliament that provision has been made—even a portable loo. I mean, one could argue that maybe for the passengers it is not so necessary, but for them too!

This business of crises, patchwork, putting band-aids over open heart surgery, has to stop in this country.

That is not good enough! And then we make a big hulla-baloo "We opened it!" Yes, but opened it how? With marble on the front, but you go through the back and it's empty? Just a wall? Not good enough, sir, not good enough! And when all this money is voted it is not being spent wisely.

What can I say about Public Works? The only thing I can say is that it seems that the Minister who holds it up to this point has been distracted now for some time because that Ministry, and his responsibilities have been the most discouraging for the last six years than any I have ever seen. Sometimes I wonder! The times he has been called out in this Parliament are too painfully numerous to recite. I have seen times when Budget Addresses are passed without that Minister making a contribution. And he holds the most important Ministry and portfolios in the country! He was responsible for having the longest Finance Committee Meeting in the country.

Mr. Speaker, for all the money we spend on agriculture, this is the worst state it has ever been in! There is absolutely no progress! The only concentration was on farm roads in some areas. And that is not good enough on the eve of the 21<sup>st</sup> century. We are calling for people to shoulder responsibilities; for people to act at the level at which they are; to be accountable—to give account for the public's money; to be transparent!

Politics is about people. The money should be spent on the needs of the people because it is their money. So I hope that the 'reshuffle', as it was euphemistically called, will allow that Minister to perform in the other areas.

And I have to come to this again. In answer to a Parliamentary Question over \$2 million was spent on the 911 system. I want to go on record as saying that I am most displeased with that because for a country of 35,000 people in our limited geographical space, that is far too much money.

Do you know what I am doing, Mr. Speaker? I am trying to find out in comparable jurisdictions how much it cost to implement that system. And it might take me three or six months to get that information, but I am going to get it. I know it is going to be less than what we spent. It seems to me there was no system. No one sat down and said, *'Here is what we want to achieve.'* It looks to me like someone said, *'Do this and, carte blanche, whatever figure you come up with is what we will abide by.'* In this day and age we must have better value for money.

The Financial Secretary in his speech on that section where he discussed the economic outlook, page 11, said that "**growth forecasts for 1999 will depend to a great extent on the state of the world economy. If there is a slowdown in the US economy, this may cause growth to moderate in the domestic economy.**" That there is going to be a slowdown seems a certainty because in the *Caymanian Compass* of Wednesday, 18 November, page 7, there is an article entitled, "**OECD: World economy may screech to a halt**" and on page 6, "**The OECD sees the United Kingdom economy slowing sharply.**" And

I think in today's paper it says that the Latin American economy is going to shrink.

Well, given those predictions, might we not expect to feel some negative fallout here? If, indeed, that is the case, is not our budget too ambitious? Are we as prepared as we should be?

I focus on this to show the shortcomings over the years. Way back in the Budget Address delivered March 1993, the Financial Secretary then said, on page 2 of his speech, and I quote, "**In short, our visions and aspirations may be bold and lofty, but in terms of resources and priorities, we have to "cut our suit to fit our cloth."** And he went on to say, "**...we will have to develop a credible strategy to effectively place limits on growth in public expenditure. ...we must determine priorities, order them and make choices that are realistic and achievable.**"

Later that year, in November, in another Budget Speech, the Financial Secretary said, on page 13 in the speech of 5 November 1993, "**It is hoped that by gradually reducing its role in the economy government can improve its financial position without substantially increasing the tax burden to the public, and still provide incentives for public sector led growth.**" Then, on page 18 the Financial Secretary talked about prioritising projects on the Public Sector Investment Programme.

Mr. Speaker, I am saying that there has been a fundamental failure to prioritise and to plan, and to spend wisely. We have now reached the point, according to the documents before us, where the recurrent expenditure in the country exceeds recurrent revenue. Any housewife knows that if she spends more than she makes, the household will be in problems. We are spending in this country more than the Government is taking in, and so I say again that the Government is in problems.

I have to ask why this is so. Why? When the Financial Secretary himself, in 1993, outlined what we should have done, and what we should be doing. Where did it go wrong? Do you know where it went wrong, Mr. Speaker? There is an absence of a plan. No plan, no vision, crisis management. There is a litany of problems in this country that beg addressing currently, not least of which is this whole notion of prioritising. And we have a list: education, roads, welfare services, community affairs. We cannot afford to address all of these in their entirety at once. We have to sit down and develop some rank order.

It looks like the Government is operating the way the Chinese and Japanese people read—from the back to the front, instead of from the front going backwards. When are we going to reach that point? When it is too late? When the IMF and the World Bank demand that we sit down and prioritise? Are we going to wait until that point? Our hope lies in the reinvention of Government and the public sector reforms we are taking. But I want to say that the longer we take to reach the point of planning and prioritising, the more pressure and the more radical will be the reforms we have to make. And we have lessons all around us of countries that reached this point, and then when they had to take the radical medicine found it unpalatable.

It is not easy to tighten belts. It is not easy to tell people they have to pay more. It is not easy to be obligated to the borrower. Do you know what surprises me? All of the brains and experience which the National Team has at its disposal have apparently failed dismally. Or, advice was given, and they flaunted that advice. Now, what is it?

Somebody has caused the Financial Secretary to be cast in a bad light. I read what he stated in 1993, but there has been no attempt to abide by that. Instead there was a radical and obvious departure from those things. And we are still continuing on that path that is leading us to fiscal doom, financial straits. The country is under siege. And it is serious, because if we don't escape we run the risk of joining the others in history of poverty, deprivation, social degradation, decline, demise and I could go on.

We have reached a position generations of politicians warned us about and were successful in steering us away from, and now, Mr. Speaker, we have a National Team Government under a leader who claims to have all the experience and necessary degrees to make us the financial model, and here we are on the brink of disaster! I am reminded that in the campaign of 1996, that Minister, the present Leader of Government Business, the Honourable Minister responsible for Education, Aviation and Planning, in a news bulletin from the National Team, 16 October 1996... and I am going to make a copy to lay on the Table in a while...it says: "**Government finances show a recurrent profit of \$60.3 million from 1993 to July 1996.**" I wonder where that profit was evaluated, and where now has it gone? Has it evaporated into thin air? Because we are not in a profitable position now, and haven't been for some time since for four years consecutively we have had to borrow in excess of \$20 million to balance our budgets, and twice, since that time, we have had to bring revenue enhancement measures.

Where, Mr. Speaker, did this profit the Minister mentioned go? I have a feeling it didn't exist in the first place. And one time I heard the First Elected Member for George Town accuse this Minister of misleading the country. What has happened? Are we in a position now where we have to question what this Minister says when he tells us these kinds of things? Are we to believe him? Is he responsible for the financial mismanagement and mess of this country? Yes, Mr. Speaker, he most certainly is! He is the Leader of Government Business! He most certainly is responsible.

I am reminded too that when those of us who had some foresight said there is a need to change the system under which we are operating, and to bring in some kind of fiscal responsibility, that Minister got up in the debate, the Third Meeting of the 1995 Session, from 11-21 September, and said, "**Fiscal responsibility, at the end of the day, depends upon the quality and ability of the people who manage the finances of the country.**" Let me repeat that, Mr. Speaker. The Leader of Government Business, the Minister for Education said, "**Fiscal responsibility, at the end of the day, depends upon the qual-**

ity and ability of the people who manage the finances of the country."

He went on, as he usually does, to say, "I can speak with a considerable amount of authority. I am one who has continued to be active in my professions. I am a qualified banker for nearly thirty years, I hold a degree in banking. I am actively a banker. I hold a degree in credit management, one in administrative accounting, and, therefore, I can speak with a considerable amount of authority that I would never sit by and see fiscal irresponsibility in this country." Let me repeat that sentence again, "I can speak with a considerable amount of authority that I would never sit by and see fiscal irresponsibility in this country." Mr. Speaker, I wonder where the Minister has been for the last six years!

Well, it is true that he may not be sitting by, but he is standing by and seeing fiscal irresponsibility. Indeed, he holds the ladle; he is stirring the pot of fiscal irresponsibility! He is the person reading out the ingredients to go into the pot! I know one thing: He may be able to cook, because I believe he cooked up the finances, but the end product does not taste good! And I hope he is not going to offer us dessert! I would rather dine with the First Elected Member for George Town because you can eat the main course, and you can eat his dessert too.

Mr. Speaker, this Budget reminds me of one of the fables told by Aesop. ***A mountain was in labour, and all the world stood agog, and at long last it brought forth a mouse.*** The whole country was waiting, and when the Budget came there was gross disappointment, disenchantment, and frustration at the fact that we are borrowing again—\$20 million...

I want to make a prediction. Before a reasonable amount of time has passed, we are going to have to borrow more than that because I am going to encourage the Minister with responsibility for Public Works not to take the Ministry unless they give him resources to do road work with because it will mean that he is going to lose his hitherto good reputation, and he is going to be frustrated.

When saying that, I am not encouraging him to borrow. I am going to give him some ideas where he can cut and have some savings! I don't want to be like the Leader of Government Business was in 1991, railing out against the increases on wine and cigarettes, and taxation, and then coming here and doing it twice.

What we have is evidence of fiscal irresponsibility of the highest order. I hope that when the Leader of Government Business answers, as well he should, he tells the country where the profit he told them we had in 1996 evaporated to; and tell them what he is going to do to right the dire straits, the dire economic and financial straits that this country is in now. I am surprised that for one who has touted for so long qualifications and experience is bankrupt of any ideas. One who has seemingly so much to lose is now finding himself in a position of hopelessness. One who claimed that he would never get frustrated is now showing obvious signs of frustration.

Mr. Speaker, I want to say something else: I really believe that the time is now approaching when we have to rely on movements like Vision 2008; when we have to put great efforts in to public sector reform. The Govern-

ment has reached a stage where it can no longer be the 'be-all' and 'end-all' of everyone. We have reached a stage where we have to take serious stock of our position. I am associated with the Backbench, and it is not a formal association with persons whom... In the exchanges we have had refreshing new ideas for the direction we should take, and of efforts we need to make in order to come to a sensible financial management position, in order to administer the financial resources of this country where we get better value for money—where we have clear, cut and obvious national priorities.

I want to say, with the utmost of respect, that we need to find a way to raise funds outside of the usual and traditional ways. We can no longer afford to tax the people as we have been taxing them. Right now we have them under siege. Right now we have them under pressure because there is health insurance, there is pension contribution, and now we have a whole package of new and far-reaching measures. Where will it end? We are eroding their purchasing power. We are eroding their ability to save. We are eroding their ability to educate their children and to prepare themselves.

In the meantime, the Government is backing off certain things. There are initiatives in place . . . and we will come to these later on, but I want to mention them because they have a direct bearing on the Budget, the economy and the economic outlook of this country. The training initiative has gone dead!

Labour in this country . . . I was talking yesterday to an officer from the Chamber of Commerce. Labour is held hostage. And now, Mr. Speaker, do you know what my fear is? Guess who is now the Minister for labour. Ha! Believe you me, the future doesn't look good. It's dim and dark. Because if past performance is an indication, I hope that Minister doesn't do with the Human Resources Department what he did with the training initiative—kill it! We are at a point in this country where we need every contributing citizen to perform up to optimum. And to some of them we need to give incentives and take the burden off, not put more on.

Someone was telling me last night, . . . and I have to come to this because this is all the recreation some people can afford this is all the recreation they crave and indulge in. And while, personally, I hold moral principles someone was telling me that in some of the establishments around here it now costs \$10.00 for a rum and Coke. Ten Cayman Islands Dollars! What I am coming back to again is this whole human aspect, the whole psychological and disincentive and discouragement aspect. If a person has to work all week and cannot afford to spend an hour or two indulging in something that he thinks he enjoys, do you know what will soon happen? He will soon have no incentive to work. If they cannot afford it, it doesn't make any sense. And then this whole business of the deprivation effect, . . . where is the deprivation that is going to be visited upon them by the rise in the exorbitant taxes going to end? With the housewife? The mother? The children? And we know that these things have a snowball effect, Mr. Speaker.

I hope that the Government, more specifically the Leader of Government Business, can tell us what he is going to do. How is he going to address the \$50 million that he needs, according to the document he gave us sometime ago, to do the capital projects in his Education Ministry which he claims is so close to his heart? Where is he going to get that money? What are the plans? And, then, how are we going to fund the needed roadworks and all the other works?

Remember, we still do not know what inflationary effects are going to be brought on by the Health Insurance and Pension coming on line. And we certainly have not heard of any rise in the labour rates. So, what is going to happen to the proverbial "little man" with all of these taxes which the Government is visiting upon us? This Government that campaigned in 1992 on a record of restoring sense, fiscal integrity? . . . I don't believe it, Mr. Speaker. It is like a bad dream. The nation is faced with a myriad of intractable problems for which there are no provisions to address in the budget.

I can't conclude without mentioning this one. According to the Government Minute in response to the last Public Accounts [Committee], and the Auditor General's Report, the landfill site that we have in use currently only has a life span of four or five more years. And there is no provision for an alternate site. I have been told by people who are knowledgeable that it is going to cost about \$4 million or \$5 million to acquire and prepare a suitable site—the minimum! That is, if we seal it as it should be sealed in addition to acquiring the land, building the road. So, we are nowhere near the rosy position that the Budget speech paints us in. And if we go to sleep believing that we are, the reality that we will be waking up to will take more than one Advil and two Tylenol to clear that headache!

I hate to say this, but the future doesn't look good. But I knew. That is why in 1996 at the Swearing In on the 27<sup>th</sup> of November, I said that the people would soon find out that the National Team Government was not the Government they deserved—they had a good opportunity, they had a good mandate, but they squandered the financial resources of the country and made a mess of the mandate they were given. But there are capable persons, and I live with the hope that it is not too late to turn the tide; that it is not too late to save the good ship *Cayman*.

Believe it or not, I have said my piece. It is now left for the Government to get up and answer some of the charges I have laid and to tell the country what they plan to do. Where is their plan? Where is the priority? And how are they going to get us out of the economic mess that we are in? With all due respect to the Chair, I want to say that I hope the Chair will bear down on them because this is not the time to play waiting games. The Government should get up. Someone has spoken from this side. They should now get up and answer. It is their budget. They are bringing the taxes.

In conclusion let me say that we have some needs in my constituency. Outstanding is the library. We are waiting on that. There is the playfield to be completed

and, of course, we have the usual roadwork needs as do other districts and constituencies in the Cayman Islands. While we are not unreasonable, it is only fair to expect that some, or all, of these needs which have been outstanding for so long are going to be addressed. I am not dwelling upon that now, only to say that I am cognisant of the needs as expressed to me by my constituents. When we deliberate in the Finance Committee I will have much more to say on these and how they will be addressed. I am prepared to be as reasonable as I can be. But I have to end with the warning that we cannot continue on the course which we have embarked upon and which we have been treading for the last six years. It is a formula for disaster and the country does not need that.

We talk a lot about honour and being honourable. Well, you know, I don't want to go into that because my notion of that is coloured by my studies and the experiences I have had. When it comes to honour, I am extreme. I am like the Romans. I believe that I should fall on my sword if I give you an undertaking that I am going to deliver, and I don't deliver. I am like the Romans and the Japanese. I think that that's it—kaput for me!

I wouldn't enforce my standards on other people. But I will say this: Honourable people who find themselves in this position would resign, would step down, would relinquish the leadership. Did you see what Newt Gingrich just did? He couldn't deliver for his party what he said he was going to deliver. He stepped down. The Leader of Government Business has failed. Let us see if he is honourable. Thank you.

**The Speaker:** I think this would be a convenient time for us to take the luncheon break. We shall suspend until 2.00 PM.

#### PROCEEDINGS SUSPENDED AT 12.31 PM

#### PROCEEDINGS RESUMED AT 12.43 PM

**The Speaker:** Please be seated, proceedings are resumed. Debate continues on the Appropriation (1999) Bill, 1998. Does any other Member wish to speak? (pause) Does any other Member wish to speak? (pause) The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I rise to make my contribution in respect of the Budget Address for 1999 delivered by the Hon. Financial Secretary, Mr. George McCarthy. I rise reluctantly, because I had hoped that an attempt to give some type of structure to the proceedings, to give some type of validity to the discussions—that the Hon. Leader of Government Business would have found it incumbent upon himself, being in that position, to have answered the Third Elected Member for Bodden Town who I believe relieved us of the burden of having to prove that politics is, indeed, the art of deception.

I believe that my being here is a result of a blessing from the Almighty God. I believe that I cannot treat my position in these halls lightly. I believe, as someone who

has hit the fifty mark, the half-century mark, that the well-being of the people in this country is more important . . . and it should be understood from the very beginning that it is philosophically possible to understand why the well-being of the people in this country is so important to the Fourth Elected Member for George Town, Dr. Frank McField.

Anyone who has watched my walk in life knows that it was not easy. And to come to be elevated to this position by the people of this country and fail my duties and obligations would be worse than an abomination. I treat my job seriously. I treat my position sacredly and I would not give up an opportunity at this historical time to address the Budget which has been brought to these honourable halls. It goes without saying that if we are going to play games with the Government, waiting for them to defend what they are empowered to defend, that we are wasting our time. They are seriously wasting the time of the people of this country and the money of this country.

We have to remember that every single one of us is paid by the people of this country to perform a duty. Under the Westminster Parliamentary system I understand that the duty of the Government is to make the policies and explain the policies to the people's representatives in the Legislative Branch of Government. Without a Government with a tongue, without a Government with a reason, without a Government that feels the obligation to defend taxation when they feel it is necessary, what are we dealing with?

Is it so easy to do? Would I not understand if the Leader of Government Business had gotten up and shown me why there should exist such an extreme contradiction between his prior position in 1991 and his position in 1997 and his position in 1998?

**Mr. Roy Boddén:** Preach, preach, preach!

**Dr. Frank McField:** I will explain my position in 1997 when I supported in this Honourable House measures to raise revenue, to enhance what I believe was a good job that the National Team Government was doing. I know history, and I know there is one thing one should not do with history, and that is lie about history. One should not speak untruth about history because it is always documented and it can always be referred to. So before the scribes quote to me what I have said, I will tell them what I didn't say.

I am trying to say that what the people of these islands are expecting, what the people of these islands should be able to expect in fact, is that there is an intelligent, constructive debate regarding the issues of this country. We are all supposed to have the tools. We are all supposed to be equipped with the qualities to be able to rationally debate the issues.

If this is so, why do I have to get up? Tomorrow is 20 November, the second anniversary of my being elected as Fourth Elected Member for George Town—at least it was the day the people of George Town actually went out and did the election. It was counted the following day. I am a youth, a youngster, a freshman, a fresh-

man, Mr. Speaker, with only two years' experience! And yet, in those two years I have not missed a budget debate. And I will say that my contributions will go down in history, at least for the value they have, in giving an added perspective, an added dimension, to political discussion and debate in the political forum of the Cayman Islands.

It is not a bad thing to have someone with my sociological background in the Legislative Assembly. It is not bad, indeed, that I am not qualified as a barrister. It is not bad, in fact, that I am not a medical doctor because my knowledge and experience have a useful role, and as long as I am given the opportunity to make my contribution, I am quite willing to do so and pay the price, if necessary, for the fact that my mouth will not be silenced because my soul is not asleep!

I will not play games. I believe that the Leader of Government Business should have brought some type of concrete reality to the debate so that it (the debate) could focus on the Government's defence and what it is attempting to do with the financial management and policies of this country in the year 1999. I believe that rather than being a game, it would have been useful for all of us to learn in the exchange that could have taken place.

But, I believe that the Leader of Government Business, the Honourable Minister responsible for Education, will speak. When I was asked whether or not the Minister would speak, I thought that he would not, because I don't see how he can defend what they [the Government] are doing. I couldn't! He can't!

The best thing is to just sit there and let it pass; hope that the pain and torture is as short as possible; hope that not too many Members of the Opposition actually speak; hope that we can get through Finance Committee before Christmas; hope that we allow that 'old sinking boat' (which is sinking anyway) to sink, and let everybody have his 'piece', because nobody really wants the difficult task of trying to do the types of repairs which are necessary to put back in place this great ship—Cayman!

I believe that it is important to take the position of the Leader of Government Business into the debate. And I am not doing so from the point of view of personalities. I am doing so because in all instances I see the Leader of Government Business as playing a leadership role in this parliament, and in this country that the people need to understand within the context of the Westminster model of democracy. In that particular model we know that on that side we have the Executive branch of Government which at times forms part of the Legislative branch of Government, which, in a sense is on this particular side—me being one of those Members of the Legislative branch and people refer to us commonly as the Backbenchers.

The role of the Government over there is much easier, like all reality, if we have markings. If we go to the channel and we try to get through the channel, if there are no markers there, we have difficulties. The boat could go aground. If we are driving on the road we find that there are markings there. We are markings for the

Government. We are basically that particular part of the democratic system that scrutinises the Executive branch of Government and therefore make the performance of the Executive branch of Government comply more with what we consider the general will—the collective consciousness—the consensus of the people. That is absolutely necessary.

I am saying that to say that when people inquire as to why we can't have more harmony in the Legislative Assembly, it's important that we are playing roles here, that the roles have been clearly defined by a tradition that is clearly superior to most traditions when it comes to Government. Although I realise that I am developing as a parliamentarian, that I am new to the job, and I believe also that this Parliament is new, that it is a new institution to the people of the Cayman Islands to an extent when it is compared to the long life of parliaments in other jurisdictions.

I believe also that as a new legislator I must learn, but I should also aspire to teach and to explain so that people will understand, so that when someone asks, *'How come you all can't agree?'* That they will understand from the very beginning that part of my job is to scrutinise, to question and not to back-off like we commonly do in Cayman simply because someone disapproves of the fact that you are asking a question, or somebody disapproves of the fact that you dare question their sincerity, or that you dare question their integrity, or that you dare question their intelligence. It is my job to question. And just like the Police do not feel that they are breaking the Law, in fact, but are following the Law in questioning someone, I feel as a Parliamentarian that I am doing my job in bringing constructive opposition, in the role in which I play in this particular Parliament. So, by actually being a defined Member of the Opposition, I am doing a job that needs to be done.

I believe that Caymanians understand even more during the Budget Session what the role of an Opposition is, and the fact that the Opposition plays a vital complementary role in the democratic process. I believe that during times when taxes are being brought to bear upon the people that the people understand and sympathise most with the Opposition. I don't believe that the Opposition should give up the opportunity to constructively criticise the Government, but at the same time I believe that it is incumbent upon us to show that we have at least some ideas as to where the alternatives could come from. I believe that I can tell the Government because I am telling the people all the time. It should be no secret what my intentions are.

Now, if the Government is smart enough to use my suggestions, or what they believe to be my concepts and principles, then God bless them because I am here to serve the people and not to serve any other self.

My position is that I will talk, not just about what they are doing wrong, but I will talk about a new way, a new vision, and the necessity for this new way, and this new vision in this country.

Before I go on, let me say that I do not believe in being an Opposition that I will allow people to say that I

will be opposing for the sake of opposition, because there were times when I supported the National Team Government, and there have already been remarks in this Parliament about the fact that I was supported by the National Team Government and that is true. There were Members of the National Team who gave me an incredible amount of support. And when I say support, I don't mean financial support, I mean moral support—they argued for me, against all odds, at times. I shall not forget that. But I am a servant of the people. I am a slave to the people. I can choose no other master for I can serve but one, and that must be the people.

I will not let it be said that I am a forgetful man because I am neither a forgetful man, nor a vindictive man. So I will read for the record my position regarding Government's revenue measures in March of 1997. I am quoting from the *Hansard*, page 54. I said, **"I am not going to say 'No' to this Bill—although I might debate later on that the pension and insurance should be staggered and not brought in all of a sudden, and that perhaps we are getting a little bit too ambitious. At this particular time I am not going to vote against this Bill. I am going to vote for this Bill with the consciousness that we cannot continue to develop this form of taxation any further. Forty-five percent of the Government revenue comes from indirect taxation. If we put the price of anything up it will affect the consumer whether or not that consumer is a resident of the Cayman Islands or a tourist. Eventually it affects everything."**

**"There will be repercussions, but I am not saying that there would not have to be some law with regard to revenue measures. I am not saying that somehow I am not going to support the Government's attempts to balance their budget and to pay for these things. But I am saying that this is the last time."**

**"We have to find other means of raising money. We have to put our thinking caps on. I am asking the Honourable Financial Secretary to do whatever he can with his department to find other ways of raising money. The people of the Cayman Islands have paid enough! The poor people in this country—although getting something back by way of social, educational and health development—should be able to decide whether or not they should spend."**

**"I vote for and support this Bill, Mr. Speaker, with the hope and a prayer that the Government will do all within its power to see that this type of taxation is eradicated." [14 March 1997]**

I was a real freshman at that time, and I took guidance from the people in whom I had developed some kind of confidence. And they said that these revenue measures were necessary. They said that, basically, it had to be done for the general good. And I did not oppose them for the sake of opposition. So my record stands out clearly and shows that I am capable (in most respects) of distinguishing between what is good and what is bad; what is necessary and what is not necessary.

So, if I voted for the measures then, saying that they should find new methods of raising revenue, and they have had almost two years and have not done so; they have not learned how to manage their resources; they have not put their house in order; I am therefore unwill-



ing to go along with an estimate that will depend upon Government raising additional revenue by way of additional taxation.

I have thought about what could be done to give us the possibility to avoid this pitfall—the pitfall of so-called developing countries, the red pitfall, the debt pitfall. I have given serious consideration to what might be done in order for us to avoid these pitfalls. As I go on I shall elaborate on the fact that the real problem in this country is philosophical impoverishment, the lack of understanding of the role in which ideas play in motivating people, and defining for people goals and the motivating them to achieve those goals.

I have spoken about leadership, and I say that leadership is about doing the right things: management is about doing things right. We have in place in this country excellent managers in the Civil Service. But we have terrible, inefficient, incompetent leadership. The leadership does not know what things they do. They have no idea what things they do. They are more interested in the day-to-day survival of their political directorate in going from one crisis circumstance to the next without even showing that they are of noble birth, or that they have acquired nobility by way of their socialisation or education, or process through the college of life.

In other words, they have not shown that when they have turned up as failures and become defunct that they are willing to let go of the reigns of power and to go in the background and perhaps put somebody else to do it.

Now, if you would look at the political poverty, the philosophical poverty, the fact that these people do not even have anybody that they can even put up because nobody has trusted anybody enough to train him to do anything. It is devoid of planning in the most simplistic, primitive manner. The National Team Government with the Leader of Government Business as leader has shown us that philosophical poverty—intellectual poverty—is the worst kind of poverty. When we are physically poor we know how to amend that by using the power of the mind over matter—by faith. But when people ridicule the existence of ideas, not knowing that before the Parliament was a Parliament it was an idea, before the chair was a chair it was an idea, before the book was a book it was an idea, Mr. Speaker, the idea comes first. But for people to dismiss ideas, to cut themselves away from the 'idea' base of their civilisation and their existence is to create a damaging effect—not only upon their own existence, but upon the existence of the future generations.

Why am I saying that ideas are necessary? Those of us who are now exposed to American television watch CNN News and see Ted Turner Broadcasting to the world trying to connect the world as a common village. Those of us know that when we are talking about the Republicans, we are talking about the importance of social value in the political culture. When we are talking about the Democrats the debates are about values. The debates have been from the very beginning, from the American Revolution, about values. The debates have been from the 'Cromwellian' times in the creation of Par-

liament about ideas and values. Whose ideas and values should be cherished? Whose ideas and values will bring the greatest benefit to the most? Or to the few? Depending upon the political philosophy you are coming from.

I believe that the fact that God has blessed me with a good intelligence he must have intended it to be used for some purpose. Perhaps the early years of my life it might not have been seen to have been used in a particular way, I believe that it is being used. The Budget Speech contains ideas. It attempts to give us an idea of how our economic reality is structured—what is good about it, and what is not so good about it, and how that is connected with domestic and international finance movements or situations.

In saying this, the Government needs to develop a position . . . and we are very lucky, Mr. Speaker, because I am using comparative Governmental analysis. I am using comparative sociological analysis. In other words, I am comparing things. You know, we go to the market and say, *'This is an orange, and this is an orange. Let's compare them before we buy them and see which orange is the best orange.'* We can do that with ideas too. We can compare ideas. We can compare ideas by looking at the track records of the institutions which those ideas have been a part of.

Now, we are talking about democracy. We are talking about us as Parliamentarians, as Members of the Opposition being able to constructively give the people an idea that there is an alternative to the National Team Government. There is an alternative to high taxation. There is an alternative to philosophical impoverishment. There is an idea, there is a hope, there is a possibility for tomorrow. There is the possibility that the economy of the islands can be improved and not put into depression and recession because of being smothered by excessive taxation.

We need to give the people hope, even in these darkest days when we must paint this picture of 'gloom and doom' that the National Team Government and the Leader of Government Business have brought this country into when they knew—when he knew—from the very beginning that taxation is not to be in the Cayman Islands. We need to make a decision about that, and we can.

We can, Mr. Speaker, because when we look into other countries what we see is people moving away from taxation. We see the middle class complain about taxation. We see the working class complain about taxation. We see that mothers and fathers on welfare would be better off working and being creative and proud of their productivity rather than waiting for somebody to give them something. We see grandmothers wanting to take up a role again in society, rather than getting \$200 or \$500 per month because people, life in its essence, is about productivity and creativity.

That is why I say that the National Team Government is philosophically impoverished—they can't think that way; they can't reason that way. And they think somehow that my thoughts are out of place. Well, Mr. Speaker, believe it or not, people seem to think that I am

a good communicator, that they can understand what I am talking about.

You see, what has happened in this country is that for too long we have betrayed one another by giving each other the feeling that we shouldn't be critical, that we shouldn't talk that way. *'Oh, don't say that. Oh, he might get insulted. You're going to hurt his feelings.'* This, that and the other thing. But we are only going to develop through a certain amount of friction. That is the only way to go forward. As long as we know how to keep it managed, then we know that it will be okay.

In the Budget Address the Hon. Financial Secretary said that our people enjoy a high standard of living and have ample job opportunities. We enjoy a high standard of living, Mr. Speaker. Yes, we do. And there is no reason why we should not enjoy a high standard of living, God has blessed us. But because God has blessed us and because we enjoy a high standard of living does not give the Government any right to tax us. The taxation should not be based upon the fact that we enjoy a high standard of living because that standard of living that we enjoy we have to work very hard for.

The average person in the Cayman Islands, some numbers, probably make less than \$1,667, 53% as a matter of fact. More than 53% of our population earn below \$1,667 per month. If we are going to say that the people of the Cayman Islands enjoy a high standard of living than the next thing I would do is say: *'Well, okay, if 53% of the people earn below \$1,667 per month, what would be the cost of a mortgage?'* People need some place to stay, and food to eat. So I have to ask about the cost of food. Then I have to ask about clothes. So we have to think about shelter, we have to think about clothing, we have to think about food. We have to think about all those things to really get an idea of what the quality of life is.

Now, I bought a house for \$125,000. And I know that I couldn't get that today. I bought it two years ago. I was paying \$1,306.34 per month mortgage payment. If the average person, if 53% of the Caymanian people make below this amount of money, could they pay for a \$125,000 house? Could they qualify? No! So, if you take the standard of my house in Windsor Park and you say that 53% of the people can't afford that, then the question is what could that 53% of the people afford? We would find that that 53% cannot qualify for any mortgage that would put them in a position to own property because I just saw in the newspaper that an apartment is going for \$85,000. An apartment for \$85,000. If you look at the same mortgage payments, you will find that the person who is making \$1,667 per month would not be able to afford that apartment.

So where do these people live? They would not be able to qualify for a loan from the bank. They have other things they have to pay for. Most of these people have children. Most of these people are expected to support their parents if their parents are old because we were even considering, or I heard people talk about the fact that children should be forced to support their parents, knowing that children can't support themselves with the

wages they make. But because I talk about wages doesn't mean that I talk about minimum wages because I also understand the relationship between wages and interest, and the relationship between interest and prices.

If we are saying that what we have in this country is a situation, and we are talking about the economics of this country, we have to be looking at the high interest rates that makes everything a little difficult. Now the Government cannot afford to compound this problem with high taxation. In other countries where people might pay more to government, those countries have had over the last 200 or 300 years to build up, to accumulate capital and build up resources, and to have productive capacities that enable them to have more in reserves, and therefore, because they have more in reserves they can lend their reserves at a cheaper rate.

It was said in the Financial Secretary's address that **"Total loans and advances to Cayman Islands residents in the first half of this year amounted to \$1.34 billion, a decrease of 2.9 per cent over the June 1997 figure."** That would mean that if we had 36,000 people, an amount of \$37,000 plus per resident. They are talking that this money is lent to the residents of the Cayman Islands and I think that these are the type of figures that distort the picture because until we get statistics to know who these people really are, that this \$1.34 billion was lent to, how it is really shared up, we come and we get a distorted view because if we look at the amount of money that is being lent there we get to feeling that there should be activity.

When I compare the amount of money that is lent in the Cayman Islands to the amount of money that we have on deposit in the Cayman Islands, there is a shortfall. It was explained to me that we get money lent in because of having these international banks. So, we get from the international banks. We, in the Cayman Islands, are in a good position in a way because the banks do not have to just lend the money that they collect locally. We, because of the international connection, benefit by our borrowing not being limited to the amount of money that we, as a people, have been able to accumulate over a period of, say, 30 years of development.

One of the miracles of our development is, in fact, caused by this situation whereby when we want our washing machine we don't have to save just like the Yankee man, or the Dutchman. We can go and get it because we can pull from their financial resources and what they have accumulated to buy their products. I kind of like that relationship. I like that partnership, and I would like to see that partnership continue.

However, I don't like the idea that somehow in a tax free jurisdiction where the Government is willing to go to task with its Mother Parliament, and its Mother country on the issue of confidentiality and other financial issues that are important to these international organisations, that they don't think more of us to the point where they would give us better interest rates for our businesses and in particular for our mortgages.

If businesses could get loans cheaper, wages would go further because industry would be able to pay people

more money for wages. Therefore, you would not have to artificially try to effect wages by coming in with the concept of minimum wage, but the market factors and forces would operate better, just like a machine when it's greased. So we could grease the economic machinery by trying to negotiate with the banks to lower interest rates that would be more at par with the lending rates in the countries that these banks generate the majority of their resources from.

I believe that the Financial Secretary and the Government need to bring to the financial community the concept, not just speak the rhetoric that we're not a third world country, that we are a first world country—we are developed—but begin to walk the walk and go to these people and say, *'We are not the same risk that you would have if you were in some other countries where there is 40% unemployment; where there is political instability and all of that social decay and lack of infrastructural development.'* We need to understand that in the next 40 years you can be here. Therefore, the banks should not feel any kind of necessity to recover their money so quickly, thereby you might have a possibility not just for lower interest, but for longer mortgage loans, rather than 10 or 20 years, longer 30 year loans.

When I talk to the people, I talk about creative solutions to the economic hardships. I do not come and try to paint a picture that we are all affluent because that is far from the truth. Now, it might be necessary for some people to paint that picture in order to attract more business, but those of us who have to have a grip on reality would really lose that grip if we didn't believe that the whole process of wealth distribution in this country is very, very devious. And it is beginning to also have its political difficulties.

I am saying that the Government needs to, rather than bringing taxes on the people, by saying that they are bringing these taxes on the people in order to afford the people improved facilities like sporting facilities, and health facilities, the Government would be better off effecting money in such a way that the people could afford to buy for themselves what they want, according to their choice.

From the point of looking at Government from my philosophical idea base (and when I use the word philosophical, I mean 'idea'), we are saying that we want less Government. We want the Government to define its core role and decide on its specific public goods and services it feels it can deliver to the people without increasing the burden of taxation on the people. I think I am being specific in defining what I am saying. I am saying that we want a Government that finds a way of improving the human condition, improving the standard of life for the people without increasing the burden of taxation.

For too long we have had these ideas, that: Government is benevolent; Government has a monopoly on knowledge; Government knows best; Government doesn't have to consult anyone and Government knows that it can only keep a social and political balance by giving people things.

But the Government doesn't give us anything. What the Government does, in fact, is take \$1 and give us twenty cents because it loses eighty cents out of the dollar that it takes from us. So if we are going through that circulation process, it would be better if we allowed the people to keep the money in their pockets in the first place and purchase for themselves the goods and services that they want, whether or not that be garbage collection, or paying for books at school, or whatever. Let people be in the position to be self motivated, and self responsible enough.

We don't want one of these third world governments whereby you create the tendency of dependency. The tendency of dependency is when the politician who is running for election goes inside the bar and buys the beer—the people don't come to him; he goes to them. So they feel they got something. This is where the art of deception comes in.

When we come with promises, we have a wish list. *'What is it you say you want? Oh yeah, yeah, yeah, we should build this! Oh yeah, yeah, we should have that!'* Everybody is telling the Government what it should do. Do you know why? Because the Government never told the people that the Government is not God. The Government cannot create anything. The Government can only spend what it has taken from the people. The Government has a choice—the Government can be socialistic and take from the rich and give to the poor, and the poor will sit by there like they are on the roles of welfare in the United States. We can benefit from comparative society and comparative Government. That, Mr. Speaker, we don't have to do. We don't want to do that.

So, obviously, the whole idea of taxation is of the past. If we are supposed to prepare ourselves for the 21<sup>st</sup> Century then I think it is absolutely necessary that we also prepare ourselves to redefine the role of Government, and to really begin to change our political culture and that comes by Government's accepting its responsibility to defend its Budget and to debate why it thinks taxation is right and why we think at this particular time taxation is wrong.

Mr. Speaker, if you would like to take a break, I am quite ready.

**The Speaker:** Proceedings are suspended for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.34 PM

#### PROCEEDINGS RESUMED AT 4.09 PM

**The Speaker:** Please be seated. Debate continues on the Appropriation Bill. The Fourth Elected Member for George Town continuing.

**Dr. Frank McField:** What I was saying when we took the break is that there needs to be a redefinition of Government in all areas. There needs to be a rebirth in the political culture of this country, we need to stop deceiving the people and we need to show them the reality, regard-

less of how unpleasant that might be. It is better that we do that rather than to begin to asset-strip in order to show that one particular political directorate has or is performing well. Basically it is called "asset-stripping".

What the National Team Government has done over the last six years is asset stripping; it has stripped the Cayman Islands of its assets by looking for immediate return rather than long term gains. We find that this is usually the case in badly managed companies. In order for them to get the performance which they felt they needed in order to say to the people *'Well, we did this, that, or the other thing'*, we find that they are leaving a lot of debts behind for the future generation, for the next Governments.

They have been borrowing for the last four years. They have enhanced revenue measures twice already; this will be the second time in their second term. And they are going to say to people *'Look, we have done all of this.'* But anybody could have done this, Mr. Speaker, if they were going to take from the people to do it.

What we really wanted the National Team to do was to perform the miracle and give the people something without the people having to give up anything. That seemed to be what they were promising and that is not what they have done. If we are going to have a political culture that is stable and based upon integrity, honesty, and fairness rather than favouritism, we need to begin to talk honestly.

We need to say, *'Look, the world is about interdependencies.'* We are all in society interdependent. These interdependencies mean that we all play different, but complementary, roles. We are all spokes in the wheel. Working together we make everything happen. But if we fall out of unison because the Government uses its position of power to intrude and interrupt the free flow and exchange of relationships between the people and the institutions it will cause, at some particular point, serious problems.

The economic policies of the Government are not sound policies. The social policies of the Government are one cause of the fact that the Government now has to resort to taxation. All that we are experiencing and all that we will be able to experience until the year 2000 are the repercussions of the National Team's political philosophies—the idea that you could become popular by making promises to people, without telling them that there would be consequences involved in your delivering those promises.

What we are experiencing here with this Budget... the Financial Secretary who brought this Budget, he, himself is going to find difficulties in defending it because somehow this Budget, this way of running a country, runs contrary to what is being required by the United Kingdom. So the redefinition of Government is not just something the New Vision group will be talking about. It is also something the United Kingdom has been talking about. We complement the United Kingdom and the Foreign Office in taking the initiatives to bring to these islands the realisation that sounder financial policies, fiscal

policies, are necessary if we are to remain a stable economic and political environment.

The objective set back in 1993 by the Foreign Office to introduce jointly agreed country policies in all five Caribbean Territories to enable development priorities to be established, . . . what they were looking at, at this particular time, was to develop development priorities.

Now, we have heard about Vision 2008. And now the Financial Secretary has mentioned that it is expected that a draft Ten-Year National Strategic Plan will be presented to the Legislative Assembly in March 1999. Again, this Ten-Year Strategic Plan seems to be one of the results of the Vision 2008 Exercise which seems to be one of the results of the United Kingdom Government's Foreign Office fulfilling its objective of encouraging its Dependent Territories to develop a Strategic National Plan or national objectives.

We find also that there are several exercises going on at the moment. In addition to Vision 2008 we have the Re-invention of Government which is another exercise which seems to have been initiated by His Excellency the Governor, Mr. Gore, I think before he left. What is apparent is that the Governor has been playing a role as reformer and we have to compliment him and the Foreign Commonwealth Office for intervening because it is hard for me to imagine how any change would have taken place in this country if that change had not been introduced from the outside.

I am also happy that the Financial Secretary is able to report that the Government reform exercises are being successful and that they are coming forward on schedule; that somehow at the end of the day not only will we have a change for the better in terms of the fiscal policies and policies of accountability and transparency, but there will also be an improvement in regard to the Government knowing exactly what its assets and liabilities are, and not just what its cash balance is on a day-to-day level. We are certainly advancing, and I do, again, compliment His Excellency the Governor and the Foreign Office for these developments.

There is no way that the National Team Government can take credit for this. But those of us who understand that changing one thing most likely means that you will change other things, because things being as interconnected as they are, it would be difficult to imagine that we would have a change in terms of fiscal responsibility, the concept of accountability and transparency, without having a change in the political philosophy of Government. We would have to have a change in the political philosophy of Government for it to be accepted because at the end of the day we are responsible for the internal Government of this country. We are in a state of internal self-government and there will have to be cooperation between the political directorate and the administrative directorate—in other words, the office of the Governor, in other words the political directorate will have to cooperate with these initiatives if they are to truly be successful. They will have to cooperate with the new changes in the Civil Service and the way in which the

Civil Service attempts to redefine itself and its roll in order to create or improve productivity and input in the Civil Service.

That will mean (if this can be achieved, of course) that we would have to pay less because we would be able to get more from one individual civil servant, or one department. We would be able to increase the efficiency to the extent whereby we would not necessarily have to be employing many people to do the same job.

From a distance I am saying that we have to deal with—and this is what the National Team promised—we have to deal with the human resources part of the Civil Service. We have to begin to treat them fairly. One thing is for sure, because everybody realises that the Civil Service is a large group; everybody realises that votes are important and all politics is about votes and gathering votes, so at the same time what we need to do is get off of that. We can still think about votes, but in a new way. I am talking about redefinition of the political culture.

Now, if you give the civil servants a raise, and then the prices rise 10%, . . . what the Government seems not to realise—and I have been saying this to a few civil servants—is that that increase is wiped out by the increases in the cost of living anyway. So if Government, when it puts up its taxes, gives you a little increase to keep you quiet and to get you to cooperate, it's not helping the civil servant any more than it is helping anyone. Do you know why? Because the civil servant has to buy its services from the general public. If we want a pair of shoes, we buy from the general public; if we want a car repair, we buy that from the general public. So the civil service is actually purchasing what it needs from . . . There is a situation of interdependency. The civil service does not exist by itself unaffected by other conditions that everybody else is affected by.

We have to get rid of that misconception and say to the Civil Service that we—the New Vision Group—have them in consideration and we do not expect to waste them. But at the same time we understand that if the Civil Service becomes too big, if a large percentage of Government revenue must go to pay salaries, then we know that we have a problem. The only way we are going to get the money to pay those salaries is to tax those very people we are paying the salaries to.

The civil servants are the people who are being taxed. The civil servants are the people who are going to smoke cigarettes, some of them. Some of them drink alcohol sometimes. Maybe some of them have a glass of wine at their dinner. They are going to be affected. Some civil servants have domestics. They are going to be affected by the increases in the work permit fees.

So all along we see that the little raise the Civil Service is getting—or that little understanding that Government seems to be suggesting that they have for the Civil Service—is being wiped out because it is an attempt to mystify the true situation. The true situation is that when we have taxation everybody becomes poorer. That is the reality. Using comparative Government we know that now.

I will be poorer as a politician dependent upon a Government salary because I also have to go out there and purchase goods. I don't get them for free; I have to buy them too. So we all are going to be worse off.

The question is, How do we balance it out? How do we see this kind of imposition of taxation upon the general population as causing an improvement when we know that the imposition of taxation will bring about difficulties?

The employer is already being taxed by way of being required to have a health insurance and pension policy—a health insurance policy which Government said that the minimum should be something like \$50 that they could buy for the people. But at the end of the day the person who pays \$50 for health insurance gets like \$100 per year in out-patient receipts.

What is \$100 going to be, especially when one of the things that is happening is that Government is going to also increase its revenue at the hospital by increasing the fees. Not only will the private doctors have to put up their prices because they use the laboratory facilities and so forth at the hospital, everything will go up. So how will civil servants be any better [off] in this country?

The taxation is going to affect the civil servants most. If we say that we are going to streamline and suggest that we have to arrive at a situation where the Civil Service needs to become smaller so that Government does not become a burden on the economy, or so that it does not kill the circulation, so that it does not smother the economic fires that are brewing; so that it does not stifle entrepreneurship, so it does not kill people's desires to create profits for themselves.

Why are we having so many young civil servants come home to Cayman and not be able to go away to pursue their Masters and get their Doctorates, and get whatever degrees they want to get? Some of them know that once they come into studying in a lot of cases it is best that they continue to do these things. But Government, being without ideas and inflexible, and lacking in creativity and imagination, finds itself in a situation where it says *'Well, you have to do time.'* It's almost like indentured servitude.

**Mr. Roy Bodden:** True!

**Dr. Frank McField:** Remember indentured servitude? Where they used to bring the people down from Ireland and Scotland before they started bringing the Negroes from Africa. People had to come and work for a specific time on contract and could work for no one else without the employer's consent.

So what we are doing to our civil servants is almost like indentured servitude. We say, *'Look, we are going to pay for you.'* And what really brought this home to me is that I have a sister who has a daughter who was a Miss Teen Cayman. One of the promises was that she would get a scholarship. Well, she thought that she won the scholarship. But, no, they said that she had to be bonded, *'You have to be bonded, you have to do this, you have to do that, you have to do time.'* What does the student look forward to after the completion of the degree—four years? Doing time with the Government whether or not it can find a place for them. They are just around.

In a lot of cases we find that it kills, stifles creativity and initiative and all of those things. As a result, we find that rather than using the newly educated Caymanians to revolutionise the Service, to increase the output and increase the enthusiasm for working in the public service, what we do is we bring them back to this type of institution because we are afraid that the private sector might be able to get their hands on them.

We are not suggesting by any means that we put anybody in an imposition. But we are saying that there needs to be more creativity. I know that the time is up, and I know that there are some individuals who would like to pay their respects to the Hon. Attorney General before he departs, since this is his last day. I will leave this to a person whom I know is much more capable of paying these types of tributes than I myself. I will now sit down. Thank you.

**The Speaker:** I will entertain a motion for the adjournment, and on the adjournment we will allow any Member who wishes, to speak. The Honourable Minister responsible for Education, Aviation and Planning.

**ADJOURNMENT**

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

**The Speaker:** Do you wish to speak?

**TRIBUTES TO  
THE HONOURABLE SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION UPON HIS COMPLETION OF TOUR OF DUTY**

**Hon. Truman M. Bodden:** I would like to extend my thanks and the thanks of the people of the Cayman Islands to the Hon. Attorney General for his many years of dedicated service to the Cayman Islands. He has very ably and faithfully performed his duties as Attorney General, as Head of the Caymanian Bar, as an ExCo Member, as a Member of the Legislative Assembly and as Government's legal advisor. I am happy to have worked with him in the Legislative Assembly, as well as ExCo and Government throughout his period of time here.

The Hon. Attorney General has also been a good ambassador abroad at legal and negotiating meetings, and he has been with us on many occasions when we faced very difficult negotiations, and his skill and ability as a legal advisor and at times with certain legal manoeuvres that are carried out at negotiations we very much appreciate.

It is also very good that in this Session he could complete the amendment to the Proceeds of Criminal Conduct Law, a law which he introduced a few years ago, and under which he has worked to advance and mature and develop the Cayman Islands as one of the foremost banking and financial centres in the world.

He will be missed. I wish for him and Karen all the best in the future.

He has been especially instrumental in dealing with the many problems we have had in Cayman Airways. He has served there in the capacity of (I would have to say) an observer to the Board throughout the larger part of that time. I left that to the last because some of the most trying times he has had were probably when the pressure came on and contracts for jets (or whatever), or even the negotiating of the contracts for employment that have gone on there. But this has kept things interesting, I am sure.

Again I would wish for you, Mr. Attorney and Karen, all the best, and hope to see you both back in Cayman in the future. God's blessings go with you.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** Thank you.

I rise to echo the sentiments expressed by the Hon. Minister for Education as he expressed thanks to the Hon. Attorney General who completes his tour of duty with the Cayman Islands Government today. In fact, it has been six years since he began on 20 November 1992. I think I can say without fear of successful contradiction that he has probably given the best six years of his life to this country. For this we say, thanks.

I believe the adjective that best describes the gentleman is "humility". I believe that he brought a great deal of humility to the job and to the country. Going hand-in-hand with that was his willingness to serve, and to serve well.

I don't know if I have ever seen my colleague angry. That just never seemed to be a part of him at all. And ...

[inaudible interjection]

**Hon. James M. Ryan:** Yes, even when!

Often, as I sat next to him in Council and joined with my other colleagues (the five across the floor and the Third Official Member) in our demands for getting legal work done, for getting legislation drafted, and a host of other things, he would always sit there with a smile and willingly take on the task and performed to the best of his ability.

He has been a man who could be counted on. His word could be taken. If he took on a task, you could rest assured knowing that he was going to do his best to see it through to the end. I think this was evident, as was said, in dealing with the recent piece of legislation he completed yesterday.

So, on behalf of His Excellency the Governor, and the entire Civil Service and the country, we want to say a big thank you to the Hon. Attorney General and wish him Godspeed. In doing so, let me extend our good wishes to his good wife. We trust that we will see them back on our shores sometime in the not-too-distant future. May God's richest blessings go with them.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I suppose that someone should say something from this side of the House. I would presume to speak for some of my colleagues (I don't know that I am going to be the only speaker) to incorporate as much of what they might say, as I can.

We didn't know the Hon. Attorney General as intimately as the Government did, but I, on behalf of my colleagues who may not wish to speak, can certainly attest to the fact that one of the gentleman's qualities was his humility. Indeed, I used to observe him unobtrusively and wonder how he was able to maintain his composure and his colour so easily under trying circumstances, even when we conspired to put him under pressure.

I think that we will miss his presence in the Parliament. Again I have to compliment him on his ability to hold confidences and to hold the business of the Government. I think it was indeed an admirable quality, and I think that all of us were impressed by his ability to remain humble, to maintain contact with us and to keep us in a position where at all times we had his respect, even when we knew that his interests may not have been the interests of those of us on the Backbench.

I certainly join with those Members of the Government, Elected and Official, in wishing him Godspeed on behalf of my colleagues. And I have to say that I have never seen him dance as well as he did last evening. I can only attribute that to the fact that he is now free of the burden of dealing with all of us inside here, and perhaps consciously, or unconsciously, brought to my attention that he was happy to be rid of these responsibilities if only for a little while.

I would certainly echo the sentiments too, expressing my wishes that he may see fit to return to this jurisdiction sometime, if only for a passing visit, and to let him know that we shall miss him. We wish him journeying mercies whenever he is ready to depart, and Godspeed. While he is leaving us at a challenging time, we feel assured that we will be in his thoughts and in his prayers.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W McKeever Bush:** Mr. Speaker, I thank you for the opportunity. The Third Elected Member for Bodden Town would have otherwise spoken for me if I did not want to refer to the fact that I worked for some time with the Hon. Attorney General in Executive Council. I guess I entered Executive Council just about the same time he did. At that time he was as much a freshman as I was, except that he had legal training and other back-

ground that I could not draw upon. But I want to say that I found the time working together, while not always easy, always cordial.

It is different in Executive Council than down here, because up there most of the time everything is done behind your back and then they come into Executive Council and talk about it a little bit and it's already, as the old people say, "cut and dried." Down here everybody has an opportunity to say, as the Third Elected Member for Bodden Town put it, even when we connived against him at times, he always was cordial.

I had the privilege also of worshipping together with him several times as he joined the United Church, the same church that I am a member of. I respected that aspect of his life. He and his good wife came and made themselves a part of us.

As I said, while I didn't always agree with him, and at times I guess I made him know that quite vehemently, we always could get along good together. I guess he learned about Executive Council as much as I did, that you have to do things you might otherwise not do, or say. But we had a duty, and so we had to do it.

I want to wish him and his family all the best. May fair winds be at his back, and I, too, would like to say that as far as I am concerned he is always welcome here.

**The Speaker:** Does any other Member wish to speak? The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. I could not let this opportunity pass without also associating myself with the very kind remarks and sentiments expressed by the previous speakers, in particular I wish to associate myself with those sentiments expressed by my colleagues from this side of the House.

I believe that the best tribute that I can pay to the Second Official Member, the Hon. Attorney General, is that he is a gentleman through and through. I believe that in itself is testament to the conduct and the person I have known over the past few years.

Although I did not, like certain Members of Executive Council, have the opportunity and pleasure of working on a daily basis with this gentleman, I can also attest to the fact that one of the things I will most remember him by is his very humble and down to earth attitude. But though not working on a daily basis with him, I nonetheless will cherish the times we spent on a more, perhaps friendly and informal basis in the church and other areas of our lives.

I do believe that the Attorney General, in leaving the Cayman Islands, takes with him a little piece of Cayman in his heart. I think a big piece! And I also believe that within the not-too-distant future we will have the pleasure of him coming to reside permanently in these islands.

I too want to wish for him, and for his good wife, Karen, Godspeed. Certainly, I hope to see them again soon and hope that all their undertakings will be happy and prosperous ones. May God richly bless you, and your family. We hope to see you back here again soon.

**The Speaker:** Does any other Member wish to speak? If not, I shall speak from this lonely position. Neither side included me, so maybe I should speak for myself.

Speaking personally, I want to express and echo the sentiments of both sides, the gratitude of this country to the Hon. Attorney General. Personally, I would like to express my appreciation for the assistance he has given me during the number of years he has been here while I served as a Member of this House, and in the last two years since I have had the opportunity of sitting in this Chair.

Your assistance and support throughout your time here has been greatly appreciated, and I sincerely hope that you will return to the Cayman Islands and also visit the other two Cayman Islands. Remember I always told you that there are three!

So, I want to wish for you and your wife all the very best. May God's richest blessings go with you.

I shall now put the question that this Honourable House do now adjourn until 10.00 AM tomorrow.

Oh, you want to reply? Please. I beg your pardon. The Honourable Second Official Member responsible for Legal Administration.

**Hon. Richard H. Coles:** Mr. Speaker, I wondered if I got the right to reply! [Members' laughter]

**The Speaker:** Absolutely. I've made the ruling!

**Hon. Richard H. Coles:** It was, of course, very gratifying to hear those kind words from Honourable Members. They are much appreciated, and something I will remember always. And to come from all areas of the House as well, I think makes it very special.

It has been a real privilege for me to sit in this Legislative Assembly and to serve the people of the Cayman Islands for the last six years. I have enjoyed my time here immensely. There is certainly too much sand between my toes for me to leave Cayman forever, I think. So, if I have the opportunity I will certainly be returning and looking forward to seeing Honourable Members then, and maybe keeping an eye on proceedings from up in that gallery— who knows? Thank you very much, Mr. Speaker.

[Applause]

**The Speaker:** Does anybody else need to say anything? I shall put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.54 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 20 NOVEMBER 1998.**

**THURSDAY  
20 NOVEMBER 1998  
10.20 AM**

*[Prayers read by the Third Elected Member for Bodden Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper: Administration of Oath of Affirmation, Oath of Allegiance to be administered to Mr. Samuel Bulgin, Solicitor General to be acting Temporary Second Official Member. I will ask all Members to stand. Mr. Bulgin please come forward to the Clerk's table.

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

**Mr. Samuel Bulgin:** I, Samuel Bulgin, do swear that I will be faithful and be a true allegiance to Her Majesty Queen Elizabethan II, Her heirs and successors according to law. So help me God.

**The Speaker:** Mr. Bulgin, please take your seat as Temporary Acting Second Official Member. On behalf of all Members of the House, I welcome you during your period of service with us.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** Item number 3: We have apologies from the Second Elected Member from Bodden Town who is off the island. Other Honourable Members of the Executive Council, Ministers, will be arriving later this morning.

Item number 4: Government Business. Bills. Continuation of the debate on the Appropriation (1999) Bill, 1998. The Fourth Elected Member of George Town continuing.

**GOVERNMENT BUSINESS**

**BILLS**

**SECOND READING**

**THE APPROPRIATION (1999) BILL, 1998**

**DEBATE ON THE BUDGET ADDRESS DELIVERED  
BY THE HONOURABLE THIRD OFFICIAL MEMBER  
ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998**

*(Continuation of debate thereon)*

**Dr. Frank McField:** Thank you, Mr. Speaker. I shall continue my deliberations on the 1999 Budget. Mr. Speaker you gave Members the opportunity to rise and nobody did.

I felt that the debate would cease if I did not take up the position. Now that I have taken up the position, I intend to use my allotted time without feeling that my speech is too long. The supporters of the Leader of Government business (on the outside, in particular), would like to say that '*my speeches are so long*' and that '*we talk and talk and talk*' and that '*talk is cheap*' and '*why don't we get out there and let the Government get to do its business?*'

But there comes a time in the history of a country when a thorough examination is necessary. Sometimes, Mr. Speaker, we can have short debates and deliberations and sometimes there is the need for lengthy debates and deliberations. It is just like going to the doctor: you go to get a massive check-up or you go to get a small check-up.

The Government of the day is now going to have a massive check-up; an extensive check-up; a thorough examination to see what the malfunction is. We can then give the diagnosis and prescribe the remedies. Of course part of the remedy has to be displacing that Government and legally replacing it with a new government.

Mr. Speaker, life is all about mutual dependencies—of people engaged in different, yet complementary roles in life and its ... And, as I explained briefly yesterday, the role of the Opposition is a complementary role in the democratic process. Without the Opposition scrutinising the policies of the Government, the Government would not be able to monitor its performance and therefore correct its direction at the appropriate time. It would be unfortunate of course if we always had to wait until elections in order for Governments to alter their positions, to adjust the gauges and to correct the course upon which they are set on leading the country.

So, again Mr. Speaker, those of us who do not understand the role of the Opposition, understand as I explained, that what the Opposition is there to do, is to constructively criticise the policies of the Government in such a way as to give it the possibility to amend its policies and to adjust its priorities without there having to be a new Government in place. So, the Opposition just does not put itself up as an alternative to the existing executive Government. The Opposition also projects itself as being competent enough to critique the policies of the present Government in such a way as to make its performance even better than it would have been without that particular critique.

Now, what is odd with regards to the Budget, is that when we begin to critique, it is said that we are opposing for the sake of opposing. The sense is, that somehow the function, as critics of the Government, is a useless one. Mr. Speaker, it irritates them basically because



most of them do not really have the equipment to be able to answer back directly and specifically with regards to the type of examination that is being made in the in-depth analysis of the society, of the state of the economy and of the performance of the Government with regards to the state of the economy that is being put out here.

Now, I would like to show that the position, for instance, of the Leader of Government Business with regard to my particular role in this Legislative Assembly, that every time I say something, it is more or less suggested that I have nothing to lose because I don't have a business, or children. God has blessed me with being here and having a job. God is blessing me with a business and making sure that I put the business right next to the Legislative Assembly so that every time the Leader of Government Business comes here he can remember that I am mobile; that I am progressing. And the same thing that is happening to me, Mr. Speaker, regarding progression, we should allow to happen to other members of the society. This will only happen if we have an economy that does not become stifled by added government taxation. So, the same way God will bless me with the business, I hope one day He will bless me with children—I have not given up that particular thought.

So for the Leader of Government Business to talk generally and to try to discredit my contribution in this Legislative Assembly and this country because I don't have certain things that he has, Mr. Speaker—he has to remember that I didn't *'put the cart before the horse'*. I first of all got an education; I grounded myself in certain principles that I believed in; I first of all went and found someone to marry; and I first of all found some way to support that particular home before I went out and did these things that I believe are unnatural—like procreating without having the right things to support the children. So I just want that to be clear to the general public that I am not an irresponsible person—that I am, and in fact have been, very responsible.

Now, with regard to this heavy amount of taxes which has arisen because Government has been incompetent. It (Government) has spent all of its time on spending and blaming other people for the problems of the country rather than putting in the time and trying to make some money. There is a very clear principle in Finance that 'any fool can spend money, but it takes a wise man to make it.'

Here we have as the Honourable Financial Secretary has said in his professional and able way, *"the gap between expenditure and revenue widening so rapidly and so greatly that the country is heading in due course for further serious financial problems."* Mr. Speaker, those words sound like they could be coming from me, but they are not from me. Those are the words of the Honourable Minister for Education—those were the words of the Leader of Government Business who was in my position in 1991 when he said that. He was the critic of the Government of the day just like I am the critic of the Government of the day, today. The interesting point was that he felt that his role as critic was a useful role; that his critique of the Budget Address was a useful

critique; that he started to talk about taxation because the Government was bringing in tax measures at the point in which he was addressing the Budget. And yet it was not said of him that he had nothing to lose. He is talking about his excellence in finance and he gave us a lecture at that time, and I will read some of this—about what you do not do in a country—what the Government does not do with regards to the financial affairs of a country. And it is exactly what he is doing!

Mr. Speaker, when we were discussing the Ritz Carlton issue, there were Members of this Legislative Assembly that got up and mocked me for changing my mind and talking about changing your minds. Now can this Member say whether or not he has changed his mind, whether or not the mind that he has is the mind he had in 1991, or is it a different mind? Which mind is it? I am mindful to ask the Member whether the mind that he now has is the mind that he had in 1991, because... [*Inaudible comment*] Mr. Speaker, I have been advised that maybe the Member might want to rise and answer to that.

Mr. Speaker, all I can say is that I have to in this Address, address the creditability of my delivery by saying that my delivery with regards the financial state of this country is almost identical to that which the Minister of Education gave to this Parliament in 1991. So, if what I am saying is nonsense, then it would appear that what he said back there was nonsense too. Maybe all politicians do talk nonsense; that's what the general public seriously believes. They believe that we will come here and say things and then go and do the opposite.

We need to repair that tradition. We need to make healthy again our democratic and parliamentary tradition. We are not going to make it healthy, Mr. Speaker, when persons who said things like, "That crushing amount of taxes \$20 million in six months is in my view unconscionable and unnecessary because if the Government had been doing what it should have been doing, it should have either reduced down its expenditure on very elaborate projects of the Elected Members of the Executive Council, or it should have found new heads of revenue that do not hurt the country, do not hurt the people, do not hurt the country."

In here, the Member is mentioning the Executive Council, and when I mention the Executive Council *I want to bring the Government down. Frank McField, Dr. Frank McField, Fourth Elected Member for George Town wants to bring the Government down.* That is what some of his supporters are saying—because I critique the policies of the Government just like he critiques the policies of the Government, *I want to bring the Government down; I am power-hungry.*

Well, I am as good as he is; I am a human being too; I should have the same rights; I am elected; I should have the same right to critique that the Minister of Education, the Leader of Government Business, has. And he critiqued the Budget delivered by the Honourable Financial Secretary who is now the Minister for Tourism—one of his colleagues on Executive Council—one of his National Team colleagues.

Mr. Speaker, after the Minister of Education critiqued the Budget, he ran with the same Financial Secretary that he was criticising in 1992, and has sat on the Executive Council with this Member ever since. Yet we are deceitful, inconsistent, power-hungry individuals. Mr. Speaker, we know history well enough to know that when it is recorded, it

works wonders for those persons who are interested in truth.

Now, of course the Third Elected Member for Bodden Town mentioned the way in which the Leader of Government Business felt about tobacco, taxes on alcohol, the increase on liquor and cigarettes. He said, 'While it perhaps is one of the easy areas to put taxes and import duties on, it has an indirect impact that has to be looked at carefully by Members of the Legislative Assembly. Yes, it is perhaps justifiable; more justifiable than others, but as has been said from time to time in this House in different sessions, 'a person who drinks normally is going to go out and buy his bottle of liquor or cigarettes whatever and the ultimate hurt is on the children and the wife who get less of the income.' That is a reality, not a nice one, but it is.'

Mr. Speaker, we are debating the Budget. We are disputing the fact that the Government is claiming that our people are enjoying a high standard of living. We are saying that, in fact, taxation can erode and will erode whatever the standard of living is that the people are experiencing at the moment. This position is no different than the position which was held by the Leader of Government Business when he was, in fact, I might say Leader of the Opposition back in 1991. And since of course he is now Leader of Government, we will assume that he must have been Leader of the Opposition because we do not understand how the Leader of the Opposition could be anything else.

*[Interjection—Mr. Roy Bodden: True, True!]* At the end of day—but the leader of—you know...

So, I believe Mr. Speaker that my critique has given the Leader of Government Business credit because I believe that great minds think alike. I have been challenging that particular mind and saying that I am as capable and as competent and as stable as that mind because if you look at the fact that he made a statement in 1991 and now he is doing the complete opposite, does that show stability or instability? Now where is the particular degree of stability, instability coming from? What is it the result of? The fact that the Government is going to tax the people—has the Minister of Education worked out a formula whereby taxing the people he can improve the standard of life of the people? Mr. Speaker, in the Budget Address what is missing is some type of reasoning as to why this particular estimate will serve to improve the standard and the quality of life for the people in the Cayman Islands.

The Leader of Government Business will get up hopefully, and to show me, demonstrate. Demonstrating by using empirical evidence—not ideological sophistry—to show me why taxation is good at this particular time to, and for, the Cayman Islands.

Why is taxation necessary? Why didn't he take the advice that he gave the Dignity Government in 1991 when he suggested in fact that the reason why there was the need to tax was because of the debts at Cayman Airways? Because of the \$16 million they needed to start the Dr. Hortor Memorial Hospital? He, at least at that time, admitted that that hospital was going to cost \$16 million. But his Government is delivering to the Cayman Islands people, a hospital that is costing more than twice

that amount! Does the necessity for his new taxes have anything to do with the fact that this hospital was dreamed up without any kind of real reality behind it? I wasn't a Member of the Ezzard Miller Government or the Ezzard Miller Backbench, so, I am here as an independent in that particular sense I can speak my mind.

**Hon. Anthony S. Eden:** Mr. Speaker, just on a point of clarification.

**The Speaker:** The Honourable Minister of Health.

**Hon. Anthony S. Eden:** The figures released to this Honourable House have shown that the maximum costing of the hospital was \$28.8 million not \$32 million.

**The Speaker:** Please continue Fourth Elected Member.

**Dr. Frank McField:** It's close enough, but I guess by the time we get it finished it will be over \$32 million anyway. Quite possible. We are not finished with the Hospital yet, we will get there. But I think what I would like to basically comment on is the fact that the health service fees are going to... because when we critique the Budget, we always look about expenses, Government expenses. We have to also look on Government revenue because sometimes we have found that what Government is saying it will spend, is not correct.

We are going to revisit the East End Community Civic Centre/Hurricane Centre, the Gun Bay Community Civic Centre Project again, where I so clearly said that I wanted them to say exactly how much it was going to cost so that I could revisit it. I recorded it for the purpose of being able to refer to it, and we are seeing now that the Government has put into the Estimates additional hundreds of thousands of dollars for the Gun Bay Community Centre. So we know now that not only does Government bring incorrect estimates with regards to expenditure; we know that Government brings incorrect estimates with regards to revenues.

Now, if the health service is going to have an increase in \$7,400,000—because the actual health services fees figure for 1997 was \$3,289,692—and if we are going to an estimated figure for 1999 as \$11,168,000, how does the Government come to ask and justify how this increase is possible? The voters of the Cayman Islands, the stockholders, let's say, the shareholders of the Cayman Islands, any company would fire the Executive, would fire the Board of Directors for these types of figures in here Mr. Speaker because they are not supported by any empirical evidence. How do I know that the Hospital can make...

I go to the bank to borrow money and the bank wants me to support by my feasibility study—in other words by empirical evidence—how I am going to make a certain amount of money to be able to pay back that money. I can't just pick a figure out of the sky and say 'This year I am going to make \$2 million. I have to be able to ably demonstrate that and prove that point.

So, if we are going to make an additional \$7,400,000 from the health service fees, how much are the fees going to increase? Are they going to double, triple, quadruple? And if they do, what sort of effect of raising revenue in this particular area—because that is basically what we are doing here, by selling the services, we are selling the service at a higher price. What kind of effect will it have on the health insurance payments in this country? Will it cause the health insurance companies to increase the cost of health insurance because the Government is wanting to sell medical care more expensively?

Now, I am not suggesting that the Government at present is selling at a correct market value, but I am suggesting that if you are going to raise your prices, especially in the case of Government—unlike if it were the private sector—the public sector in raising the prices gives people the kind of impression that the Government is using the raising of prices to raise revenue and the people see it as taxation. So, the predicament of the health service is fairly different here.

I am strongly suggesting, therefore, that these figures cannot be substantiated and I would like the defenders of this Budget to explain how they have come to the conclusion for instance, that they can make \$13,925,901 more on fees which means fees such as company fees, resident company fees, non-resident company fees, exempt company fees, foreign company fees. In other words, they are going to expect to raise close to \$14 million in company fees.

Now, they are going to raise this. How do they know that? Okay, that is the projected amount. But what is this projected amount based upon? I would like the Government to get up and show me the empirical evidence upon which its projections are based. Because certainly, Mr. Speaker, in the case of alcohol we found that we lost revenue last year (I think) because again what happens is the common theory that if you charge more, you will make more; but sometimes if you charge more you actually make less.

So, when the Government comes before us with a Budget that predictions are based upon consumption rather than stable fixed assets, rather than in situations in fact where Governments do tax assets that are immovable, in a situation where the Budget, the whole financial policy and structure of the country is based upon the taxing of movable objects, in that sense. We don't know at the end of the day whether we will have that increase, or whether we will have a decrease as a result. Because just like we have growth in an economy, we also have recessions and the Budget Address is filled with that particular pre-occupation of the recession. Because everybody knows that in the world (and the President of the United States I think is in one of those Asian countries today) that what the G-7 Countries have been doing over the last year or two years is an attempt to try to stabilise world economy so that growth will not be backwards.

The growth for the United Kingdom for next year is supposed to go below zero, or just above zero, and then it is

supposed to pick up. But those are also the projections and the forecasts of an economist. Now economists are people who like every other profession, speculate. There is no real social science to the sense that it is life, or social life is that predictable, because there are so many variables.

So we have to question, first of all, the good judgement of the Government in bringing a Budget or organising its expenditure based upon what it thinks its income will be because we can seriously question whether or not that income truly exists out there. It can be made up. We can speculate, but there is no surety in fact that they will be able to collect these monies by way of these particular taxes on these particular types of activities.

We have to be cautious, Mr. Speaker, when we say that we are going to spend this amount and we are going to raise money to spend this amount, because apparently what we are not doing here, is—cutting our expenses. We need to be cutting our expenses rather than raising our revenues, because as long as we continue along the road of raising revenues which the good gentleman, the Leader of Government Business, Minister of Education, said when he was advising (as the Opposition) the Government in 1991, he advised them to *cut expenditure not to raise revenue, because we know that never solves the problem*. So, I am just trying to help them to get a tune-up because I know that they do listen to me. They might pretend they don't, but they do because they know that they need to clean up their act; they need to get the increasing spending of Government under control.

They need to find creative and imaginative ways of doing this, because even when they say here that the Cable & Wireless increase will be \$3 million for 1999, they are saying that the actual [amount] in 1997 was \$6,881,212. Now, it is going to increase. Where is that \$3 million going to come from? How are they going to get an increase of revenue from Cable and Wireless? I don't see any place where the Government has told us about that. But I can say one thing that the Minister for Education said on November 27, 1991, **"A new Head that the Member for Communication of Works touted as being the brain child of this Government was revenue of \$2.5 million from Cable & Wireless. Well I notice that the Budget left that out because that is once again, like diesel, it is a tax on the people of this country. The \$2.5 million that they are extracting from Cable & Wireless is passed on to the consumer of the use of telephones in the country because they are not absorbing that amount. It is the same when import duty was put on Caribbean Utilities. They merely passed it on to the local man."** [*Inaudible interjection by Member*]

Mr. Speaker, he was talking about the Third Elected Member for George Town (I think) who was the Minister of Communication. Now we know how they got the Third Elected Member for George Town out of Government. Let's see if the formula works for them. Basically, let's see—because he said, **"A new Head [a new Head in the Budget] that the Member for Communication and Works touted as being the brain child of [his] Government [the Third Elected Member for George Town Government at that**

time] was revenue of \$2.5 million from Cable & Wireless. Well, I notice that the Budget left that out because that is once again, like diesel, it is a tax on the people of this country. The \$2.5 million that they are extracting from Cable & Wireless is passed on to the consumer for the use of the telephones in the country because they are not absorbing that amount." Cable & Wireless will not absorb that amount they will pass it on to the consumer, that's what he is saying.

It is the same with import duty, they merely passed it on to the local man. Now I also see here where he says that, "The most crushing tax that has been put on the people of this country is the doubling of the price of diesel. Diesel is the one commodity that affects everyone in this country. It affects hardest the little man because unlike ..." He is talking about the 'little man' Mr. Speaker. The 'little man' says he does not want the title of 'the little man', because he is not 'little' at all.

The lower income groups, the people who have to work for low wages in this country, the people who are interested in becoming mobile and moving up the social and economic ladder (*like Frank McField is getting the opportunity to move up a little bit*). Giving us job opportunities, Mr. Speaker, and respecting our intelligence and giving the people of the country the confidence to say that they can do the jobs, and promoting Caymanians. We are not talking about Caymanisation but at the same time not really wanting to deal with the people.

So, if the Government is going to get increased revenue from Cable & Wireless, does that mean that Cable & Wireless' profits are going to increase by that amount, since I think Government gets something like—maybe— 20% of the net profits? Well I could be corrected on that, but I believe if the Government is going to get \$3 million, then Cable & Wireless is going to make a lot of money! Now, where does the Government get these figures from? How can the Government say to the Backbench—to the Opposition—that it is in a position to predict what amount will be made from Cable & Wireless in 1999?

How can the Government defend its Budget, financial policies and management and say that it is competent—that this is the way it does books? If the bookkeeping methods are outdated and old fashioned, then it is the Government who is responsible. But I would like to know how it knows this. What kind of contract does it have? Because its contract with Cable & Wireless is of course on the internet now, so, we know! Government was always quiet quiet about that and couldn't tell us what the contract said and it's on the internet? Any person in the world can look into it and see what the agreement is!

So, what figures have Cable & Wireless communicated to Government? What is this telling us? Is there going to really be a restructuring of Cable & Wireless prices? And will that restructuring of Cable & Wireless prices lead to higher local telephone bills? That's the only thing that I can assume that's going to happen. That if Government is predicting its increase in revenue from Cable & Wireless, then it must be having an increase in revenue because of the increase in prices. We have to

understand, Mr. Speaker, that if the Government asks Cable & Wireless to give more money, that Cable & Wireless is going to take more money from the consumer. The Leader of Government Business taught us that in 1991 when he delivered his brilliant critique of the then Government's Budget for 1992.

We notice also that there has been a decline of some \$24,600.86 in motor vehicle duty that is estimated. There is actually a margin that there will be a decrease, which is a different trend. And we don't know what type of effect the increase in duties on automobiles have had on this. So, what I am saying is that when I talk about 'empirical evidence' for those who do not understand those words, they mean: actual, scientific, observable facts and data; not opinions and suggestions and innuendoes. It means concrete scientific facts. If I use this, therefore, as scientific proof, I could begin to suggest by this and a few other instances that the increase of duties or taxes actually leads to a decrease in Government revenue—rather than an increase in Government's revenue.

So, if we are going into the time when world recession... because I don't know how they can talk about world recession that 'we seem to get the cold a year after', that is nonsense! It becomes a little bit more immediate than that, because telecommunications and information cause us to all be alert and aware at the same time. The consumer begins to hold back at the same time in Cayman at the same time the consumer begins to hold back in the United States. So, that particular phenomenon might begin to change. We might begin to see a difference in that we might not actually have to wait that long before we feel the trickle-down negative effects of a kind of recession in the United States.

Now, as I said, there was a decrease in revenue on alcohol and with the new prices we will find most likely that there will be an additional loss in revenue there. The people who are in industry who are more aware of these things happening, are more so suggesting this. The increase in residents companies' fees, the fact that residents—those of us who are asked now to operate businesses in the Cayman Islands—the 'little' entrepreneur—the 'little' person like me, who wants to start a little business... With a little money now I can go to the bank and borrow because I got a little job security for a little while. I have to go and pay more to register my company, I have to pay more for my company which means the goods that I sell have to go up from what I thought they would be when I decided to go to create this company. I am going to have to pay more for work permits, Mr. Speaker, I am going to have to pay health insurance, I am going to have to pay pension. So all of that I have to calculate on the price of the goods.

So, if Government can just come in at any time (because of the power that it has) and demand more when everybody else has to work up to it and work a particular period of time... You have to be reasonable; you have to be competitive. If I want more for the ackees that I sell, I have to make sure that they are competitive. I can't go and get more for my ackees just because I want more, or

need more. My ackees have to be good and competitive with the other man's ackees. But since Government seems to have a monopoly on one thing—not good sense—not knowledge—but it has a monopoly on the thing called force.

It uses that force unwisely in a lot of instances by forcing the population to pay taxes at times in which the population who experiences the economics more so than the Government—more so than the five, the fifteen individuals in here—the people have a much better grounding with the reality and should know whether or not they can at this particular time bear more taxation.

Why is it that we believe that people can still pay for the standard of living that we brag of having here? If we have single mothers and a lot of people divorced, people divorcing, women in the Caribbean in particular they have to...they stay and support their children, their two children, their three children. They have high mortgage payments like I was saying—impossible mortgage payments—higher mortgage payments than the people in America, England, or Germany. Higher mortgage payments! It is said to us every time that, *'but they don't have as high taxes as these people'*. But what about the services that we are getting, that should matter too. You can't just put up taxes without showing us how you are going to improve the services.

It's like what happened on Smith Road: They came and built up Smith Road; they fixed it. And then Anthony Drive where I have to drive through, they destroyed. When the water comes, it all drains and settles there and eats out the road with all kinds of holes. I live on one of the worst roads in this country. So when people are talking about bad roads, I know about bad roads! Since [Hurricane] Mitch came, my car is just about ruined by that bad road, why? Because it's all a piece-piece thing. If they are going to fix one thing, they should fix the other, because it is going to cost more at the end of the day. You know why? Because they are going to have to fix more of it than they would have had to fix. If they had put two drains in there the cost would probably have been about \$2,000-\$3,000 okay? I put a drain in my yard and that cost me—because of the nice gentleman, Mr. Watler—that cost me \$800 and it works well. They came into Windsor Park area, and built up the roads and didn't even think about the effect it would have on the property owners there. We need to plan by always thinking about what type of consequences our actions will have on the population. We have to have respect for the people. It's not shown that way when people go up to the Glass House and decide all of a sudden that they need these fees.

Mr. Speaker, it is interesting that I have in my possession one version of the Estimates that is not this version of the Estimates. It is interesting [to see] the differences in the amounts between what they want now, and what they said they could make in the other one. So, all you want to do is to compare these two books to understand the essence of Government's accounting. What you do is that when you make this one and it does not work out—because you see what happens is, you find

your budget isn't balanced—so, you see that cannot work. *The people would never accept deficit budgeting, so let's go and do a trick on them. Let's deficit anyway but not put it in the estimate, let's put it in the form of loans.*

But that's deficit budgeting, Mr. Speaker, because it doesn't show up this way, it shows at the end of the day that this is balanced, but this is not really balanced because what you are going to spend is more than what you have and you can't change that reality. That is deficit budgeting. You cannot change that reality; this is what I have learned from the good Minister of Education. In his brilliant critique of the past Government in 1991...It is deficit budgeting. All you are doing is putting things in different columns! But if you take time enough, Mr. Speaker, to look in all the columns, you know what's happening. Do you know what's happening, Mr. Speaker? The same Government that is going to spend the money that it borrowed in loans, is the same Government that is going to spend the money that is raised in taxes. It is the same Government that is spending it.

So, the trick has been [*Interjection—Members' laughter*] the creation of statutory authorities. As I said yesterday, I compliment the Foreign and Commonwealth Office, (the FCO), I compliment His Excellency, the Governor, in trying to encourage and speed up the reforms in our financial management systems. Those of us who have been advocating changes in this country have been doing so not because we are reckless and careless and have nothing to lose, but because we are visionaries. We have a vision that things can be done for the people more efficiently and more profitably than they are now being done, or have been done in the last six years since the Government took over.

Now, if you create statutory authorities and when the time in which they were created...I don't suppose that the National Team Government created the first statutory authorities. I believe that this was not their idea; it was not the brain child of the National Team; it was the brain child of the government before.

But, actually what happened, Mr. Speaker, you know we celebrate Pirates' Week—and the Government learns fast. It says: Pirates! What do pirates do? They plunder and pillage! That's what has been happening in this country because of privatisation, the concept of statutory authority. The Government has turned [into] pirates and pillaged the companies and has sent them back out to borrow money to do the work that they have accumulated their money to do and this is 'deficit budgeting' too.

If you put all the debts that were owed out, what you would find at the end of the day is that we are past that ten percent that is considered to be okay to borrow to. We have passed that a long time, Mr. Speaker! — We exceeded that... but they put one in Column A and Column 3 and 3 and 3—and they confuse people!

Let me tell you I am not an economist, I am not an accountant, I am not a financier, but I have common sense. My mother was as good a shop-keeper as any in her days when she was keeping shop, whether it was in

the old market when she was selling 'bread kind' that was coming from Cuba back in the '50s, or when she was at 'Top Star', a little restaurant and bar that we had at the corner back in the '50s and early '60s, or whether she was keeping refugees from Cuba, or whether it was the little shop she had "Gloria's Variety Store" afterwards.

I came from a small merchant family, too, because believe it or not, I have Jewish connections. I don't talk about that, but I do! All the way from Switzerland! So, my mother got that little bit of thing in her and I am telling you she is tight with money. She is so tight that she causes problems in the family. If we had her managing the finances of this country, we would never spend more than we have, because always she says: "Save for a rainy day and—don't hang your hat higher than it can reach".

Don't go telling people you have something and then when they come to get it, you don't have it to give to them. That is what the National Team has done. They went around telling the people that they have something and when the people come to get it, the Government tells them that they have to tax them to get it for them. *[Inaudible comment]* That's not right.

Now, with all of this, we are going to re-paint the tail of Cayman Airways. We are going to take off Jim Bodden's legacy—because that is his legacy—and I know he had to take enough licks in this country to keep the Airline there, to build it up. I am not a critic of the Airline, but I am one who likes to thoroughly look at the reality and lay it out. Why, with all the financial problems the people are having, why come now and tell them that you are going to bring taxes on them and at the same time, Mr. Speaker, you are going to change the design on the Airline? When I say one...

**Hon. Truman M. Bodden:** Mr. Speaker, on a point of clarification.

**The Speaker:** The Minister of Education, please go ahead.

**Hon. Truman M. Bodden:** On the Airline, all has been done sir, is that a press release has been made and has gone out to the public. As to what they prefer, there has been no decision to change anything on the Airline; that decision will come later on, if the Member would just abide within that, please.

**The Speaker:** Thank you. Fourth Elected Member for George Town. Please continue.

**Dr. Frank McField:** Mr. Speaker, I thank the Leader of Government Business for his clarification and of course I do not see it as an interruption, because I don't believe that one can interrupt the flow of this thing. I believe somehow that the "rivers have met, the flows are saved".

I am saying exactly what the Minister said in 1991; I am taking a similar stand as the Minister. I am saying that the Government has to control its expenditure. It is only by cutting its expenditure can Government hope to

manage and spare the people of the inconveniences which are caused by taxation and excessive taxation. He said it had to do with spending in 1991. I am saying it has to do with excessive spending in 1998. Oppositions are the same; we are only in different positions.

Now, as I said, I have tried to also show how the Government can become a bit more creative. So it is not just 'flying' criticism on them, I am saying that they need to become a little bit more creative. They need to leave the statutory authorities alone. They need to allow the statutory authorities to create surplus which might cause the reduction in prices. With the reduction in prices Mr. Speaker, the reduction in itself generates new economic possibilities, because the statutory authorities that supply the Island—supply the people with necessities—the reduction in prices would cause the people who are selling services and goods to also reduce their prices.

So, you can see, Mr. Speaker, the bad economics of the National Team. Never, have I seen a Government without any concept of economics: so devoid of it. I would like to see them get up and really argue with this particular theory. If they do not allow the Port Authority to decrease its prices by creating a surplus to enable that—because the surplus will be the result of efficiency—and the ability to not have to pay loan interest, the Port Authority having to always go back to borrowing, rather than coming to a point to use its own money, is being put at a disadvantage and therefore that is affecting the prices that we are having at the Port.

Now, if this had been privatised, we would have a completely different situation because a private company would never get involved in the politics of every time it accumulates a surplus to throw it away, or give it away. It would be all re-invested in increasing and improving the services of that particular company and making the services cheaper to the consumer.

So, the type of economics of the National Team Government is the same with the Water Authority. We are paying for the Water Authority and they go and take the surplus from the Water Authority rather than allow the Water Authority to build up its surplus so that it can sell water to the people at a cheaper rate.

The people are getting taxed two ways. The people are getting taxed because the Government brings direct taxation upon them and because it sets up companies to sell basic necessities to the people. The Government controls the prices and keeps them high. Government goes to these companies every year, pillaging them and taking away excess capital, in order that they can balance their budget; in order that they can come to the Cayman Islands' people and talk about prudent and competent management, because they have not.

**The Speaker:** When you reach your point, at your convenience we can take the morning break.

**Dr. Frank McField:** Mr. Speaker, I could take that now.

**The Speaker:** We shall suspend proceedings for fifteen minutes.

**PROCEEDINGS SUSPENDED AT 11:28 AM  
PROCEEDINGS RESUMED AT 12:12 PM**

**The Speaker:** Proceedings are resumed. Debate continues. The Fourth Elected Member for George Town.

**Dr. Frank McField:** Thank you, Mr. Speaker. At one stage The Leader of Government Business called across the floor to suggest to me that perhaps its about time I spoke about some solutions rather than about the problems. I am quite willing to do that today, Mr. Speaker, provided that Member is willing to sign his resignation and hand it in. I will take his position [*Members' laughter*], and at that particular time...I think that is the way it works. So, if he has to ask me for the solutions, I think it is about time that he realises that he should hand in that resignation as was suggested perhaps by another Member yesterday in the Debate. There are so many things that we have to be critical of, that there is very little time to work for the benefit of that Minister by giving him all of the solutions to the dilemma.

One thing I find interesting is that the Civil Service Pension Fund is expected to be by the end of 1998 at \$36 million—this is the fund for the Civil Servants' Pension Fund. But already in January of 1993 it was said that...and this is the Cayman Islands' Public Service Pension Board actuarial valuation of public servants pension of January 1, 1993 and it says here, "**The past service liability measurement with allowance for future pay projections is equal to \$121,658,000 using a 6% interest basis and \$99,357,000 using a 7% interest basis. The resulting actuarial deficiency is \$115,413,000 on the 6% interest basis and C.I. \$93,112,000 on a 7% interest basis. In order to fund for the benefits provided to current participants the total actual cost under the projected unit credit cost method including amortisation of the actuarial deficiency over a period of 20 years is C.I. \$17,283,000 on a 6% interest basis and \$14,290,000 on a 7% interest basis. The required contribution rates are high largely because of the magnitude of unfunded past service liabilities.**"

The interesting point, Mr. Speaker, is that we need also to see this as a deficit—as a debt—because the service has been rendered already; the obligation has been entered into; therefore that is a Government debt. So, the Government debt is in fact not as it has been reported by the Honourable Financial Secretary at \$91.2 million, but in fact Mr. Speaker, the debt is much over \$200 million and when we bring in the statutory authorities we will find out that the liability of the Cayman Islands Government is past what would place the Cayman Islands Government in a position to go to the Caribbean Development Bank or any international or regional monetary authority because they would operate very strict, stringent guidelines.

So, for the problem not to have been corrected (if it were in fact a problem) that started to exist in this country in the '80s already, and if we have perpetuated that problem to the nineties and if we are going to perpetuate the problem into the year 2000, then, we are only shifting the disaster from this generation to the other generation.

That's all we are doing, we are impoverishing really the future generation in order that we might have the immediate gratification of saying that we have something, that we have a high standard of living, that we are rich, that we can afford this and that we can build this and Government has delivered this and Government has the capacity to deliver this and that.

So the capacity of Government to deliver presently, is the result of the fact that Government is subtracting and taking away from the future generations. It is interesting also that the Leader of Government Business understood this particular situation when he referred to what the 1991 Government was doing because he was basically also at that time suggested exactly what I am now suggesting is the fact that the Government of the day would not leave anything for future Government to be able spend and to manoeuvre with.

We cannot have this type of immediate gratification syndrome in the people and in the Government, because if it exists in the Government that should be leading the country, we will have it existing in the people—that we have to have everything today—everything must be done at one time and today... And partly, Mr. Speaker, if the National Team Government when it came to power in November 1992 was aware that the financial situation in the country was delicate, fragile... In fact, Mr. Speaker one reason why it was fragile was because there had been no attention paid to the promises which had been made to past civil servants and serving civil servants with regards to the pension payments; the debt which the Government really owed them. If I owed a debt—Mr. Speaker, if I promised to do something—if I owe you, you can come to me at any time to recover that promise, to collect it, and I should have the money available there to make sure that I can pay you. But if I somehow say 'Well, we are going to do it this way, we are going to pay into the fund something like half of what has even been suggested perhaps that is needed to bring it up even to par'...

I understand that the Government is doing whatever it can to get this situation repaired because it is not only Government who is responsible for that... but when you take over it is not one Government and the other Government, it's the Cayman Islands' people. It's the same administration really, it's the same treasury, it's the same book-keeping, it's the same responsibility; the responsibility really is there.

So, if you took it over and you knew that there was an outstanding debt in 1992 when you took over Government. That outstanding debt is the civil service pension fund. The fact that you have been paying pensions out of general revenue, the fact that your business has been so badly organised over a long period of time that you are actually taking from what's coming in to pay these types of responsibilities, which was not of course responsible book-keeping. Then you know you have a debt of over \$100 million dollars. That has to be registered until it is rectified; that should appear on the books.

You should not be trying to say well you are going to go over and choose other priorities, that you are going to

try to build a \$32 million hospital, that you are going to be able to pay \$34 million dollars a year to run the health centres when you have other obligations as well. You have to structure your priorities by first facing the reality. And the reality, Mr. Speaker, is on the books. Now, these are the ways in which people are deceived. This is one reason why when the Government got up in 1996 and said what a great state the economy was in and what a good job it [Government] had done in managing the public resources, how prudent it was as a manager... It never told people about all these things that are still its obligations.

The Port Authority debts are still the obligations of the Cayman Islands Government, whether or not it is servicing them. Because if I go out tomorrow... And I have had this happen to me where students have come to me and said *'Would you come Frank and would you co-sign for a loan?'* and I am very reluctant to do that. I have had to turn a few people away. Do you know why Mr. Speaker? Because all the way back in 1978 when I was working with the National Council of Social Services I had a secretary at that time who actually caused me to co-sign, then left and went away to the States. Do you know what the bank did Mr. Speaker? It came to me for the money. They had a right, they could come and take my property, if I didn't... they could take me to court.

Now if they come to us for the Cayman Airways money, or the Water Authority money, or the Port Authority money, they can come to us, Mr. Speaker, we guaranteed it. It must be registered as part of our liability, and even in this situation I see the relationship as even being more significant, simply because Government is extracting from them every year excess capital that they accumulate, therefore, not allowing them to get to the capacity where they can borrow money on their own strength—where they need, in fact, a Government guarantee. So the Government's responsibility becomes even longer. Rather than trying to get rid of it by allowing them to service their debts, get rid of the debts and become independent from the point of view of having that thing, they revert back to this.

I am not saying that this is something that the National Team Government has done by itself, but I believe that we have come to the point in this country now where the economic strategies and the economic thinking have to change. We have to have a different way of doing things.

Now, I see where the Government is going to spend on health insurance for civil servants over \$3 million. I suggested that the Government have an actuarial study done and that we look at the feasibility of Government creating its own health insurance or creating some kind of insurance scheme or captive insurance organisation. I have not heard anything back about that. But seeing this information in the Budget goes to show that they are not pursuing that idea. But nobody has come to us and said, *'Well, we are not pursuing it because A, B, C, D. We are spending all these million dollars to create health insurance which is about \$90 per civil servant.'* I mean these are rough figures I don't really know about \$90 per civil

servant. Now, that is pretty high if you consider the fact you are spending \$3 million. Anytime you get that kind of spending with a company, if that's what you have decided to do, you should get a better deal than that. But that should be a real terrific health plan, real magnificent, terrific health plan.

Now, what we are saying is that we are going to spend the \$3 million to create a health insurance for the public service rather than giving the public service the possibility to come to us and get medicine free, because we think that this makes better sense. They are saying it even makes better sense than Government having its own captive health insurance. But one thing that they have to think about is in the economics. You have to think about human behaviour because economics is all about human behaviour and being able to predict and forecast economic growth or decline has to do with being able to predict human behaviour.

Unfortunately, Mr. Speaker, human behaviour is not as predictable as a lot of people would pretend that it is. There are so many variables that are uncontrollable that it is very difficult in fact for us to say that there is a precise science that is capable of predicting human behaviour to the extent that we can predict behaviour of not natural things. So, once the civil service (government employees) get a health insurance plan, when they get sick they might go and seek private doctors—paid into private hands—they have a choice and that's not bad that they have choice. So the Hospital that the Government has is going to have to be more competitive in order to compete with the private sector in this particular case.

So, when we are organising, when we are talking about prudent fiscal management, we have to think about all these things. We cannot manage finances by keeping books. Prudent financial management is not all about solely keeping books. Keeping books is only the result. What will show upon the books is the result of prudent management. It is just history. The management has to come before that point. It has to do with your management plans, your organisational abilities, your organisational skills, your goals and objectives. That's what it is all about. And your priorities and being capable of prioritising and activating energy and motivating people to the extent that they can't implement those priorities—those policies.

We have been told in this Legislative Assembly that the National Team Government is competent in doing this. That is nonsense! They are the most incompetent in doing this! And I use the word 'incompetent' simply because the Leader of Government Business used it in his debate in 1991. He said that that Government was incompetent. I am saying that it is okay, that we try to help old people, that we give them a subsidy. But, Mr. Speaker, that is not the only possibility we have available to us.

I am fifty years old, Mr. Speaker, and if somebody told me that I had to retire in five years, I would get really insulted. I haven't even started providing for children yet. People are doing things later in life, Mr. Speaker. People



are living until a grand old age. I am going to live until I am over 100. I know that is God's will. I am not going to question His will. I don't have to say that, He wills that. So, Mr. Speaker, would you like somebody to tell you that when you are 55 years old you have to pack up and go home and you cannot work any more?

Captain Charles Kirkconnell always says that *'the wine gets sweeter the older it is'*, and he would only hire people who have a lot of experience—which means that *are old*. And look at him and his productivity over the last ten years! And right now, today, look at his productivity! So, why is it that we are supporting a civil service concept that says that you have got to get rid of people when they are 55? We have the Fourth Elected Member for West Bay as a good example.

My father never would hear about retiring. He had to work until he died, because, as I was saying, there is nothing wrong with work. That is what gives us our human worth, our productivity. And if we take that away from older people in order to give them \$200 a month or \$500 a month, we are not solving the problem. So, I am saying to the Leader of Government Business, 'Here is the solution.'

We import fruits, vegetables—tomatoes, cabbage and all those things. We heard about backyard farming, we heard about cottage industries. The Third Elected Member from Bodden Town said it was not all about this as a solution but he didn't intend to break it down for the Leader of Government Business plus it's not his job. But just to show the Assembly and the general public that we are not devoid of ideas and that ideas, although they sound vague, are concrete and specific when we want them to be. It's safe.

We talk about Caymanian arts and crafts. We talk about our culture. We are always talking about culture this and that. But why aren't we encouraging the older people to somehow produce for this market that really exists here? Why isn't the Government helping to initiate this? To do the research and to encourage people and to be the motivators? That's the word — 'motivator.' We have to be self-motivators. But in some cases we need to motivate ourselves. We find these things happening. So, I am saying, Mr. Speaker, that somebody who is 60 years old, who is not wanted by the hotels anymore—because industries are coming to a point where they say *'Hey, the person is not competitive.'* But the question is, What role should Government have in recycling labour?

Now if you go back to my 1996 manifesto, Mr. Speaker—and the Leader of Government Business should know I talked about that. I said that what we have to start doing is recycling labour. We can afford to do it in this country because we have over-employment. It would be difficult in Jamaica, where you have 40% unemployment, it would be difficult in England, in Germany and, to a certain extent, difficult in the United States, but not impossible in the Cayman Islands where we have so many people on work permits.

Now, although a person might not be able to perform to a particular extent in a particular industry, at a particular age, the person can work to keep himself alive

in the mind, and the body functioning. I am standing up here, Mr. Speaker, at 50 years of age, and I feel strong as an ox. I wasn't this strong when I was 21, and I worked out in the gym every day. I work out in the morning a little bit because I know I have to do that to keep the body working, because the body is like a machine—you don't give it that kind of practice and things happen.

Look at my cousin, A. Steve McField, I am not going to tell how old he is without him saying that I can do that, because he might get a little upset. I think that's one of the biggest secrets in the Cayman Islands. It's a miracle how old that man is with age, but look at his body. Look at him, Mr. Speaker. And he is still in the Courts! In there like the little 25 and 26-year-old guys that are just coming back from Law school and they are struggling the same. Why? You know he's not going to get old as long as he has something productive to do. He will disappear from this earth, and you wouldn't even know he was old because his mind is focused on a purpose.

Why is it that the Minister of Education believes that philosophy is useless? Why does he not understand that life without ideas, life without a purpose is meaningless? Life, with bread, the Bible says, is not enough; we need more than bread. "Man shall not live by bread alone." It means something, Mr. Speaker.

So, why is it that we feel that somehow we have to just build up the welfare roles? We can begin to bring down that amount of money that we say that we need to find to pay to older people by creating and encouraging them to remain productive parts of our economic environment. It is the most dignified existence, Mr. Speaker, *to work for thyself*. And I can tell you that as somebody who was unemployed for so long, I would never want to retire from anything. When I retire, I retire in a hole. There is no life after work, and, believe it or not, although that has been preached in a lot of societies that there is life after work, people who have any ambition whatsoever, people who have any desire to live, know that there is no life after work.

Now, work doesn't necessarily have to be that you work from 9 to 5 and that somebody pays you a salary. Work could mean that you been occupied with something. It doesn't mean that you have to come to Legislative Assembly or go to a factory, or go to an office to work. You can work at home, you can work diligently, you know; a little basket, making a little basket, doing some thatch rope, or doing some other things: that might have been the traditional material that was used for the craft, but it doesn't have to remain the material that you use to make the basket for the rest of eternity. You don't have to be fixated and stagnated on any particular thing. You don't even have to do the same things. But you can use your hands, your creativity and your ingenuity to produce and to help the society to be able to maintain you, rather than they having to maintain you by taxing, and taxing, and taxing.

The most blessed thing about us in this Island, Mr. Speaker—and those of us who criticise the Government know this most of all—is that if we can get the Government to come to its senses before it is too late, we can

actually save the day. We can turn things around, because there are so many things that have not been tried in this country.

You go on the road in Jamaica and you find the little guy starting as an entrepreneur. He begins with selling a coconut, selling an orange—all those people that you see in this unemployed country are involved in economic activities at all levels. All levels. Nothing is discouraged; nothing is looked down upon; no shame in cutting a coconut.

But when we come to this country the first thing you find...and I was unemployed in this country for a long time and I thought about things— *'Boy, if I could go sell a coconut.'* But the first thing going to be said is that it makes the country look bad; it makes it look like Haiti. *[Interjection—Mr. Roy Bodden: True, True!]*

I tried. So the little guy that might really be able to make money that way and no other way, is discouraged from it because it does not fit the standard. It does not fit the image that we want to project of ourselves. What we have is this whole idea that rather than allowing the spontaneous creative and productive to exist, we are causing people to believe somehow that the only way they can advance is if they get something from the Government, or if they get something from the politician. *[Members' applause]*

At the end of the day, the only thing that the politician gives them is what he got from someplace else. The only thing the Government gives them, in fact, is what it got from someplace else—and that someplace uses the people through taxes, and taxes, and taxes.

I am saying that we could do a lot because we are coming to a point in the country now where we are getting people who are older. We are getting the whole concept of pension and health insurance, but we have to leave people on the job longer. We have to teach people, and educate people, and socialise people to know that it is not what you work for to retire.

There is no reason why you shouldn't enjoy work. There is no reason why you shouldn't train people to believe that there is a glorious task in being a complementary part of the whole productive aspect of your country and your society.

And regarding civil servants, the mass numbers that the Government has to pay pensions for, and they have to slip them out at a particular time as if it were the military that you have to be in top A-1 shape. They run the civil service like it's a military organisation still by their physical requirements and the age requirements and that kind of nonsense! You tell me that persons 65 and 70 years old couldn't be working with Cayman Islands Civil Service? They do it in cases when they really want to do it. But the only reason why people retired in other situations—in other countries—is to make way for new people. But we don't have that same situation here.

Now, I am not saying that people should get to the top and stay there for all those years, but there is no reason why you can't have a different kind of promotion. It could be lateral, somebody could move along, move into a different area or branch. A policeman does not neces-

sarily, although he might have to retire at 55, have to retire from the service. He could continue to work until he is 65 or 70. We cannot afford to define the retirement age at the same level as a country like the United States or Germany that has the productivity and where there are taxes to pay for this.

We know that these are solutions to the problem, that if we get the managers that are so well equipped in the civil service to research these areas and to come back to us and give us their scientific opinions we can work something out of it. We have to start, as with everything, with an assumption. We have to start with belief. Margaret Thatcher says: "You've got to start with the belief." Always with the belief. And that is why the philosophy is so important.

Now the belief that I have started with in critiquing the Government, and to show how we might create some solutions, is to say that taxation is unnecessary in all countries. Its an unnecessary burden to the Government, an unnecessary burden to people, and a waste of resources. Its not getting and circulating the thing right and going to the thing. It is much better at the end of the day to allow people to purchase what they want, rather than taking from them to purchase what the politicians believe will cause the people to worship them and keep them in power.

I believe that the whole revolution in America, the Republican Revolution in America, was essentially a correct position. In fact, Mr. Speaker, we need less Government rather than more Government. And the Leader of Government Business needs to begin to listen to that philosophy and I will break for lunch now.

**The Speaker:** We will suspend proceedings until 2:15.

#### PROCEEDINGS SUSPENDED AT 12.45 PM

#### PROCEEDINGS RESUMED AT 2.40 PM

**The Speaker:** Proceedings are resumed. Debate continues on the Appropriation (1999) Bill, 1998. The Fourth Elected Member for George Town.

**Dr. Frank McField:** Thank you, Mr. Speaker, for your patience and indulgence. I felt, in developing this overview of the economic conditions in the Cayman Islands—as outlined by the Honourable Financial Secretary—and in using what I bring to the debate as a Member of the Opposition—(and of course it is my intention to give the Opposition a greater degree of creditability and usefulness) to show that Opposition's constructive criticism is in fact a complementary part of the Westminster Parliamentary Democratic System. And in causing there to be an evolution—an elevation in our political culture, it is necessary at this particular time to speak also with the intention of enlightening Members of the Government (and members of the public at the same time), as to the important role which debate does play in our ability to evolve the general consensus and to make it more obvi-

ous to the Government as it goes ahead in defining and re-defining policy decisions.

It has been my intention also to take into account the fact that the Foreign and Commonwealth Office and His Excellency the Governor are involved in the reform movements in this country, and to again say in giving my interview and to point out for the real necessity for reform especially when we see the reform in the budgetary process. But the fact that there are on-going reforms, does not necessarily invalidate, or critique, because without the political will, most of these reforms will die on the operating table as have many of the reforms that have been suggested to the Government of this country over the last twenty years.

Mr. Speaker I believe that we need to re-define and limit the role of Government and to make public agencies and their operations more effective, more transparent and more accountable. The fiscal management policies of this Government become a particular problem at this juncture in our development. The reason I say this is because of the way in which our political structure is organised. The Honourable Financial Secretary is responsible to this Parliament for monetary and fiscal matters. But, at the same time, money is really only that energy which causes activity to be possible.

So the reason why we have someone responsible for managing the money, is because we need the money in order to do things and there is a direct and supportive relationship between the policies of the Government, as they are to carry out and deliver certain goods and services, and the money management. The money management cannot be good and correct and sound if the policies that the Government is pursuing are not correct and sound. Therefore, there can be no attempt by the Elected Government to throw the blame on nominated Members of the Executive Council who are, in fact, outnumbered on Executive Council.

This is important for us to understand when we debate, because we have to understand that although the Financial Secretary is an Honourable and independent person, he is part of a process. And that process of bringing the Budget to the Legislative Assembly is not his sole responsibility; he's just co-ordinator; he is the one who ultimately, I would say, is responsible. But he is only one vote on Executive Council, and the Members who are nominated Members to the Executive Council exist as a minority on Executive Council. The majority are Members that we elected to the Executive Council in November 1996.

So, the Elected Members of the Executive Council that Government charged with the different portfolios, are the persons that evolve the Budget. They evolve the Budget by identifying what they consider to be the priorities of the Government; the priorities of the people of this country. The monies are collected or are sought to support those particular policies. There would be no need for additional revenue if the Elected Members of Executive Council had found some other way to evolve policies besides always feeding the desire for more, and more, and more.

So it is important for the general public to understand that although the Leader of Government Business can somehow remove himself from responsibility for fiscal management and reform, he is an integral part of this and he needs to become more co-operative, I would say—at least from what I have seen in terms of some of the seminars that we have been to with members from New Zealand. When they questioned, for instance, even the whole situation with Cayman Airways—when they asked, “Are you in the Airline business to create jobs for people, or to carry passengers?”

Mr. Speaker, I think those of us who understand social analysis, and system analysis, understand how essential that question is: Is Government here to create jobs for people? Does Government need to really exist as that institution that creates jobs for Caymanians, or can Government help to use its expertise and its resources to generate those better paying and working conditions in the private sector rather than somehow feeling that they have to develop within the institution of Government?

We are saying at the end of the day that our philosophy of what Government is, the role Government should play and the role that the people should play in supporting Government, differs dramatically from that of the Leader of Government Business and the National Team. And that is important when we are to show the people that there are differences. But these differences do not come about because of personal differences; these differences come about because of a different understanding of reality and what is necessary in order to maintain the status quo the general good.

So, in critiquing the situation where the Government finds itself depending upon growth, where in the Budget Address we are talking again about a 5% growth, the Financial Secretary mentions this growth and, again, if we are growing in this country it means that growth creates jobs, and it means that if more jobs are created, more people have to be made available to take those positions. And since we are not producing people at that particular level—and even if we do begin to produce at this time it will take awhile before those people would mature to the point where they would be capable of taking their places in the work world.

So, one thing we know, Mr. Speaker, if we are going to predict a 5% growth even with the economic crises in the world, even if we said to the Government ‘Yes, you are right in predicting that this revenue is possible because you are predicting it based upon a 5% growth within the economy,’ and if the English economy basically is going to only grow .89% or so next year, why is our economy going to be able to maintain this traditional 5% growth? I don't understand that. So... [*Interjection—inaudible comment*] The Leader of Government Business said, ‘because of good Government.’ In other words, he is a magician. He can defy reality. But the laws of reality, the laws of gravity apply to all human beings. Whether or not they see themselves as superhuman, the laws of gravity apply to all of us. Thank God for that.

Mr. Speaker, what I am saying is: If the country is to grow at this 5% and not to slow down, let's see it as a given. But then we need to bring in more people; and if we are going to grow at that particular rate (we are talking about some 36,000 people at the moment), we are talking about the year 2000. And what we are talking about 50,000 people? 60,000 people? I think it was 1998 or about then, the Third Elected Member from George Town had already made the prediction, because I remember at the Grand Old House he told me exactly what numbers we were going to have in this country by this particular time and by the year 2000 because their figures were somewhere along the line of 60,000 people—which is basically what is being calculated by the year 2005.

Now, growth leads to growth. People who come to this country don't come to take jobs, Mr. Speaker: they come and by assuming a position they create a job. You see this is a fallacy that we have. People take jobs, but they don't take jobs by their becoming involved and the society becoming more specialised and people becoming more interdependent. We create jobs.

For instance, the fact that women go out and work now means that there has to be somebody at home to make sure that our 'din-din' is cooked and to look after the little bit of, 'keeping the clothes together' and so we import a whole heap of domestic workers that a lot of people think is extravagant. But then if you look at how society really becomes more and more specialised and everybody just does what he is supposed to do, and look at the more sophisticated the society is, the more is the inter-dependencies, the more specialised we become.

So, the more sophisticated the Cayman Islands become, the more demand there will be for the people in the Cayman Islands. That is a basic economic principle, Mr. Speaker, that the good Leader of Government Business should know, as he claims to have the degrees in this area. I do not claim to have any degrees in this area.

So, if we have more specialisation, more sophistication, we are going to have more growth and more people. Yet we have not worked out what we are going to do in regard to our Immigration laws. We have not come to the people to try to show them a concept or an idea of how we can integrate and assimilate the early arrivals into the political or social order.

If we are to go forward and grow without having the philosophical or the political knowledge as to how to initiate the process of integration of immigrants and new arrivals, all we are doing is . . . that the poor group becomes smaller and the other group becomes bigger, Mr. Speaker. At the end of the day we have a few Caymanians and we have a lot of foreigners, and the reason why we have a lot of foreigners is because we do not actually make the process of assimilation and integration possible.

All of us would be foreigners in this country today if we did not make the process of assimilation and integration possible. We know enough about history to understand that at one particular time, for instance, a typical example is the American Negro who was not necessarily

considered American. It was a process of assimilation and integration that took place that actually acted positively in stimulating the internal economics of the United States of America. The abolition of slavery in America helped to improve the entrepreneurial system.

Just like getting rid of this concept of indentured servitude labour in this country would be very useful in stimulating the growth of the entrepreneurial system in the Cayman Islands, that will work to produce wealth to be distributed in the society by way of free exchange rather than the Government holding civil servants to these types of rigid and medieval contracts, and for them to continue to rely almost completely on a work system that is tied to the same kind of philosophical concept.

The Leader of Government Business needs to know more about history. He needs to use more comparative analysis so that we can avoid some of the pitfalls that we seem to have been developing in this country over quite a long period of time.

Now, if we are going to put up the price of work permits, we are showing the people that we are depending upon increasing the number of work permit holders in order to make revenue in the country to finance the growth of the Government as an institution.

So when the Government goes out there and tells the Cayman Islands people that they are concerned about the growth of the numbers of expats in this country, but at the same time they are putting up and increasing their dependency—the Government's direct dependency on the increase in the number of expats in this country—it's a terrible contradiction, I think, indeed. It also goes to show that maybe the fact that people are not given Caymanian status is because the Government wants to create and maintain this whole archaic form of taxation.

The whole dynamics in terms of the fact that we must grow in order for the Government to get import revenue; we have to have bigger projects, we have to have the Ritz Carlton (\$165 million as the Financial Secretary has addressed this in his Budget) rather than having a lot of small projects that would be very useful and still bring consumer benefits to the Government in the way of this form of taxation. Because you would have little people spending money rather than being dependent upon big developers coming into the Cayman Islands and doing these giant projects and making these elaborate promises to us. Because those persons have been on this Island for long periods of time might now be willing to turn their surplus that they have accumulated over the years and put that into the society and circulate that. That circulation would create new energy and new dynamics for the society.

I am not trying to slow down development. And this is where the Leader of Government Business and I differ, because he cannot understand that 'there are different roads to the village' as the African said. You don't have to take the same road. My road, my path, Mr. Speaker, is a little different. I am relying upon the entrepreneurship of the local people—of the local work force, and the people who have come to participate in this.

I have accepted as permanent already the relationships of inter-dependencies, because I can't do without the person who comes to look at my air conditioner, I can't do without my car mechanic, Mr. Speaker. I can't do without my barber, I can't do without my tailor. I cannot do without a lot of things because all I do is what I do. We are all specialised, and as a result of that, we create functions for one another and this is the whole essence of our society. It relates back to our work relationships, the economic relationships and to say that somehow tomorrow we are going to solve the immigrant question in this country by doing what? By denying status? By causing people to horde what they earn? By causing people to export their wealth, that should be circulated?

The immigrant question is a part of the economic formula of this country. We see that every time we talk about supporting Government, we talk about having to explain growth, we talk about having to maintain growth. And by maintaining growth, maintain the pull factor, as we call it in sociology; the factor that pulls people, attracts people to our jurisdiction. Of course, there are those factors in their countries that push them—like poverty and other things. But the main reason why people are here is because we need them here, Mr. Speaker. Because with all the poverty in their countries they wouldn't be here if there were no betterment for them here.

We create the attraction because we have provided the conditions for the growth of capital and the expression of capital development in our environment. So, until Government is willing to destroy the basis for capitalistic development, it will continue to attract people. And it will continue in most cases to be selective, according to Darwin's theory of the Survival of the Fittest, by selecting those who can be most efficient and most productive. Those are the laws of this economical system that we are a part of.

So, therefore, that Government needs to expect certain givens. They need to get off their sitting-down parts and go out and explain to the people how the society is put together—what we need—because, Mr. Speaker, time longer dan rope.

We have come far in 30 years, and not everybody understands. It is important to understand that what Government has done for the most time in this country is to confuse people about what is necessary for our existence; what is necessary for stability. What has been told is necessary for stability is that Frank McField doesn't get a job in this country; that Frank McField doesn't say this, and Frank McField doesn't say that. That has been for the last 20 years. Certain people do not take up leadership positions in this country. That is how we have sole stability when that has nothing to do with it, Mr. Speaker. Stability will only exist when we come to accept what shapes or conditions are necessary and sufficient for a high standard of living. Once you get that co-operation, once you begin to use the expertise in this country, Mr. Speaker—and in a lot of cases you don't have to pay for it because it came and it was trained someplace else. It

comes here but rather than us seeing it as an asset, we see it as a threat.

The thing that really threatens us is bad leadership in this country, not bad management, because the managers are competent. The leadership, let's say they are not in their league as far as I am concerned, and that's my opinion. They need to show me that this is not the case.

Now, I am saying all of this to say that I am not devoid of ideas about how to solve the immigration dilemma, which is partly in this country a moral dilemma. I am not going to tell the Leader of Government Business my business. I am going to keep this, because while he said that I wasn't productive in my society, Mr. Speaker, I was very productive. If I weren't productive, Mr. Speaker, I wouldn't have these ideas today. How do you think they came? Why is it that I can speak for four hours and I am fluent? I am fluent, and I talk, talk, talk. And believe it or not it makes a lot of sense because I was practising. And sometimes people ask *'How do you do it?'* I say it's by writing plays. When you write plays, Mr. Speaker, you have to do dialogues and when you have, like I did in "Time Longer Dan Rope", something like 17 characters, you have to keep all these characters in place and you have to put these characters in space and time, and you have to let these characters interact. That takes practise; you don't do it overnight. And that's the reason why there are not many people that have actually accomplished this sort of nonsense that the gentleman in charge of education would think that this is.

But there were times when I too felt that I would never be given the opportunity to expound upon some of the observations that I had been able to make as an outsider in this society, and also as an insider in this society. If I take myself back and look at how we have developed . . . it is very easy for those who have had that advantageous position to see the development, to be sociologists, because all we are, are observers.

People who came afterward, maybe they have to come back and study it. But most of us had the opportunity to observe these particular factors and these particular dynamics. We know that we can say that there has to come a time when the Government of this country decides that this is a permanent society; not a transitory society. A society in a state of change, but nevertheless a society that is permanent; a society that has its own basic indigenous roots and needs; a society that has built upon different economic and slightly social differences in relationships than other places.

The role of Immigration in the Cayman Islands, the role and the importance of Immigration in creating a prosperous society, not just from providing capital but providing expertise and providing even manual assistance in this society, has to be seriously taken into account and into the economic picture. We should have that as part of the picture, because if that were withdrawn tomorrow, Mr. Speaker, the society would collapse even quicker than if we had no Government.

If the foreign people in this country decided to take one day, one hour, off work, and shut this place down

just for that time, it would not work. It goes to show that you are not considered to be important. We do not consider people to be important simply because of the fact that they have Caymanian status or not, but because of the fact that they become an integral part of the mechanism of the system in which we are dependent upon for our survival and improvement and our godliness.

Therefore, I cherish the idea that we will be evolving a concept of a nation, a concept of a state that will take into account the opportunity to grasp the expertise, and the abilities, and the enthusiasm which is around us today and not to push it away and bar it by putting up walls between us and them—these walls called “work permits.”

I see that Government has talked about the money which they have made on the stamp duties on selling land or the exchange on it. Every year we hear about how much land is being sold. But how many Caymanians are involved in these transactions when we really relate to it? Is it just because people are speculating with the land? If they are speculating with the land, the land is going and becoming priced in such a way that it affects the price of land, because you know how we evaluate land, the land is evaluated according to what land is selling for in particular areas. So, we are getting to the point where the Caymanian cannot afford to buy the land and where the foreigner is involved in owning the land. And when I say ‘foreigner’ I beg to use that generally when I understand that there are a lot of differences from the point of view of what people from different places are capable of affording.

I say this to say that on one hand Caymanians are concerned about retaining Caymanian status and not allowing the evolution of the society by making it possible for other people to achieve Caymanian status, but not many people are involved in saving their land. If you go to people tomorrow and say ‘*Don’t sell your land, keep your land,*’ but ‘*What could you get for status?*’ I have asked people. If you walk down the street you own nothing. You are a Caymanian, but what doesn’t belong to you personally, does not belong to you. There is nothing that belongs to the Government, in fact, to the total people, that you can collect individually in that sense.

Your only rights, the part of the covenant has to do with rights and obligations. It does not have to do with your being supported. So we cannot exchange for our status anything. But the piece of land is valuable because the piece of land is part of the means of production. It can be used to produce, it can be used to live on.

So if the country has developed no laws to retain land, and the country has pursued a policy of selling land and trying to sell more land and to brag about land sales in order to say we are making more money; if the country has done that, at the same time the country retains a rigid hold on the integration of people into the nation by way of giving everybody equal rights to help make decisions on a political level, and make decisions about at least the direction of the country, that is a vast contradiction that people have to learn to deal with.

But it’s the lack of intellectual ability of people that causes them not to see that somehow the boat is getting

lop-sided and somehow the ship is going to break apart if we don’t manage her between the waves. We have to create a balance between growth, and our desire for growth, and our ability to weave a society by integrating people, and by integrating values, and by making the transition in values and ideas. This is where the role of ideas becomes very significant in this particular phase—this very challenging phase of our existence.

The fact that we have persons from New Zealand who are willing to come here to assist us in analysing our present structure, recommending reforms; the fact that they can come in and from the very beginning say that we have a revenue system, we have a need that cannot be supported. Its like the addict that has a need and can’t support it. You know what he does when he has a need and can’t support it? Do you know what she does? They go and break into somebody’s house. But we call that burglary and they go to jail. But the Government does it and we call it taxation—and Government gets away with it! But the analogy, I think, holds up.

It is the same thing, Mr. Speaker: Government has a problem; it has an addiction; it needs to feed that addiction and it goes out and uses the old traditional Caesar-thing saying, ‘*We are the Government. We decide that we are going to tax.*’ But the fortunate thing, Mr. Speaker, is that Parliament must decide if there is to be taxation. Parliament must decide if this amount of money that the Government desires is okay. Parliament must make judgement. Parliament has the authority to do this, Mr. Speaker, and it’s in this light that we make these observations at this particular time. And as we go into Finance Committee and into the other stages, there are persons among us who have their excellence in doing this thorough examination. I am sure it will turn every stone.

This is a good thing because it strengthens the people’s democracy. The people can feel more confident that we are not asleep, that we are scrutinising, that we are diligent, that the Government does not take this country totally off course.

I would also like to say that I am still concerned about the fact that the Government is collecting so much money, or a substantial amount of money, for motor vehicle duty—which is something like \$8,805,107. Gasoline is close to \$17 million. Motor vehicle tax is over \$4 million, and the motor vehicle drivers’ licences are over \$1,300,000.

Mr. Speaker, what is the condition of the roads of this country? Somehow discipline in Government will have to do with giving the consumer what they pay for, and to build up that trust in the consumer, because you have to understand that what we are beginning to preach, what the Government itself is being told, or what’s being discussed at the Glass House with regard to the reforms, is that we are seeing the public as customers and the Government as the deliverer of service, as we see it in the private sector. So the public sector’s concept is becoming very much like the private sector. If this is to be so you can’t have all the money that the people are paying for vehicles eaten out in other areas.

You can say that you need it for other areas, and that they are not paying enough for other areas. You can say that you need more money to go to pay for the expensive hospital and the expensive cost of running this hospital which is something like \$34 million. And these are just estimates in my mind; it might be more. But, in any case, it is important that people see what they are paying for in direct relationship with what they get. That's a good policy to develop, to allow people to see directly what they pay, and what they get. It's sound.

Government must get away from this medieval, archaic concept that whatever it does is well done because the people have put them in power, therefore they have the right to make decisions without even consulting the people, and so forth, and so on. We have to become more like pragmatic persons that are willing to be like doctors—go out there and look for the symptoms of the problems and deal with the symptoms of the problems rather than trying to lead the country by our own personal opinions and our own personal will.

We need a new day. We need new faith. We need to, as I said... if civil servants want to go get Masters' [degrees], let them go. All of them would like to go to United States and not wait to have to go to Britain. There is no way we should continue to kill their enthusiasm and dampen their spirits. And a lot of times when they are already in the frame of mind for studying it is sometimes best to allow them to do that until they have completed their degree. And, of course, we are finding in the world that a first degree is no longer enough in most cases; we need, at least in the American system, the additional Masters'.

So, we want to encourage the Government to see that it does not have to send people off to school, pay millions of dollars for their education and feel compelled to have to employ these people themselves, because that is wrong. Give the people their freedom papers. Let them go out there and sign the freedom declaration, and let them go out there and help them to become entrepreneurs, to create new jobs.

A lot of them, as young people, would find difficulty in going to the bank and getting money because they come from poor families and perhaps don't have the land to get the security to start the business. But Government, if it is a creative and sensitive Government, if it is an intelligent Government, a competent Government, it would not hold up this expertise—would not try to monopolise on this expertise, but would make it available to the general circulation because that improves the wealth of the nation.

The wealth of the nation is not created by Government; it is created by people's initiatives, entrepreneurship. And if we hold that back, if we smoulder that, if we coop that up, if we pen that up, if we imprison that in the Glass House, and that Glass-House concept of creativity and productivity, Mr. Speaker, we are going to find that the country will be worse off.

Now, I have no solutions as to how to limit the numbers of jobs. As a matter of fact as long as the opportunities exist it means that we have a possibility to take ad-

vantage of them. If we don't take advantage of those opportunities today, we might take advantage of them in ten years. I think that I might be considered to be a good example of that—someone who might be considered to have not taken advantages of certain opportunities. But I waited a long time. Don't kill the opportunity simply because there is nobody there to take advantage of it. Allow the opportunity to remain there because one day someone might decide to take advantage of the opportunity.

So what is good is not necessarily that Caymanians are in jobs, Mr. Speaker. That is good, but that is not ultimately what we have to be looking at. We have to be looking at whether or not the opportunities are there, and as long as we have the economic dynamics we will continue to create those opportunities. Therefore, we will also be creating a pattern that will make it possible for Caymanians, when they are qualified or when they are born, to take up the position.

But I also want to say that in particular reference to the hospital, although it is something that I would probably like to research, I believe that we are in a good location to sell medicine, to sell health services. We are in a central place, and just like we have fulfilled a role in banking, just like we have fulfilled a role in tourism, we can begin to perhaps think about how health improvement and health care can be combined with tourism.

Now I would like to see perhaps some of the young minds in the Economic and Statistics Department begin to evolve these ideas, because when we come into Government in the year 2000 we hope that at least we would have given them enough signals to the direction in which they should be working. Obviously, we don't want to keep everything a secret because that would mean that we would have to do everything in a day. And since we are not interested in revolution, but in evolution, we need to give them a tip in the right direction.

Mr. Speaker, we can make good money if we allow doctors to come in, for instance, from places like the United States, Canada, Russia wherever they come from, with the great expertise that we need. We won't have, then, to fly our people over to Miami, but people in Miami might be flying over to the Cayman Islands—also people from Honduras, people from Argentina.

I see where the Department of Tourism is beginning to open some offices in South America. I see where the Financial Secretary has already gone there to look at this type of business. I would like for the Minister of Health to be looking for some business from these countries. Why not, Mr. Speaker? In order to be able to pay for the maintenance of our hospital, and so our people can get advantages as a result of this? I do not see the hospital at the end of the day, although I am critical in certain areas because I am saying we have a problem, let's deal with it. I am saying it is too expensive for us, the consumers of these facilities, to pay in the Cayman Islands. So we are going to have to think about a different concept.

Now, if we look at the situation whereby we say we are saving jobs for Caymanian doctors, we look at the fact that we don't have a medical school. We look at the

fact that we don't have a school for teachers. How many teachers are we qualifying? And that's easier to do over these years. But doctors would be difficult to get into medical schools anywhere because most of the countries that have medical schools want to keep the spaces for their own people. There is a big competition out there. It takes a long time to qualify.

We could have it that good doctors come here, because we are not trying to protect jobs for anyone. Make it competitive. The medical care of the Caymanian people at an affordable cost is more important than any nationalistic principle, any false pride about saving jobs—for whom? Sperm? People not born? Come on, we have to deal with today. If we can get the best doctors in the world here and I get sick, I have a chance.

We didn't decide to buy a jet and put it on the airport to fly people off rather than building a big hospital. We built a big hospital that is going to cost a lot to manage, and we need to turn that into something that is commercially viable. We need to mix the public sector and the private sector; we need to integrate them somehow. And there are so many doctors in the world who are taxed so highly. Medical insurance is international. You can get treated any place and the insurance company will cover you. So Americans can come here and be treated. You could probably not just do it in those areas, maybe even plastic surgery or whatever it is, heart surgery. We can get a program together where we spend additional amounts of money, we can create this type of atmosphere and our people would benefit as well.

So there is still some hope for the health policies, but the Government will need to become a little more creative and a little more dynamic. And if you can go into the South American countries to do tourism and that sort of stuff, then you can do it in this way.

Mr. Speaker, I have been asked to read from the *Hansard* of March 1993, where the now Leader of Government Business, the Honourable Minister of Education said: **"One of the Members spoke, dealing with the training of teachers, and I fully endorse that. In fact, an example given was the Law School. I found that a compliment to me because as Members of this Honourable House know I was one of the early movers for the Law School to come in. It is an institution that I have a lot of pride in, the standards are very high and there is no reason why that cannot be done in relation to teachers and in other areas such as banking and perhaps insurance."** [1993 *Official Hansard Report*, Vol.1, p. 182]

The members of the Opposition Backbench would like to know what that Minister has done to see that there is perhaps a training school. I know it was something that I stressed in my political manifesto, and it was something that a lot of people were interested in. In fact, I was basically relying on people who were choosing second careers, because for some reason we think that teachers have to come from people choosing first careers. In other words, you have to go from school to teachers' training school. You couldn't have gone into work, have a few children and come back to train as a teacher. Because even if a person spends ten years teaching, or has ten years left, . . . and, like I was saying, Mr. Speaker, about

people being able to work longer, there is no reason why somebody shouldn't still be able to work even if they shared jobs as teachers until they are 65 or 70.

Even if we have women in the banking sector, and I appealed to them in my 1996 manifesto, saying, *'Hey, look, we would like to create a teachers' training college here, so that you don't have to go abroad and leave your children.'* That is the reason why it would be good to have a school here, because it would make it possible for people to be able to fulfil their obligations to do that.

I have covered a lot of ground. I have done this because when given the opportunity to rise to speak, Members of Government acted as if they were willing to allow the debate to close. It has been more traditional here that I usually follow (in the Budget Address) the Third Elected Member for Bodden Town—the other Member of the Opposition—who feels compelled to speak on this particular level. Of course, as I said, we have our other Members who will continue to scrutinise this particular process.

I have a few minutes left, and I would now like to refer to the fact that in the Thursday (12 November 1998) paper we find that the Ministerial responsibilities were reshuffled. I feel that I should be able to have that decision explained in a way. If the efficiency of a Portfolio or of a Department is impaired because of the way in which a Member of the Executive Council relates to that department, we in the Legislative Assembly have a right to know, since the Ministers are accountable to this Legislative Assembly. If they are not accountable to this Legislative Assembly, Mr. Speaker, then this whole process is a fraud. For it not to be, we must not be able to talk, we must not be able to bark but when we have to bite we need to be able to do so.

I feel . . . and I am not trying to revive any debates but I feel that that decision needed to have been made and I congratulate His Excellency the Governor in having put Public Works under a Minister—

**The Speaker:** Could I just interrupt you a moment? I would like to call to your attention Standing Order 63(2). It says: **"On the motion for the Second Reading of an Appropriation Bill, debate shall be confined to the financial and economic state of the Islands and the general principles of Government policy and administration as indicated by the Bill and the estimates."** Please confirm to that. Please continue.

**Dr. Frank McField:** Mr. Speaker, I am not going to argue with you on this one. I think that you allowed me so much leeway today that I would not do that at all. I think that I would move on to the economic state of the Island.

Perhaps the other part of the paper [*Caymanian Compass, Wednesday, 4 November*] I need to make mention of, is where it reports that the Ritz lease payment deadline has passed. I would. . . and the Honourable Minister responsible there says that his answer to the paper and to us, is that the complex set of legal documents has been delivered to the Legal Department which is now reviewing them, said Mr McLean about the



lease extension and various other agreements and conditions between Government and the Ritz Carlton. Upon finalisation and signing of the documents, \$4 million will be paid to Government, he stated.

Now, obviously, Mr. Speaker, if the Government had gotten their \$4 million before they came to the Legislative Assembly, they might not be borrowing so much money, or they might not be taxing people. At least they might not be putting cigarette taxes and liquor taxes. So I think that this shows that the Government is incompetent because if it is so important . . . If I employed people, and I were in a difficult financial situation and there was money available out there, and I had to come back and tell those people, *'Well, I am sorry you can't pay your bills because I didn't finish my paperwork.'* No! You see, this statement was made by the Minister responsible for lands, and this is a part of the economic situation.

To say that the complex set of legal documents has been delivered and not finalised. Now how complex and complicated could they be? And if they were so complex and complicated, how come we had access to some documents and we could discuss some of these documents? Then that means that what we were discussing were not the documents. Because if [the documents] I had been debating were not the correct documents that Government says were the—then I don't know. But, again, I believe it is an attempt to blame the management for the problems that the leadership creates. Management is about doing things right; leadership is about doing the right things. If the Government had been about doing the right things with regard to the Ritz Carlton episode, the Government would not have found itself in this embarrassing position today.

And so I say to the Leader of Government Business—who's the legal brainchild in this country, who's the genius—Where art thou \$4 million today, sir? "Time Longer Dan Rope", Mr. Speaker.

I have hope yet that although I disagree with the development on the mangrove side, that the development on the Holiday Inn side will take place and that the Government will find it necessary to be a little more efficient in getting its legal paperwork together so that those people can pay them the money and we can get on with that particular part of the development. So, we could say at the same time that if we did not chastise them sufficiently, they would be doing things like this. . . . And being \$4 million out is a lot. . . . In most jobs you would lose your job for that, Mr. Speaker! You would lose your job and the people of this country need to seriously take that into consideration.

They are going to pay? You are going to ask the people to pay for liquor and cigarettes? You are going to endanger your tourist trade when you know that their arrivals have not been increasing at the pace that they were before anyway? Because the competition is there as well as the expensive pricing, you are going to take the chance of putting the prices up on tobacco and alcohol and to destroy and to affect—perhaps—effectively do this? You are going to stand against other people and you could get \$4 million and you didn't find the time to

stay up nights and get the paper work done and make sure that could all be signed? What an excuse!

You see this is one reason why I find it. . . Me, Mr. Speaker, me? 'As for me and my household,'. . . this explanation, this is supposed to be truth! This is truth, Mr. Speaker, because this statement came from the Ministry. This is true! Bill Clinton—right now they want to impeach him because of what? *[Members' laughter]* Is this true? Can we hold them accountable? Should we? Can we? Will we? Yes we will.

Just like we held the Minister of Education, the Leader of Government Business, accountable for saying that he believed the taxation on these particular issues would hurt children and families and now he is doing it. Now he is doing it, Mr. Speaker! Although, if that Honourable gentleman had used part of his legal expertise he could have helped and assisted to get the paperwork in place to be able to collect \$4 million.

Now what are the Caymanian people supposed to think about those persons that could have \$4 million in their hands and worked so hard to get us to approve this thing and now all they have to do is get the paperwork finished and they don't have the paperwork finished to collect their \$4 million? And you are going to turn around and tax the people? Well, I don't believe seriously that the Government takes its job seriously. The Government needs to come here and defend what it does.

When Government does things like this, Mr. Speaker, it is going to have difficulty with me. This is one reason why I bring certain motions in this Legislative Assembly. I don't bring motions to bring a motion to have a debate. I have to have passion for what I say. And when I have passion for what I say, I don't know anything other to say than what I said. It is quite obvious at this particular time that the pretence—the claims—the accusations that that side of the floor is competent, and that [on] this side of the floor [we are only] "rabble-rousers" is not true! We are only questioning. And should we not question when we have statements made like this?

Those of us who are doing our jobs know that we have to ask the question. . . because I am telling you, Mr. Speaker, we have so many educated Caymanians, we stopped counting. They are smart, they ask questions. I interact. People are questioning, *'Well, how come you are not doing anything about that? How come you are not saying anything about that?'* *How come you people don't see that?*

These people out there, the kids out there . . . and nobody should believe that somehow to be a politician, you should have mastered the art of deception, because I believe that there is a possibility for a new way. There must be a possibility for a new way. There must be a possibility that we can be honest.

Serious questions face this country today. The question of how we are going to integrate and assimilate, or co-exist, with the large numbers of foreign nationals living in the Cayman Islands. Living here not as beggars, but because they are a necessary part of our own existence, and our own high standard of living, and our own contentedness. They are a complementary part of the

package. How are we going to deal with this without dishonesty? How are we going to be able to 'bite the bullet,' as my cousin, A. Steve McField says, and say to the people "these are difficulties, these are the realities"—and to make the transition.

In ending, I have to say, I have one grandfather who is a Jamaican. I have only seen that gentleman once in my life—when I was going through Miami in 1964 to the United States to New Jersey. He met my grandmother, who is a Dixon from East End—Lyla Dixon—he met her in Cuba, Isle of Pines, Cuba. And he fathered my mother by her and one other daughter, and my Uncle O'Neil. So, if I look on my tree—on all my grandfather's daughters—not one of them married a Caymanian. This was back in the '30s, or whenever. One married Charles Barnes, one married some guy called Hunt. Mable married Evans and we don't remember that their father came from Belize or Jamaica. I mean, we don't want to think about that, Mr. Speaker. That's how fast these things take place.

All you have to do is know that by knowing comparative society. People will not dwell on these things. They will pass them by, they will forget about them. Therefore, we have to seriously begin to think about how we are going to integrate the people of the Island. Mr. Speaker are you going to....

**The Speaker:** We can take the afternoon break now.

**Mr. Frank McField:** Okay.

**The Speaker:** We shall suspend for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3.45 PM

#### PROCEEDINGS RESUMED AT 4.15 PM

**The Speaker:** Proceedings are resumed. Debate continues on the Appropriation (1999) Bill, 1998. The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, in conclusion I would say that it is time the Government responsible for Immigration policy, understands that the process of recognising the importance of immigration to the Cayman Islands and the fact that immigration, in some form or other, is a permanent part and fixture of our evolving nation or society. And that it sets itself about seriously making the necessary types of aware development to be able to achieve maximum economic benefits without 'asset-stripping' which means using immigration as a temporary or transitional phenomena enabling them to get quick revenue from immigrants by way of work permits. And perpetuating that particular situation in order to continue to finance Government and to make the excuses that the Island doesn't have any kind of tax system. If we are to continue to grow economically without social integration, it will become the foundation for social and political turmoil in the future. I trust that this job will not just be left to the future Government, but that they will begin to work to find some workable solutions at present.

I would also like to recognise the fact that I haven't seen Mr. John Redman in the balcony since we started; I hope that he is on vacation and not that he is ill. And, Mr. Speaker, of course I do appreciate the fact that the *Caymanian Compass* has someone in the Legislative Assembly covering these debates, especially when it comes to the period of us examining the Budget.

I air my disappointment with CITN and the way in which they have related to this particular important event. I stressed this when I went to London, also about the concept of freedom of the press or a press that is responsible. They have to go through the same requirements and register of interests that we have to go through, and I think, Mr. Speaker, that we showed them a certain amount of tolerance. Too often I hear government ministers in particular making remarks about the press that I do not believe is in keeping with the democratic tradition.

CITN has a Government licence and I hope that they will continue—because I have my time on TV, I have my contract until the year 2000—because I am doing a job. So I can get on TV and I can get my point across. But all the Members here should be able to give the public their interpretation of the facts and of the reality.

If the Government is not interested in visiting the TV station, it should not cause there to be a situation where Members of the Opposition are not consulted. If the Members of the Opposition are invited to the TV station and we go, and the Government doesn't want to go and answer back, that's its business. The TV station is still doing its job.

I have the suspicion, Mr. Speaker—and I hope that these suspicions are not correct—that somehow the TV station—if you look at DayBreak in the morning that used to have a lot of political programs—that these things are not happening. So I am hoping that the media as a whole, feels that it can help us to disseminate the necessary information to the general public.

In conclusion, I would again like to say that in all fairness I believe that the credibility and integrity of the National Team Government is rapidly eroding. I believe that this particular Budget, the need for taxes, the way in which the Government is projecting revenue based upon unsubstantiated imperial evidence goes to show that we need to have more scrutiny, that the Members of the Opposition need to become more and more aggressive in their holding Government accountable. The people as a whole need to understand that the general culture of accountability and commitment by Government as well as the Opposition, is to the overall betterment of the parliamentary system.

What I have tried to do is to take my responsibility seriously. I have gotten up and spoken with the whole confidence that once I spoke, other Members would be given the opportunity, perhaps in a lot of cases, to learn something. I wasn't going to speak for this amount of time, but if nobody wanted to speak I figured it would not be a bad idea for me to use the time of others.

So, Mr. Speaker, I will now close and give the Government, the Leader of Government Business, an opportunity to answer back and just say that he should bear in mind when he answers, that he said in 1991: **"It has one further Heading [meaning the Estimates] and that is the category which points very clearly to the fact that any new Government that takes over from this Government is going to have four of the most difficult years that any new Government has ever faced because the country is left and is now, in fact, in an economic mess and getting out of it stably and doing the consolidating that is necessary over the next four years is not something that is going to be popular."** [1991 *Official Hansard Report*, Vol. III, p. 1224]

Now, we have to say this one year before he actually said it when the Government was going to change. So in getting up to reply, he should bear all of this in mind. He should not just say how useless some of the things I have had to say are; he should also make some comments as to the usefulness of some of the things that he also said in 1991. Thank you.

**The Speaker:** The Honourable Minister for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Thank you. Mr. Speaker. I rise to offer my contribution to the Budget Address, debate. When we look at the Budget before this Honourable House in the range of \$309 million, I wonder if there were any of us who ten or fifteen years ago could ever project that we would get to this level.

Let me say, Mr. Speaker, that the Cayman Islands have always had resolve to maintain stability; to adhere to some financial policy and to get on with the job of governing these Islands, and to make this country safe for children to grow up and for our citizens to be safe from crime and to enjoy a good standard of living.

No matter how you cut this cloth, Mr. Speaker, the prosperity in the Cayman Islands is evident almost every street you turn down. And those streets where you don't find that amount of prosperity, the Government is trying its best to ensure that those who are less fortunate are also looked after.

There is a limited amount of resources so that latter statement is always debatable. But no one can get up in this House and successfully make a comment that the Government is not helping those who are less fortunate in this country: \$309 million, Mr. Speaker—I heard some comments and I hope I heard wrongly. The revenue generated in this country is \$282.6 million. That's the budgeted amount. The recurrent expenditure in this Budget is \$238 to round it off, or \$237 million. The revenue in this Budget covers both recurrent expenditure and statutory expenditure. We need to be sure that the public understands those two figures. We need not to sit quietly and cause them to believe that the revenue in this Budget is not sufficient to meet recurrent and statutory expenditures.

We are also making about \$11 million, Mr. Speaker, as contributions to other reserves and statutory contributions, to public service pension fund. There are roughly \$2 million in it for new services; and for capital acquisitions, meaning the purchase of vehicles, fire trucks, heavy equipment among other things, approximately \$9.2 million.

There are times in this country, Mr. Speaker, when because of economics—because of the need to carry out significant capital work, be it the need for education buildings—where we know that in West Bay, the student population at the John Cumber School is bordering on 480 children; where we know that at Red Bay, there are over 400 children. My information tells me that many of the private schools do not have a great deal of vacant space to be occupied in September.

So, there is a need to ensure that children—where the country says in the Education Law that education is mandatory for children up to the age of sixteen, it is Government's responsibility to ensure that Education facilities, particularly in the public sector, are available for those children to have access to learning.

This 1999 Budget is one of those cases where there is a need to do a new primary school in George Town; where there is a need to deal with the Lighthouse School in this country. There is also a need to build a multi-purpose hall at John Cumber. When they have their graduation ceremonies, they have to go to one of the hotels because there is no building in West Bay that can actually accommodate them. Even their Christmas program has to be held on the playfield, or at some other facility on Seven Mile Beach.

**The Speaker:** May I interrupt you, for just one moment. We have reached the hour of 4:30. When you reach a convenient period then we will take a motion for the adjournment.

**Hon. Thomas C. Jefferson:** We can take it here, Mr. Speaker, if you wish.

**The Speaker:** I entertain a motion for the adjournment of this House.

## ADJOURNMENT

**Hon. Truman M. Boddin:** Mr. Speaker, I move the adjournment of this Honourable House until next Monday at 10.00 AM. I would also like to mention, as was discussed, that next week we will be sitting until 7.00 PM.

Thank you.

**The Speaker:** The question is that this House do now adjourn until 10.00 AM on Monday, Those in favour, please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The House will stand adjourned until Monday morning, 23 November 1998 at 10 o'clock.

**AT 4.32 PM, THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 23 NOVEMBER 1998.**

**MONDAY  
23 NOVEMBER 1998  
10.30 AM**

*[Prayers read by the Honourable Minister for Education, Aviation and Planning]*

**The Speaker:** Please be seated. Proceedings are resumed.

Item number 2 on today's Order Paper: Administration of Oaths and Affirmation to the Hon. Donovan W. F. Ebanks to be the Hon. Temporary Acting First Official Member.

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

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*Mr. Donovan W. F. Ebanks, MBE*

**Hon. Donovan Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Please take your seat, Mr. Ebanks, as the Hon. Temporary Acting First Official Member. On behalf of all Members I welcome you here during the time of your stay. Item number 3 on today's Order Paper: Reading by the Speaker of Messages and announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies for absence from the Hon. Third Official Member, who will be arriving later this morning.

Item number 4 on today's Order Paper: Questions to Honourable Members/Ministers. Question 197 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 197**

**No. 197: Mr. Kurt Tibbetts** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to give a breakdown on the cost of the reconstruction of the George Town Hospital by year from

its commencement to its anticipated completion at the end of 1998.

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

**Hon. Anthony S. Eden:** The new Health Services Complex in George Town commenced in 1995 with engineering design then went into the construction stage in April 1996. Although the new buildings will be completed in 1998, the renovation to existing hospital buildings will not be completed until mid 1999. A cost breakdown of the project from commencement to the final year is as follows:

|                                |              |
|--------------------------------|--------------|
| 1995 actual expenditure was    | \$ 1,261,219 |
| 1996 actual expenditure was    | 5,985,697    |
| 1997 actual expenditure was    | 11,895,899   |
| 1998 estimated expenditure is  | 7,157,816    |
| 1999 estimated expenditure is  | 2,687,851    |
| Total estimated expenditure is | \$28,988,482 |

**SUPPLEMENTARIES**

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Minister say if the estimated expenditure for 1999 is actually included in the estimates before us at present?

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

**Hon. Anthony S. Eden:** Yes, to the best of my knowledge.

**The Speaker:** The First Elected Member for George Town

**Mr. D. Kurt Tibbetts:** Can the Honourable Minister, if possible give us a breakdown to date—i.e., as of the end of 1998—as to what funds were used out of general revenue for the project and what funds were dealt with by borrowings?

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

**Hon. Anthony S. Eden:** No, Mr. Speaker, I do not have that information with me, but with the assistance of the Hon. Financial Secretary's office I will undertake to pass that to him and other Honourable Members.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I wonder if the Hon. Minister could give us an idea of what departments are operational at the Hospital and when will the others be brought on stream?

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

**Hon. Anthony S. Eden:** Mr. Speaker, those departments now functional...the philosophy is that once a section is ready and is operational we move into it. Those [functional] are: Maternity section, Paediatrics, Intensive Care Unit, the Operating theatres, Physiotherapy, Out-Patient Mental Health, Laboratory. The other sections will be finished this year. Once those are finished we will commission the new equipment making sure everything is tested and up and running. By early next year, God willing, everything will be functioning.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, could the Hon. Minister say if the estimated expenditure for 1999 is a result of a conclusion that the estimated expenditure for 1998 which is listed here as being the correct amount; or if the Minister at this particular stage which it is laid on (the year is just about concluded), could the Minister say then if the estimated expenditure here of over \$7 million would be close to what the actual expenditure would be like, and therefore if he has done the figures for the estimated for 1999, based upon the estimated for 1998 being the actual for 1998.

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

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, the engineering and the project management team have estimated this and this is our best figure with the process which we are going through now.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Mr. Speaker, I wonder, for the sake of clarity, if the Hon. Minister could say whether figures are included in these amounts for any renovations on the George Town Complex, not just the Hospital. That is something that needs to be clarified.

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

**Hon. Anthony S. Eden:** That is a good question, Mr. Speaker. As we said previously, this does not only deal with the completion of the new hospital, but when we move out of the existing ward that will be converted into geriatrics. We are also envisaging a hospice unit there

and other areas; also, better capability to handle as a district health centre for George Town. These are part of the renovations we will be doing there which allows George Town to have a bigger and more comfortable space in which the doctors will be able to deal.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, is the Minister saying in fact that there will be a district clinic for George Town on that compound?

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

**Hon. Anthony S. Eden:** It is envisaged that we will have a much enhanced general practice service available in that section.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, my question was whether or not there will be a district clinic for the district of George Town.

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

**Hon. Anthony S. Eden:** Mr. Speaker, not per se as a new building, but as the facilities available for the doctors to practise in there.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** So, Mr. Speaker, that I am clear in my mind, is the Minister saying that in these amounts are figures for buildings that have been renovated?

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

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, that is correct.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** So, Mr. Speaker, the amount of \$28.9 million has not been spent on the new hospital as such.

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

**Hon. Anthony S. Eden:** That is correct, Mr. Speaker, per se as of the new buildings, but the overall—what we see there is the Cayman Islands Health Services Com-

plex and these renovations will complete the entire picture, which we have been lacking for over 30 years.

**The Speaker:** The Fourth Elected Member for West Bay

**Mr. D. Dalmain Ebanks:** Thank you, Mr. Speaker. I wonder if the Minister could say whether the wards that are now being used are already fully equipped.

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

**Hon. Anthony S. Eden:** Mr. Speaker, if he would clarify whether it is the existing wards, or the new wards.

**The Speaker:** The Fourth Elected Member for West Bay.

**Mr. D. Dalmain Ebanks:** (inaudible reply).

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

**Hon. Anthony S. Eden:** Mr. Speaker, I must say that these wards are exceptionally well-equipped. Just this morning—which made me feel good—there was a young lady on there who experienced the ‘world class’ service that we now provide there.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. Once the Hospital has been completed, what is the projected recurrent expenditure for the Hospital—that is, running the Hospital. And how is it projected to cover this cost?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation. This is not a part of the substantive question: if you wish to answer it, you may.

**Hon. Anthony S. Eden:** Just to inform the Honourable Member, Mr. Speaker, that that is part of a substantial question that is coming later and I will give the details at that time.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Can the Minister say if included in these projected figures for 1999 are the figures for the completion of all the external works to the Complex?

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

**Hon. Anthony S. Eden:** Another good question, Mr. Speaker. Yes, it includes all of the final work.

**The Speaker:** I will allow three additional supplementaries.

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Minister tell the House why the \$6 million it cost to stop the Dr. Hortor Memorial Hospital is not reflected in any cost completion for the new George Town Hospital?

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

**Hon. Anthony S. Eden:** Mr. Speaker, that is outside of the project we are doing here with the new Health Services Complex. That is something that I have no comment on.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Can the Honourable Minister say whether all facilities are now in one area? In other words you do not have one site one way and one site another. There is no split-site system—if I am correct. Can the Minister say that?

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

**Hon. Anthony S. Eden:** Excellent question, Mr. Speaker! And if we had used the split-site facility as proposed by a previous Minister, I think that \$6 million would look like peanuts when you would have the doctors and the nurses running from one site to the other trying to deal with seriously ill patients!

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, in a previous answer to a supplementary, I think the Minister undertook to get some information and pass it on with regards to the—I think it was the capital expenditure.

What I would like to find out from the Minister is, since he is about to embark on that, is if first of all we could have the answer in writing at early as possible convenience, and in so doing, could the Minister add to the request from the beginning of the reconstruction in 1995 to get the information with regards to what percentage of the Country’s total capital expenditure for each year was the expenditure on the reconstruction of the Hospital.

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

**Hon. Anthony S. Eden:** Mr. Speaker, I give that undertaking.

**The Speaker:** I did say three supplementaries, but the Fourth Elected Member for George Town has been trying to catch my eye, so I will give him an opportunity.

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I certainly appreciate the solidarity in which the Hon. Minister is getting from the other Members that had to do with the stopping of the Hospital, but the question that I am really concerned with, Mr. Speaker, is whether or not the original estimated cost of the Hospital has now been exceeded and by what amount has this number exceeded that original estimated cost.

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

**Hon. Anthony S. Eden:** Gladly, Mr. Speaker, I will answer that question.

When the first estimate came out it was in the area of \$22+ million. When we took the drawings, etc. back to the Steering Committee in which we involved all of the medical practitioners and technicians, they said to me and the Steering Committee on the whole, that for us to have a much better functioning facility, we needed to add some more space. At that time, Mr. Speaker, it was approximately an extra 2,500 sq. ft.

I know a number of colleagues here this evening and as soon as I found out about this additional space and cost to this Country, I invited at that time the First Elected Member for Bodden Town, the Second Elected Member for Cayman Brac and Little Cayman, and I think the Second Elected Member from George Town. I brought them in and I showed them, and as soon as time permitted, I shared with the entire House the additional cost and the reason why it went up.

**The Speaker:** Question No. 198 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 198 (*Withdrawn*)

**Mr. Roy Bodden:** Mr. Speaker, I would crave the indulgence of [the Chair] and the Honourable House to have this question withdrawn, seeing that the Minister just last week tabled the Cayman Islands' Student Drug-Use Survey, sir.

**The Speaker:** I shall put the question. Those in favour of this question being withdrawn please say Aye... Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The question is withdrawn.

**AGREED: QUESTION 198 WITHDRAWN.**

**The Speaker:** Moving on to Question No. 199 standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 199

**No. 199: Dr. Frank McField** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation how many district clinics have laboratories and how are they staffed and operated at present.

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

**Hon. Anthony S. Eden:** Mr. Speaker, West Bay, Bodden Town, East End and North Side Health Centres—each [Centre] has a room designated as a laboratory. Nurses at the Health Centres use these areas for various urine tests and glucometer testing.

The value of testing on site, particularly of blood tests for haemoglobin and blood chemistry is open to debate. It is more expensive than hospital testing and the results are of variable quality and not subject to the same rigorous quality control as is available at the main hospital laboratory. For laboratory technicians to maintain their skills, they have to have a certain volume of tests coming before them. This is not possible at present in the health centres. Also, it would not be cost efficient to duplicate the high technical equipment at both the hospital and the Health Centres.

Currently, blood samples are taken in all the district Health Centres during general practitioners' clinics. The samples are transported by porter service to the hospital and the results are sent back to the Health Centre where the patient receives his or her results. Results needed urgently are telephoned or facsimiled to the Health Centres from the laboratory.

The Health Centres were designed and built to cope with potential future demand of up to 15 years as well as existing. The need for district laboratory services will be reviewed regularly. At this point in time, utilising our porter service is the most cost effective way to maintain a high standard of test results while ensuring a timely notification of the result to the physician and patient.

#### SUPPLEMENTARIES

**The Speaker:** Supplementaries. The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, could the Minister say if in fact he had any indications previously that a laboratory was necessary for each health clinic and if he did not have this information why were they included in the designs and why were they built?

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

**Hon. Anthony S. Eden:** Mr. Speaker, we deliberately built these health centres to take care of the future needs and for possible expansion so that we would not have to go back—as we know the cost of building and construction these days. It was advised in the technical drawings and the people that deal specifically with this area, that it is better to put it in now, and we would not have to come back later and add it on.

**The Speaker:** Supplementary, the Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, would the Minister say that the main answer which he gave somehow suggests that in fact it will not be variable within the next 15-20 years for there to be a laboratory used in each district clinic. Especially, Mr. Speaker, taking into account that we are dealing with East End, North Side and Bodden Town that are very close together. And that some areas like North Side and East End might be experiencing a decrease in population, rather than a growth in population.

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

**Hon. Anthony S. Eden:** Mr. Speaker, the Member may have a point there, but it's just the philosophy that we, the Ministry, and the health services technicians, said that it is better to have the space there... None of us (I think) can predict what is going to happen in the next 10-15 years—the way I see East End and North Side developing—that the utilisation of this could certainly be used and provide the services right there.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Would the Minister say to this House, Mr. Speaker, that the people's money was best spent in these particular cases?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation. I think you may be asking him for an opinion and...

**Hon. Anthony S. Eden:** My opinion on this—and I think the entire Legislative Assembly and the outer districts would support me—is that this is money well spent. When we all as a government looked at what was provided in East End and also North Side—a little cubicle. And as the Honourable Member mentioned, a toilet block. There is no doubt in my mind that this money was well spent.

We were trying to plan for the future, Mr. Speaker, and that is all we can do. Time will be our Judge as to how efficient and effective it was.

**The Speaker:** The Fourth Elected Member for George Town, do you have a follow-up?

**Dr. Frank McField:** Yes, Mr. Speaker. I do not want to agitate the Minister, as the tone of voice suggests that perhaps he is not too pleased with this kind of questioning. But given the fact, Mr. Speaker, that we are dealing here with the Budget ...(Speaker interrupts asking for this to be turned into a question)...

What I am asking is: If we judge from the position that we are at today, regarding the fact that the Government has to raise revenue measures, that Government has to borrow money, that the Government has spent money and therefore does not have money because it has spent money, does the Minister still think that these were wise decisions?

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

**Hon. Anthony S. Eden:** Mr. Speaker, I apologise to the Member if he thinks that I am getting upset. This gives me a great opportunity to let the entire Cayman Islands know what we have done—the quantum leap that we have made in the provision of health services in these Cayman Islands.

I do not have to say this, but everybody knows that provision of proper health care facilities in these Islands have lagged behind and I am not blaming anyone for what ever reason. But, when we look at the future of this country, if anyone can tell me what can be more important than health and education, I would be pleased to hear. The part of affording, I can share with the Honourable Member.

When we first undertook to build the Health Centre in Bodden Town, that cost us in the region of \$.5 Million. A little bit more over a year later when we did the ones in North Side and East End, with very small extension in square footage, those costs had risen to almost \$1M.

Now, whether it was prudent to wait when the country moved forward at a time when we could afford these facilities, my view was the longer we wait the more expensive it became and when the Government is constantly being called on to provide services at nominal fees, this is where the problem is. But I am pleased to say to this honourable House that with the help of the people in the Health Services and the Financial Secretary's office, we are undertaking to look about improving the way we go about collecting fees. With the support of this House we will go forward and we do not mean to kill our people but we must face reality that the fees, at least, we should break even.

Thank you.

**The Speaker:** The Member for North Side.

**Mrs. Edna Moyle:** Thank you Mr. Speaker.

I wonder if the Honourable Minister would say if the district clinics have eased the long delays at the George Town Hospital as well as has made it easier particularly for the elderly people of the eastern districts to receive treatment without having to travel to George Town and is



this in itself not reason for the money to have been well spent.

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

**Hon. Anthony S. Eden:** Mr. Speaker, that question was music....

**The Speaker:** May I beg you, while you are on your feet, to move a motion for the suspension of Standing Order 23(7) and (8) in order that question time can continue?

#### SUSPENSION OF STANDING ORDER 23 (7) & (8)

**Hon. Anthony S. Eden:** Mr. Speaker, I move the suspension of this Standing Order so that questions may be taken after 11:00 AM.

**The Speaker:** I will put the question that question time continues. Those in favour please say Aye, those against No.

**AYES:**

**The Speaker:** The Ayes have it, Question time continues.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

**The Speaker:** Please continue Honourable Minister and I apologise for the interruption.

**Hon. Anthony S. Eden:** That is fine, Mr. Speaker, I am in an excellent mood.

As I said, what that Honourable Member from North Side said was music to my ears. It confirms the way that we have been going forward and the philosophy that we have adopted now in the hospital by total involvement of the medical technicians and the way forward. Not 'me' as a politician nor 'us' as a National Team; it must be the people who are the caregivers. I can give an example: At the Monday night clinics in Bodden Town when...And this was the whole reason behind these facilities in West Bay, North Side and East End...When a parent goes home from work in the evening after 5 o'clock and finds his child sick, on certain nights we now have that [facility] where parents can take their children. And yes, Mr. Speaker, as was told at His Excellency the Governor's residence, there is significant improvement in the Casualty area of the waiting time and the bold attempt by the providers to reduce that time.

The problem we have, as anywhere in the world, is if there is an emergency, we must deal with that emergency. But we have significantly reduced the waiting time in the Casualty area.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you, Mr. Speaker, and while giving the Minister for Health his just due, in giving those explanations I noticed the Minister for Education when the Minister for Health said, "What better way to spend the country's money than on Health and Education" and the Minister for Education was nodding his head. It is rather late in the day for him to be nodding his head.

The question I wish to ask that Honourable Minister— and I think it is just to clarify the situation—

*[Interjection—Mr. Roy Bodden: I bet you have your match now!]*

**Mr. D. Kurt Tibbetts:** I think perhaps there is a misunderstanding regarding the clinics and the space that has been provided for the laboratories. As I understand it, and perhaps the Minister will just clear that up for us so that we can be sure: these individual laboratories in the district clinics are certainly not equipped (or are they?) with the type of technical equipment that is used at the primary facility. So that in actual fact, the money that was spent in the construction was simply a matter of space and not into any heavy equipment, and that in the future if the need arises, it can simply be equipped. I just want to make sure, but I believe that might be a genuine misunderstanding.

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

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. That was a good observation and this is what I am mainly referring to. The space is there when and if the need arises. We will just move the equipment in.

**The Speaker:** I will allow two additional supplementary questions. The Fourth Elected Member for George Town.

**Dr. Frank McField:** It certainly was not my intention to suggest that the laboratories were equipped. I was under the impression in fact that there was space there for them and that they had not been equipped and staffed, or operational. I simply want to clear it up that in fact I believe that somehow this was a foresight on the part of those persons designing these clinics.

**The Speaker:** The Third Elected Member for West Bay caught my eye first, please.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I just want to say that I know that the people of my district, (i.e. West Bay), really appreciate their health clinic. I wonder, for the benefit of Members and the listening public, if the Minister could give us the opening hours of the district clinics, especially the evening hours.

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

**Hon. Anthony S. Eden:** Mr. Speaker, I do not have that readily at hand. We keep adjusting the hours as we see the need, but I will give the undertaking to pass it to all Honourable Members within their districts. Thank you.

**The Speaker:** I will recognise the Third Elected Member for Bodden Town. The Fourth Elected Member for George Town did not have a supplementary. This is the last supplementary.

**Mr. Roy Bodden:** Mr. Speaker, can the Honourable Minister tell the House what procedures are in place for collection of fees for services rendered at the clinics and also, to say if he is aware of any difficulties in such collections when services are rendered by virtue of the fact that there may not be a specially designated person with a cash float and arrangements for such collections.

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

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, we have recognised this difficulty. We will have clerical staff there shortly. In most of these we are also, as you know, with a link up into the George Town facility, providing computers. One of the things that we look at is the significant use of these health centres by entitled cases, and there are times when there is no money collected.

**The Speaker:** Do you have a follow-up?

**Mr. Roy Bodden:** Yes, Mr. Speaker. I certainly do.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Minister tell the House what happens in those cases when persons have to pay and come prepared to pay and there are no facilities for the collection of money and for the return of any change that may be necessary?

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

**Hon. Anthony S. Eden:** Mr. Speaker, to the best of my understanding, the clerical staff and the nurses will now collect these funds and whatever provisions need to be put there to make sure the fees are collected I will undertake to have it done.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, can the Minister say if this means that in those cases where procedures were not in place before the service was delivered gratis?

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

**Hon. Anthony S. Eden:** Mr. Speaker, not to my knowledge. The nurses are there and I would hope that they have collected whatever was supposed to have been collected.

**The Speaker:** The final supplementary now. The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker it is not a supplementary, it is just an observation for the Minister's knowledge, sir, that at least on one occasion when I visited the clinic there was such a case. The nursing staff found themselves in an awkward position because they could not give a receipt, and they were unable to collect any monies. It was also recognised that it was awkward for the nurse to be the server, the dispenser of the service, and also the cashier. I would hope that the Minister takes this into consideration and move. Would the Minister...

**Hon. Truman M. Bodden:** On a point of Order, Mr. Speaker, surely this is Question Time. Are we allowing long statements to be made?

**Mr. Roy Bodden:** Would the Minister undertake to ensure that this situation is rectified at his earliest convenience?

**The Speaker:** Moving on to question No. 200 standing in the name of the Fourth Elected Member for George Town.

**Mr. Roy Bodden:** Mr. Speaker, are you going to allow the Minister to give the House an answer, sir?

**The Speaker:** I thought you said you were just making an observation.

The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, do you care to reply?

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker.

Yes, I will give an undertaking. I will investigate and attempt to rectify the problem.

**The Speaker:** Moving on to question No. 200 standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 200

**No. 200: Dr. Frank S. McField** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to list: (i) each doctor at the Government Hospital according to his or her area of speciality; and (ii) the number of patients each doctor treats each month and say how this compares with doctors in the private sector.

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

**Hon. Anthony S. Eden:** A list of the doctors in the Government Health Services Department by area of speciality is attached to this answer (see Appendix). Unfortunately, it is not possible at this time to provide information on the number of patients seen by each doctor. The Ministry and Health Services Management Team recognise the fundamental importance of such a statistic and it is anticipated that we will be able to provide this information once the move into the new facility, the substantial improvements in computerisation and the addition of more clerical staff are complete. I am unable to provide any information on the patient load of private doctors.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, the supplementary question is if there is no empirical evidence at this time to tell the Minister the number of patients that a doctor is seeing, how is it that he is able to determine the level of fees that the hospital would be capable of collecting next year?

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

**Hon. Anthony S. Eden:** Mr. Speaker, that is a good question. Up to approximately two or three years ago this information was recorded manually. But, at some time a decision was made not to record this anymore. The increase in physician staffing relied very heavily on the recommendation of the former Chief Medical Officer. The Financial Consultants who are working on a strategic financial plan for the Health Services Department and the new Chief Medical Officer who takes up duty in January will be reviewing this and other value for money issues.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, for the sake of clarity, the Minister is therefore saying that he could not say the number of patients that the Government gynaecologist would be seeing each week, month or year?

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

**Hon. Anthony S. Eden:** Mr. Speaker, we do have statistics showing how many patients are seen annually, but not specifically by each doctor. This will be addressed and I give the undertaking to this Honourable House.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, could the Minister say if there are no statistics to say how many patients each doctor sees, how then can the Hospital Administration determine the number of doctors to work at the hospital in each speciality and the hours in which these doctors should work?

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

**Hon. Anthony S. Eden:** Mr. Speaker, as I mentioned earlier, the recommendation of the increase of the medical doctors was on the recommendation of the former Chief Medical Officer in consultation and I do acknowledge that there is a problem with this and we will address it.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I am willing to understand the Minister's predicament, but it is also important that if the Minister is coming to this Legislative Assembly for the approval of funds for the recurrent expenditure of this hospital and that this has to do with staffing, that the Minister be able to make an undertaking at this particular time to give us these statistics or as soon as possible. My question is: whether or not the Minister will now give the undertaking to see that the statistic data collection becomes a vital part of the hospital administration and policy.

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

**Hon. Anthony S. Eden:** Mr. Speaker, I am notified that the Manager of the Information System has this as his #1 priority. I do give the Honourable Member my undertaking to see that this is addressed post-haste.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries, we will move on to question number 201 standing in the name of the Fourth Elected Member for George Town.

### QUESTION 201

**No. 201: Dr. Frank McField** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, if the Government has given any consideration to the impact that a private hospital might have on its health plans, policies and finances, and if so, what are the concerns, if any.

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

**Hon. Anthony S. Eden:** The Ministry and Health Services Department have been discussing for some considerable time the possible impact that a private hospital

might have. As a result, and in order to ensure that income, expenditure and utilisation of services are as accurately forecast as possible, we have contracted with District Audit of the United Kingdom to review, among other things, proposed services and staffing levels in light of the coming on stream of the private hospital.

This issue was also discussed by the members of the Health Strategic Planning Team when they met recently to update the National Strategic Plan for Health. Strategy 6 of the Plan reads, "we will develop and implement a collaborative process between the public and private sector for the provision of a comprehensive and efficient health care system". The Planning Team decided that an action team should be formed and tasked *inter alia* to review all the action plans in Strategy 6 in light of the imminent construction of a hospital in the private sector.

Government welcomes the advent of a private hospital. It is hoped that this facility will complement the services currently being delivered by the Health Services Department, further reducing the need for Caymanian residents to have to travel abroad for health care. We believe that competition is healthy and will improve efficiency and cost effectiveness in both the private and government services, thereby benefiting the population at large. My Ministry and the Health Services Department will review our health care provision annually and will take any action necessary to ensure the efficiency and cost effectiveness of the service.

### SUPPLEMENTARIES

**The Speaker:** Supplementaries, the Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, first of all let me say that I, too, welcome the advent of a private hospital. I believe that [some] competition is better than no competition, so the fact that so much of the Minister's answer I consider to be ideological, I would like to ask as a supplementary, How will it be possible to have the audit done when there are no statistics available for it to take place?

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

**Hon. Anthony S. Eden:** Mr. Speaker, it is just the one area that I touched on earlier in regards to the doctors, but we do have statistics for all of the other sections that would be affected by this.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I am not really going to pursue this any further because it is quite clear here what the problem is, but in the answer the Minister said, that the "District Audit of the United Kingdom to review, among other things, proposed services and staffing lev-

els in light of the coming on stream of the private hospital", so if we do not know how many patients the gynaecologist is treating at this particular point, when the private hospital comes on stream, we are going to be almost incapable of making a comparison of analysis. That is clear to see. Is this not the case?

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

**Hon. Anthony S. Eden:** Mr. Speaker, the process which District Audit is doing is comparing what we have here, the services we provide, and comparing it with best practices elsewhere.

**The Speaker:** If there are no further supplementaries, that concludes Question Time for this morning. We will move on to Item No.5 on today's Order Paper. Government Business, Bills. Continuation of the second reading on the Appropriation (1999) Bill, 1998. Continuation of the debate on the Budget Address delivered by the Third Official Member on Monday, November 16, 1998. The Honourable Minister responsible for Tourism, Commerce and Transport, continuing.

## GOVERNMENT BUSINESS

### BILLS

### SECOND READING

#### THE APPROPRIATION (1999) BILL, 1998

#### DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998

*(Continuation of debate thereon)*

**Hon. Thomas C. Jefferson:** Thank you, Mr. Speaker.

It's wonderful to hear blessings from heaven, as I am about to speak.

Before I continue my debate which I began on Friday afternoon, allow me to say that yesterday I was given a portion of scripture which is appropriate to share before resuming the thoughts I had last Friday afternoon. I believe the scripture verse unshackles my thoughts from fear and encourages me to tell the people of the Cayman Islands what they need to know—not what they need to hear! It is found in Ephesians 6:12, and it says, "Our battle is not against human forces but against the principalities and powers, the rulers of this world of darkness, the evil spirits in regions above." Let me read that verse again, "Our battle is not against human forces but against the principalities and powers, the rulers of this world of darkness, the evil spirits in regions above."

Today the people of the Cayman Islands will hear from me, without any fear of evil spirits, my analysis of the Budget, what it contains, and what I suggest it does

not contain, but should, if we are to carry out the work of the people of these islands

Today is not about votes. It is, I suggest, about the future of the Cayman Islands, our children, theirs and our movement into the 21<sup>st</sup> Century. Today is not about continuing free this, and free that. Today is not about free education. Today is not about free medical. Today is not about patchy roadwork. Today is not about no safe remand for our children. Today is not about inadequate facilities in our primary and secondary schools. Today is not about the method of dealing with work permits should not be changed. Today is certainly not about lip service.

But today, in the name of Jesus, is a day to take action. Today is a day to step up to the front and proclaim that I am going to commit myself (or, we, ourselves) to a change that will provide the facilities, the programmes, the procedures to make this Cayman Islands a more caring community, a better place to live and to do business.

Thank God for the resolve in these islands to maintain stability, to practise sound financial policies, to get on with the challenges of governing these islands, making them safe for our children to grow up; for the citizens to be safe from crime; to enjoy a good standard of living; and to care for those who are less fortunate than ourselves. The 1999 recurrent expenditure provides for an increase in financial assistance to those social service cases causing a rise to \$3.1 million.

We have to ensure that the prosperity in this country trickles down all the way to the bottom. There are many of us who for a variety of reasons are unable to work. And we have to ensure that they are taken into the equation so that we establish what is necessary in this country; that they are able to participate, and if for health or some other reason, they are not, we must ensure that they are cared for in the most reasonable way.

The 1999 Budgeted recurrent expenditure provides that the Government will '*practise what it preaches*'. It will obtain health insurance coverage for civil servants, and others, thus a new item which adds \$3 million to the recurrent expenditure. The 1999 budgeted recurrent expenditure includes money for an environmental study to be carried out on dredging in the North Sound which most people in this country wish to happen.

The 1999 budgeted recurrent expenditure also includes cost of living increases for civil servants and others of 2.7% for 1997 and 3.3% for 1998 so that the normal, annual increments to civil servants' salaries and wages, plus the cost of living increases will add another \$16 million to recurrent expenditure over the 1998 approved figure. The cost of the personal emolument in 1999 which includes salaries, wages and allowances and other things of that type, now reaches \$124.2 million.

The 1999 budgeted recurrent expenditure also includes a new item, \$550,000 so that the census, which is held every ten years, can be conducted. The 1999 budgeted recurrent expenditure provides more money for scholarships, which provision is now reaching \$2 million annually. The 1999 budgeted recurrent expenditure in-

cludes almost a \$400,000 increase for subsidy to private schools, that sum now reaching \$1.4 million.

So, Mr. Speaker, it is those sums of money that cause the recurrent to rise to \$237.3 million. Can we now talk about cuts of recurrent expenditure? Where do we start with these cuts? It is not so easy to decide is it? When we think of the purpose for which those funds are provided in the 1999 Budget, which one of those sums do we cut? I will come back to this recurrent expenditure later.

Dealing with the statutory expenditure, the 1999 Budgeted statutory expenditure includes an increase from 4% to 6% in the Public Service Pension Fund, a sum of \$1.9 million, causing the annual sum to now rise to \$9.1 million. Additionally, there is a \$2.3 million increase further in the public debt repayment, that now reaching \$17.3 million. And there is an additional sum for self-financing loans.

Now, let me clarify the financial position as I read it in the Budget. We have budgeted the 1999 revenue to reach \$282.6 million. And when we subtract the recurrent expenditure of \$237.3 million, plus the statutory expenditures of \$23.2 million, we end up with a surplus of revenue over recurrent and statutory expenditure of \$22.1 million.

There are further contributions: \$1.3 million to other reserve funds, and \$9.66 million (or \$9.7 million) to the Public Service Pension Fund. If you deduct those two numbers there is \$11.1 million of recurrent revenue available for capital expenditure and new services. So let us not say that recurrent and statutory expenditure cannot be met from the revenue.

Just to go over some old ground, as a former Financial Secretary who served for ten years in that position, and a person who has been involved with the Budgets over the last 25 years or more, it is simply proper for me to make this statement: The system must be changed. We must change the system of fighting over revenue increases each time. If Government could recover the cost of the service it provides, all of our lives would be enriched. I am not suggesting that it be done overnight, but that we agree and establish a programme which improves the cost recovery every year. There is no magic wand. Either we agree to take the matter in hand today, or one day we will end up with some tax that all of us—I put it to all of you—do not want.

Let us look at some of these increases we have been talking about. The collection of garbage from our houses: It is normally collected twice per week, and we pay \$50 per year. Do we realise that we are only paying 96 cents for a garbage truck to come to our homes and pick up the garbage twice per week? The cost to Government for providing this twice-weekly service is \$191, or \$3.67 per week. We are asking in the 1999 Budget that we all pay \$100 in 1999, which is \$1.92 per week for a truck to come to your house to pick up the garbage twice weekly.

I know a lot of things from the time I was six or seven years old. Today I am dealing with this one. The recurrent expenditure provided in the 1999 Budget for

example, Environmental Health (and I am not picking on any department, I am just using some cases) is \$5.5 million. How much revenue do we expect to collect from garbage fees next year? It is \$3.3 million. So that particular Government service costs us \$2.2 million more than we are collecting even when the annual increase moves from \$50 to \$100.

I wonder how much it costs when you go to Blockbuster and pick up a tape each evening? Is it very different from \$1.92? I am using some examples. I think when we check it we will find that the condominiums along Seven Mile Beach also are asked to pay an increase.

Another example: The Planning Department is costing a recurrent expenditure of \$1.9 million. I believe that last year they approved something like \$300 million worth of development. Yet, the revenue that we collect is \$905,000. The department is thus costing the Government \$1 million more than we are collecting in revenue. And we know about the infrastructural fees and things of that sort. That is not what I am talking about.

Lands and Survey is costing Government \$5.9 million to operate on an annual basis. And collecting \$1.1 million in land registry and survey fees. I know they also do assessments for stamp duty purposes, but I am not talking about stamp duty. The George Town Hospital, and the district health services (and we heard figures this morning) where the Government is expecting to spend by the end of 1999 something in the range of \$29 million providing facilities that are at a very high standard and have been, and are adding medical and other personnel so that the public will receive the proper quality of service which they require.

These services will have to be paid for and I am not suggesting any overnight quick fix. I am suggesting that there is a need for a programme to reduce the subsidised health care. I think the Bible does say that *the poor you shall have with you always*. And the Government has to be sure to bear this in mind and act responsibly in all future measures dealing with any kind of service it is providing. Certainly, the Government's decision to obtain health insurance coverage for civil servants and others is a major step to reduce the free medical care where the hospital does not collect any fees from those persons.

Yes, Mr. Speaker, there is need for the Government (and I am aware that the process is moving on in the Government at the moment) to carry out an extensive examination of the revenue and take control of this position now and in the future for development purposes and for the prosperity of our people. And I am not suggesting change only to the recurrent expenditure portion of the Budget; we must also change the budget system of dealing with capital development.

**The Speaker:** If you are going to a new point, would this be a convenient time to take the morning break?

**Hon. Thomas C. Jefferson:** Yes, Mr. Speaker.

**The Speaker:** We shall suspend for 15 minutes.

## PROCEEDINGS SUSPENDED AT 11.47 AM

## PROCEEDINGS RESUMED AT 12.46 PM

**The Speaker:** Please be seated. The Honourable Minister responsible for Tourism, Commerce and Transport, continuing.

**Hon. Thomas C. Jefferson:** Thank you, Mr. Speaker.

When we took the break I was suggesting that we must also change the budget system of dealing with capital development. We have witnessed over a number of years that we have a tendency to put sums of money in the Budget. Most of the time not all of it is accomplished. Part of the reason is that we get too anxious, or maybe we expect too much and we don't assess the practicality of actually carrying out \$25 million or more worth of work. I believe that there is a time when we should look at capital development over a period of two years and I am going to speak to that.

Let us take a good subject. We know that the traffic congestion in this country is one of the most frustrating items in our daily lives. And the Government (as well as the Members of this House), has a responsibility to take the necessary steps to have it corrected. And let us stop, please, giving lip service because we are going to do this, or we are going to do that. And when I say lip service, I am not pointing any fingers. We are all guilty of it to some extent, when we think that as far back as 1997 (looking at the average daily traffic in different areas of Cayman) West Bay Road was number one in terms of number of vehicles actually travelling that road. And on the West Bay Road, from Holiday Inn is rated number two in terms of congestion. West Bay Road to Sleep Inn is number three. So the first, second and third positions in terms of traffic congestion are from the Cemetery in West Bay to the Sleep Inn and Merren's Plaza (which is basically 3(a)).

It's not that we don't know what to do, it's that we kid ourselves by saying that we can use a Band-Aid approach and solve this situation. Then, after the Band-Aid approach is used, the problem is still with us. I believe sincerely that this country has reached a point in its development where these roads in particular which have been built—and I'm talking about the major roadwork in this country [using] hot mix—how many decades ago were they built? And when we drive in any part of this country, when you see the quality—you don't even have to get out of the car—when you see the quality of the roads you are driving on, the spider web cracks are very vivid. And then what happens? The first time we get a little rain, the spider web, all these little cracks just pop up and we're left with potholes.

Now, we can use the Band-Aid approach and say to Public Works, *'Please go and patch these holes we don't like our cars falling into these potholes, we don't want the rims of our cars to be bent. We believe we deserve more than that.'* And quite frankly, Mr. Speaker, I believe that the public deserves better service than the Band-Aid approach, the patchy roadwork that has gone on in the

past. I believe that the Government must come with a proper programme to resurface the major roads in this country, otherwise your patchy roadwork is going to cause you to end up spending twice to three times as much as we need to spend to correct it. We know that if you find a problem, and you don't fix it when it should be fixed, the longer you wait the more difficult it is to fix it, and the more cost to solve the problem.

The infrastructure in this country requires urgent attention. Education requires urgent attention. When you go to West Bay there is a lock-up. Young people who are juveniles are locked up in a cell because Government has not moved forward to put in place a safe remand centre which also gives the Juvenile Court (or otherwise) the flexibility, the option to deal with the young people in this country in an appropriate way. I want the public to hear me. That is why I am here today!

*[Inaudible interjections/laughter]*

**Mr. Roy Bodden:** Preach, brother, preach!

**Hon. Thomas C. Jefferson:** You know, Mr. Speaker, we have had in the Budget for the last couple of years a hurricane centre in West Bay. We can't get it. And I have to ask myself why can't we do this? It sounds so simple. West Bay is a district with over 8,000 people, I think was the latest number I heard. We don't even have a public library! I don't believe that is proper. I don't believe that a Government that can put forward a budget of \$200 million (or more) can't solve that problem.

I believe that when we talk about hurricane centres... and let me go on to talk about West Bay a little bit more... we cannot establish a public library in West Bay until we have alternate facilities. The West Bay Town Hall is slated to be the Library. But you can't use that for a library given that there is no other place in West Bay of that size that can serve as a hurricane shelter for 8,000 plus people. So we need the hurricane centre in West Bay as a first step so that we can go on to convert the West Bay Town Hall into a library for our citizens. No wonder there's traffic congestion—everybody is coming into town! Even when you want to visit the Library you have to come into town. And let me add that George Town is also in need of a civic centre and a hurricane shelter. I think it is right and proper for us to put it in place.

Coming back to roads . . . and I intend to tell these Members and the public my views on how we can pay for it too. What I am proposing on roads and other infrastructure, some of the money is in the Budget, some is not. But I am saying to the Members of this Honourable House that if we are to act in the best interest of the people of the Cayman Islands in the long term, please, let's act now. Let's not wait. I believe the capital development programme in the Budget needs to be enhanced.

When we think about roads, and we go back to this thought of major road resurfacing—and I am talking

about resurfacing with hot mix, I am not talking about chip and spray; I don't subscribe to Band-Aid approaches. My father always said, "Son, if you are going to do something do it well. In the end it is going to cost you less." Or, put another way, you are going to get better value for it in the long term than if you fix it for today and tomorrow. Then one year from today you have to spend money to do it all over again, or replace the item because you didn't buy the right quality.

I am proposing that we have a three-year road resurfacing programme in this country where we resurface the major roads in this country with hot mix. If we were to do that—and allow me to just move in the direction my mind takes me, at the end I will cover what I have to say—the area from the West Bay Cemetery to Eastern Avenue, the cost of accomplishing that is \$1.4 million. That's not a whole lot of money. There is an area of South Church Street Road, about 1.5 miles of it, that also requires resurfacing. We are talking initially of resurfacing the worst parts of the road. That will cost us \$400,000. Red Bay to Spotts, 2.5 miles, \$700,000. From Spotts to Frank Sound, my recollection is that it's about nine miles, but we are proposing in 1999 that we do four miles of it. The value of that is \$1.1 million. From Frank Sound to East End is 2.5 miles, \$700,000. Frank Sound to Old Man Bay, 1.75 miles, \$450,000.

The total need for 1999 for resurfacing those roads I just mentioned adds up to \$4.25 million (sic). That's not a fantastic figure to deal with. Realising that when you fix this in 1999 it's likely to go ten years before anything will have to be done again, which will give the Government the position to utilise funds to address some other infrastructural needs. So, for \$4.75 million we can resurface 17 1/4 miles of our roads with hot mix overlay. If I am going to be responsible for roads in 1999 I want to be proactive not reactive.

**Dr. Frank McField:** Yeah!

**Mr. Roy Bodden:** Hear, hear! Sounds good!

**Hon. Thomas C. Jefferson:** Mr. Speaker, and Honourable Members I am going to be a little bit repetitious. The people of this country want us to solve the traffic congestion problem. I propose that we can solve the traffic congestion problem by extending the Harquail By-pass to the Galleria, and by building the first phase of the Crewe Road Bypass. What, you ask, is the cost? The Extension of the Harquail to the Galleria is estimated at \$2.5 million. And the first phase of the Crewe Road Bypass is estimated at \$6 million; the first phase will take it from Tropical Gardens down to Bob Thompson Way.

Why is it costing so much? Because—most of us understand that we are travelling through swamp. You have to go down to the bottom and build it up above the water level before you apply any hot mix. We are not talking about a four-lane highway. We are talking about two lanes: one going east and one going west (if my directions are right).

Let me go on to add that there is a business way of dealing with some of these items. If the Government owns Crown land, and it is cliff, and we need rock to do this bypass, why not use it and reduce this \$6 million to maybe \$4 million or \$3 million? It certainly makes sense for us to pursue this thought and to take it to the very end so that we will all understand what we are doing, so that we give to the public the most cost-effective way of dealing with this amount of money, and this amount of work that we intend to do.

And, Mr. Speaker, we know that in the Budget there is provision for roads in Cayman Brac and Little Cayman as well. So I want my people in Cayman Brac to understand that they are not left out of this equation. Mr. Speaker, there is a sum of about \$438,000 for the continuing road projects in Cayman Brac and Little Cayman. And there is an additional new project sum of \$250,000 according to what I am looking at. So Cayman Brac and Little Cayman will be looked after as well. I have always tried my best, as a Minister, to be responsible for all districts of the Cayman Islands.

Let me go on to mention the Budget we are dealing with has \$1 million in it for district roads. One million dollars for district roads in Grand Cayman. Now, since they say I am responsible for roads, I have to ask the question, What am I going to do with \$1 million? Mr. Speaker, what am I going to do with \$1 million? Divide that by five and what do you get? Two hundred thousand dollars for the roads in the districts in Grand Cayman? After Hurricane Mitch and all the rain and the heavy trucks passing over them? And all of the chip and spray beginning to fade away? Mr. Speaker, my proposal is that for the larger districts, George Town, Bodden Town, West Bay, the sum should be \$500,000 each, if we are to make any progress in it. And for North Side, \$250,000 and for East End, \$250,000 and let us talk about it. It's a proposal that I am putting forward.

I believe that if we are going to be responsible to the people in our districts and you go to them and say, *'I only have \$200,000, so I can't do much'*, do you know what the answer is going to be? *'I know what I'm going to do with you! I just have to wait about 18 months and I'll be rid of you.'* So all your good intentions do not produce anything.

**The Speaker:** You're doing so well, I hate to interrupt. But we need to get to lunch.

**Hon. Thomas C. Jefferson:** There will be more of it, Mr. Speaker. But I am willing to take the break.

*[Members' laughter]*

**The Speaker:** We shall suspend until 2.30 PM.

**PROCEEDINGS SUSPENDED AT 1.10 PM**

**PROCEEDINGS RESUMED AT 2.46 PM**

**The Speaker:** Please be seated. Debate on the Appropriation (1999) Bill, 1998 continues. The Honourable Minister responsible for Tourism, Commerce and Transport, continuing.

**Hon. Thomas C. Jefferson:** Thank you.

When we took the break I had been dealing with roads and I had put a proposal to this Honourable House for the resurfacing of the major roads in Grand Cayman, and also in Cayman Brac and Little Cayman. It will cost \$4.75 million to do it in Grand Cayman. I also mentioned that in order to correct the traffic congestion in this country my proposal is that we need to extend the Harquail Bypass to the Galleria and we need to allocate a sum of \$2.5 million to accomplish that. But that is only one side of the island.

I understand that the traffic backs up beyond Savannah most days...

*[Inaudible interjections]*

**Hon. Thomas C. Jefferson:** I am corrected, Mr. Speaker, they said it is sometimes up to the Guardhouse in Bodden Town. So in order to deal with it effectively, we have to address this Crewe Road Bypass. We have to do at least the first phase of it which would link Tropical Gardens/Lions Centre area to Bob Thompson Way which will then connect, if you turn left and go behind the schools, or you go right and come out on Smith Road. I believe that there are steps Government can take. I propose that the Government should look business-wise at this proposal, and if we have Crown land (which I believe most of us know we have) that we can utilise to get our rock to put down the proper base for this Crewe Road Bypass we should do it. I know I am focusing on the Crewe Road Bypass, but whatever we need, whether it is Crewe Road or Harquail, we take the decision to do it; or anywhere else for that matter.

I was also asking what I am to do with the provision in the Budget of \$1 million for district roads. If you divide it by five, that's \$200,000 for each district. My proposal is that for the larger districts we should increase it to \$500,000—George Town, Bodden Town, West Bay—and for North Side and East End we allocate \$250,000 for each because we know that in the districts those chip and spray roads, after all of this traffic and rain, that they are beginning to be in serious need of resurfacing.

I need to move on to one other item connected with roads. I have been hearing talk about Dorcy Drive in George Town. Most of us know where that is; it's the Industrial Park. When Mitch was in the area, and Pirates' Week wanted to have its Friday night firework function—and we remember the amount of rain that was around this country—I was glad that I was in my truck when I decided to go through it; the following night I decided not to do it because the water was so deep. The area does need to be fixed. We are talking about the area by the gas station in Industrial Park. All of us know where that is, and all of us know that we have waited long enough. If we are to provide facilities to deal with traffic congestion



and to provide a smooth flow once the traffic gets into town you have to ensure that these streets are passable. Otherwise, you have not corrected the congestion problem. So there are some traffic improvements that I am also proposing.

One of the items that I did not mention is the junction at North Sound Road and what we know as Nixon Way, where when you come off the Harquail Bypass, turning left, and going to the junction of North Sound Road you sometimes take your life into your hands trying to turn right. If Government does not move forward to put the agreed roundabout in place, I fear that someone is going to lose his or her life at that junction.

So we have been pushing on this side to purchase an additional parcel of land to allow the roundabout to be constructed and we hope that the purchase of the property will happen shortly, meaning in 1998. Of all of the items I have mentioned in dealing with the traffic congestion, the roundabout just has to be part and parcel of the overall programme. Otherwise, the programme is likely to be ineffective.

There are other infrastructural needs that are not in the best interest of the public to—or not addressed in a proactive way. Education is one of those areas. As I mentioned on Friday afternoon, the West Bay School, John A. Cumber, according to my statistics (which I received from the Education Department, and Ministry of Education) their enrolment statistics for 30 September 1998 is 483 students. I know that the policy of the Education Department is to try to ensure that primary schools student population does not exceed 500 students. How close are we at John A. Cumber?

But let me make another point: What is absolutely necessary is that the school has a multipurpose hall so that assemblies can be properly done at that school. It is being proposed that that particular building happens in 1999. We know that we have talked about this on many occasions this year. We know that we all hoped that it would be done by December. We certainly hope that it will be done in 1999. And we must ensure that the facilities needed for our children are put in place without delay.

When we look at the statistics for the Red Bay Primary School, 416 children. It may be more now. This doesn't have a date as to when the statistics were put together, except that it says 30 September 1998. There are 416 children at Red Bay Primary, almost 300 children at Savannah, 422 at George Town. There is a need to ensure that the facilities in Education, dealing with the needs of parents with children of that age, that there is adequate classroom and administration space available in order to ensure that our young children are able to commence their learning.

Looking at the statistics for the private schools, which were provided by the Education Department, it suggests that not many levels, be they pre-kindergarten, kindergarten, or grades 1 through 6, not many schools have much availability. It therefore suggests to the Government let us be proactive. Let us ensure that another primary school is built in the George Town area, in par-

ticular, so that the children in George Town—that the facilities that are available between George Town Primary, Red Bay Primary and Savannah, that we add another school that provides additional space. We would be irresponsible, in my view, if we do not act to ensure that the school is in place and ready for activity and classes in September.

Mr. Speaker, we know that is not all. We know that we have been talking for at least two or three years about the need for a Lighthouse School that can accommodate more challenged individuals. We know the study has been carried out. We know that a building has been bought, and we also understand that there is a need to have a special facility for these challenged persons. We have a responsibility to put that building in place and to properly set up the programmes and facilities that are required.

We know too that there is a need for an improved Alternative Education Facility. No longer can the building behind the Library serve the real purpose. As I have said to the Minister, I think it is important that we ensure that we don't have two separate programmes operating in this country, that CIMI and the Alternative Education, which is being handled by Education, that we may be able to combine the two and ensure that the instruction of young people is what they need while at the same time avoiding any duplication of expenditure in this country.

**Mr. Roy Bodden:** Hear, hear!

**Hon. Thomas C. Jefferson:** Mr. Speaker, we started a year or so ago air-conditioning the schools. Let us not take until the year 2001 to finish it. I believe that we have to step up to the plate, allocate the funds and deal with that matter in the best interest of providing facilities and accommodation and comfort, to ensure that our children are in an environment where the opportunity for learning is at its best.

We know that the day is coming when there will be the need for another secondary school. And we must come forward and make provision for that to happen. We must at least begin the process of deciding to do the drawings in preparation for the decision to break ground to provide additional facilities for our young people.

But in all of this there is also a need to look at the cost of operation of the Education Department. There is a need to not forget that education is an essential item to human development, as well as the development of a country. It is perhaps the most important ingredient. But we also have to look to see five or ten years down the road if we can really continue at the level we are doing today, or should we not consider causing book rental fees to increase when we know they are not realistic. Should we not look at making available textbooks that children can take home and study properly? I think we need to have that option for those who wish to purchase. Those who cannot afford to purchase can deal with book rental.

When we talk about this transportation thing, and the Omnibus travelling back and forth with passengers, they charge \$1.50 from West Bay to George Town. When you think of the transportation that is provided for children and parents should we not be looking at some of it? Can you, the Government and the people of this country, continue to have everything free? Or should there not be some subsidised education? Should it not be that the parents can pay \$1, or whatever it might be, for their child to get on the bus to go to school? That is basically what I am saying.

If we don't, one day we will get to the point where somebody is going to be afraid to come in here and say what is needed for the total cost of running the Education Department. If it is at \$25 million today, what is the figure going to be five or ten years from today? And will we be in a position to fund it fully? We have to begin to be realistic and look at it carefully, realising (as I said before) that the Good Book says that *the poor shall be with you always*. And because my child is poor, he must also have the same access as any other child who is being paid for. It is the responsibility of the Government to ensure that that happens.

**Mr. Roy Bodden:** Oh, you're righteous when it comes to. . .

**Hon. Thomas C. Jefferson:** Mr. Speaker, I touched earlier on the safe remand for juveniles, and talked about the lockup at West Bay which is really where you lock up a criminal. It is the responsibility of all of us to ensure that a safe remand for juveniles is provided in this country so that Justices of the Peace who are on the bench (or the Magistrate), have an option as to how to deal with the respective person. We know that sending people overseas to approved schools does not really provide any significant answer to the problem and in 1993 we provided \$250,000 in the Estimates for that. Is it not better to leave the person in his, or her own environment and provide the service, the guidance, the care needed in order to cause that person to turn his or her life around? And in 1994 there was another \$200,000 provided.

The 1995 Budget made provision for juvenile rehabilitation, \$790,000. My recollection is that the former Minister for Community Development was the person who put this programme forward. I believe that a safe remand is urgent and we would be responsible to ensure that the allocation is in the Budget in order for that facility to be put in place.

I come back to the fact that capital development should be a two-year programme: that we look at a number of projects in 1999 and the year 2000—whatever that figure is—and we say for capital development what we are going to allocate is "X" million dollars, which begins to also bring some discipline that before a project can actually . . . Well, it will be on a first come, first serve basis. If you get your project brief, and your drawings and costings you move on. But you don't just put a project in because you dreamed up that we should have this. I be-

lieve that there will be a need for us to increase the loan in order to make sure this happens. And this is not anything new.

When we examine the past we even find precedents there. In 1971 or 1972, the Government borrowed approximately \$5 million for a budget that was \$6.6 million. Why did they do that? They did it because the infrastructure in the Cayman Islands needed to be put in place. The bottle-necks needed to be addressed. This building here needed to be built. The Courts Building needed to be built. The Police Headquarters needed to be put in place.

**Mr. Roy Bodden:** The Dock!

**Hon. Thomas C. Jefferson:** Even the Dock needed to be built, thank you very much.

Some of us get frightened when we talk about borrowing—

*[Members' inaudible interjections and laughter]*

**Hon. Thomas C. Jefferson:** But let me say that in my view we should increase the loan; that the capital development programme which spans two years and is in the range of \$54 million, that we should agree (since in the last couple of years the capital development has been approximately \$28 million) that we could put a sum of \$30 million as a programme, and that all of these projects that we talk about, that we know are urgent and need to be done, they have the crack to get their project moving, but that you cannot go higher than \$30 million unless you come back here for approval.

The Financial Secretary in his Budget Address outlined the following, and I quote: ". . . **total public debt was \$82.9 million at January 1, 1998. This amount includes central government public debt of \$66.4 million and \$16.5 million in self-financing public debt owed by the statutory authorities but guaranteed by central government. After taking into consideration loan repayments of \$11.4 million and total loan receipts of \$20.6 million during 1998, total public debt is expected to rise to \$92.1 million by year-end 1998.**"

"**Mr Speaker, even though the total value of outstanding loans has risen over the year, total public debt service (principal and interest) remains at 7.2% of 1998 forecasted recurrent revenue which is below the internationally accepted 10% upper limit established by the Government.**"

Let us therefore examine the impact of a \$30 million loan on the country's debt service ratio. And here again, I use total principal and interest to allow direct comparison to the Budget Address figure. The 1999 Budget includes an amount of \$19 million to cover debt service cost in 1999. On this sum, \$350,000 is interest on the proposed loan of \$19.1 million, as is normal. Funds are drawn down when required, which is usually towards mid-year, therefore, only interest payment would become due in 1999.

Assuming that we raise the Loan Bill from \$19.15 million to \$30 million, and in order to compensate for this increase we include a further \$175,000 for interest, and

\$1 million for repayment, the reason being that we expect to draw-down earlier than mid-year because of the increased size of the capital development programme, this would result in a debt service ratio of 7.1%. When we take the total revenue of \$282.6 million, the ratio comes out to 7.1%

You can't keep going to the bank unless you ensure that you have the ability to pay. It's just like when we go to the bank individually: one of the first things the bank wants to know is your ability to repay the loan. So when we talk about revenue measures it is absolutely important that we do not behave like some of the people in Miami who basically were reluctant to deal with revenue measures and after a while came to a position where they had a real financial problem. The State then stepped in to take over the whole issue.

Provided that what we are doing is in the best interests of this country in the long term, and provided that we are in agreement that the congestion in this country needs to be taken care of, that the facilities for our young people in schools need to be done, that a safe remand [facility] needs to be made available in this country for young people. And for Judges and Justices of the Peace to have options as to how to deal with the individual, rather than locking them up in the West Bay Police Station along with persons who have committed much more serious crimes. I believe that the public of this country will be with us.

Nothing, except the [air] we breathe, is free. It would be nice if the Government could wave its magic wand, and do all the things we want to do in the capital development programme, and find the money for it elsewhere. But what I do believe is that with the exercise I referred to earlier this morning, which the Economic and Statistic and Finance and Development basically has in motion, could very well be that we do not need any further borrowing than the \$30 million.

This morning we are seeing the spread of the new tax items in the *Caymanian Compass*, and I do not propose to go through them in any detail because I believe that it is pretty clear that the increases are not horrendous. If we are to hold on to the sound financial planning and policies that the Government does, and has done in this country all along, we need to ensure that revenue is improved as we go forward in delivering the service to the people of this country. If you have no money, you can't deliver service. If you don't add to the revenue you will get to a point where the service that you deliver will have to be cut back—where the people you need to provide those services cannot be added to the Civil Service role.

I am assured that this country has the ability to practically carry out what I just said in terms of capital development. And the other thing, Mr. Speaker, we have over the last 10 or 15 years found ourselves building roads, or doing some amount of roadwork, in May, June, October, when all of the rain is generally here. My proposal suggests that in order to be cost effective let's begin this programme in January when it is dry, and it runs dry until

April, sometimes May. And let us save some money in the process.

I wish I were in a better position to tell you that I have this money in my pocket and I could give it to the Government and not have to raise revenue, and not have to borrow more money. But if I told you that, Mr. Speaker and Members, you know it would be an untruth. And I am not here for that purpose.

What I want to also address—and I won't spend a long time on it—but I have had some views for some time on Immigration, and the Immigration Board. I believe that when you hit the volumes that they are dealing with, it is certainly time to examine the process, the methodology utilised to carry out the work.

When we think and we know that the Cayman Islands is the world's largest financial centre with a growing tourism and business industry, we are one of that five that they talk about. We are faced with ever-increasing problems of human resources to service the various industries. We could even say, with our very limited population, which is less than the total employees of many of the world's medium-to-large international companies, the problem of balancing immigration against local needs for labour is constant. There is a growing frustration in the financial, tourism, and construction industries relative to the difficulty—real or perceived—of obtaining necessary work permits and attracting competent labour from other foreign jurisdictions.

With low unemployment rates in Canada, the United Kingdom and the United States of America, it is increasingly difficult to attract qualified and willing persons to service the various industries in the Cayman Islands. One of the problems which has emerged appears to be the failure of certain organisations to manage human resources effectively and to lay down an upward mobility plan for qualified and energetic Caymanians during their period of employment with any particular organisation.

Unless the overall problem of immigration is solved, the quality of service in all industries will decrease and international organisations may begin to back off essential part of their operations to other competent jurisdictions, and may lead to a downgrading of Cayman and lead to further problems.

My suggestion is to address the problem of upward mobility for Caymanians. Business organisations should be required to prepare a three-year plan for the management of human resources and identify in that plan training and upward mobility for Caymanians. Organisations should be required to meet with their staff, discuss training and upward mobility, timing and salary increases for those who achieve the necessary goals. These must be realistic and individualised.

Without going into great depth, Mr. Speaker, what I believe is that the process in use at the present time, if I were sitting on the Immigration Board, would overwhelm me. And I believe that is their difficulty too. It makes sense to me to suggest that employers put together a three-year plan (or some other number, I don't have mine carved in stone) and go to the Immigration Board, present their plan and identify the number of work per-

mits they will need over the next three years and automatically the Immigration Board should tie that approval to the training of Caymanians in every organisation.

*[Inaudible interjections]*

**Hon. Thomas C. Jefferson:** I think the apple doesn't drop until it's ripe! Some of us say a lot of things in this House which do not happen, but I think if we all come together we can make things happen in this country. We can be proactive in a variety of areas.

**Mr. W McKeeva Bush:** *[interjection]*

**Hon. Thomas C. Jefferson:** Mr. Speaker, I believe that if we establish that kind of a policy—not to say that because Tom Jefferson said it, that it must be that way—but we need to sit down and discuss it openly and commit ourselves to making a change because I do believe that it is in the best interests of this country to do so. How do you ensure that training of Caymanians takes place? It is a vehicle for that purpose as well.

I want to say that although we can always point to things that we need to do and things that are not in place, I want to say, thank God that I live in the Cayman Islands. I want to say that there is no other place in this world that I have visited—and I started out from the age of 17 going to sea—there is no other place in this world that I have visited that I would prefer to be other than right here. We have been blessed in this country.

The prosperity in this country is something that most countries do not have, and sometimes we have a tendency to take it for granted. We have to work at this. We have to work to maintain the social harmony in this country. We have to work to ensure that the Cayman Islands' financial industry or tourism industry continues to bear fruit year by year so that this prosperity that we have can be passed on to our children, and then to theirs. It's easy, sometimes, to see the negative. But if we look for the positive it's staring you glaringly in the face.

I would say that 90% of Cayman is right—90% of what we have in Cayman is right and every one of us has contributed to it being the way it is. I am not saying just us: our forefathers, and theirs, helped to bring it where it is today—the friendliness in this country, the competence in this country. Have a look around. Look at the young certified public and chartered accountants. It only began about 12 or so years ago. It hasn't been that long. But we need to ensure that there is a commitment for the training of our young people, both within Government and without. We need to ensure that the prosperity in this country, all this money we boast about—\$400 million from tourism—we need to ensure that every one of us has an equal opportunity to earn from it.

When we think about tourism there is this thought that may come quickly—this hotel, that condo, or some bed and breakfast place. There is the transportation side. There is the watersports side, there are those who provide scuba diving as well as snorkelling. Foster's, Hurley's, Kirk's supermarkets. We can't survive at the level

of commitment, financially, that's there without the tourism industry. Thirty five thousand people can't make them profitable.

We must ensure that competence prevails in the financial industry in this country for two reasons: because we want it to be, and secondly, because if we don't do so the competition is going to take the business from us. I believe that the financial industry and the competence in this country I would put up against anybody anywhere, in any city—London, New York or elsewhere. It's here. We need to encourage it. We need to ensure that they have an opportunity both to make money, which is the reason why they are in business, and we need to ensure that they commit themselves to training Caymanians in their operations, both on-the-job and in the University, or wherever the training is required.

When we drive around and look at the amount of construction going on in this country, do we not marvel? Do we believe that this is just so? It is because the Government has created the environment, and the people of the Cayman Islands have created the environment where people want to come and do business and some of them want to live here with us—be they temporary permanent residents or what have you. It is an environment—and I have been around here 50 plus years—that most people who come to the Cayman Islands would like to remain. That's how good it is. They get a little sand in their shoes, and they want to stay here.

Expense is a funny thing. If you go to New York and you want certain services, and they say it will cost \$300 per day, do you not pay for it? Do you have a choice? I believe that if you deliver the quality of the service that the person is requiring, and be friendly and courteous with it, I don't have a worry that he/she is going to come back. I think that is the key—to ensure that the person in this island looking for service does not walk away feeling he got ripped off.

Sometimes we balk about the departure tax at the Airport (which they don't collect any more, but we remember the balking), US\$12.50. Two weekends ago I was in Jamaica. Do you know how much money I had to pay coming back? Twenty-two dollars and fifty cents (United States Dollar) departure tax. Yeah, match it with Cayman's!

The responsible thing is to realise where we are in the financial scheme of things in this country and to ensure that we take the necessary action to allow this kind of environment which is conducive to doing business; is conducive to visiting; is conducive to raising children; continues. If we fail, I wonder what our children and grandchildren will say about us.

When I look at the imports coming into this country, another example of prosperity. Demand for goods is an indication. I hope I am reading this table right, but domestic cargo in this country was around 100 million tons in 1993. In 1998 it was 180 million tons. That's progress, Mr. Speaker.

When the need arises, every business in this country raises its rates. I wonder what you say about that? When you go to the lawyer and he says I can't see you

for \$100 any more, it has to be \$125, or \$150 per hour, what do you say?

*[Interjection by a Member]: You call it revenue measures.*

**Hon. Thomas C. Jefferson:** No, you don't call it revenue measures, thank you. When you go to the accountant and he tells you *'I did the job for \$500 last year, but this year it's \$750'*, what do you say? When you go to the bank and the bank decides to increase the service charge on your chequing account what do you do? You pay it. You want the service; they are delivering the service; you pay it. It's no different with the Government. We are delivering a service to the people of this country. We need the funds to do it.

And I believe, as I have said before, a comprehensive exercise needs to be done. We should not wait. And I am not accusing anyone of waiting, but I know this happened in the past, even when I was there. We should not wait until September to start thinking about it. I think it has to be an ongoing exercise, which, I understand, is being proposed by the Finance and Development Ministry. We are doing everything else, why not that? We are dealing with health matters, strategic plans to deal with that; we are dealing with tourism, we are dealing with education; we are dealing with water and sewerage; we are dealing with ports. We need to round it out and make it comprehensive and deal with that side of the Government too.

Mr. Speaker, many of us know that at the George Town Port, the Finger Pier was badly damaged in February of this year. We had two possibilities: either just repair it... it's about 142 feet long, and I think about 40 feet wide—something in that range. And we know that when the—let me call it the 'blue ship' which I think is the *Morrant Bay*. When she comes in alongside the dock on the north side, at least one quarter of the ship extends beyond the dock.

If we say that we have vision—and we think about the vision that somebody had in the mid 1970s by building this dock—then we have to step up front and put it right. What is going to be the requirement in the next 15 years for port facilities in this country? The Port Authority examined it. They have taken the decision to increase the length of the dock and widen it so that two cranes can operate simultaneously, and at the same time the truck can operate. The medium size ship that we are likely to move to is about 450 feet long, according to my information. My understanding is that the *Morrant Bay* is 380+ feet long. So it would make sense for the Port Authority, in conjunction with the Government, to move forward to extend the dock so that what we build is built with the view to provide the space and facilities needed at the Port for the next 15 or more years.

I think it is the responsible thing to do. I have always held the view that when you have this opportunity you should not just use the Band-Aid approach and just fix the dock knowing that what you end up with is inadequate to deal with the present day needs of shipping in Cayman. So I make those comments in order to make Members and the listening public aware that the Authority is presently looking at the expansion of the Finger Pier. It will also be necessary to create additional storage space in the area to efficiently service the large vessels that can be accommodated.

One of the problems experienced by the Port Authority is the lack of container storage space on the dock. We have been able to cope with the increase, however we can ex-

pect to liaison a supply of empty containers to the ship if cargo increases continue. So that is part of what we are talking about in the extension. We are also looking to increase the space available at the dock, not just the Finger Pier.

It was heartening to see that the opening of the Taxi Dispatch area at Thomas Russell way has improved the traffic flow in central George Town. And it has improved the handling of cruise ship passengers. I personally want to express my gratitude to all the employees of the Port and all the taxi drivers and tour operators who co-operatively caused that move to happen without any difficulty.

We also purchased a crane in 1996 and commissioned it. The production, the number of containers handled per hour, has met our expectations. The volume of cargo continues to grow and has become evident that the expansion of the present facility is needed. Which is what I just said.

The Authority also purchased additional property adjacent to the Cargo Distribution Centre in the Industrial Park early this year, and is now in an excellent position to expand that area should the need arise. We have bought several acres and when looking from North Sound Way across the land to the Cargo Distribution Centre you may be looking at the land that we bought. We will also have access from North Sound Way into the Cargo Distribution Centre when, of course, it is necessary. We don't want to spend any money before it is needed. Facilities at the Cargo Distribution Centre have been upgraded. We actually doubled the storage space in the warehouse this year.

Another point to mention is that the Port Authority has also purchased property north of the port in George Town, namely the Fort Building. With the purchase of this property the Authority now has the option to expand to the north, and with the rapid growth being experienced in the Island and the strain on present dockside facilities, the expansion in this direction may have to be looked at in the very near future.

So at the Port Authority, just in summary, we have doubled the storage space at the warehouse for the cargo distribution centre. We have effectively rearranged the route that trucks will take into that area so that the public does not come in contact and that it is safe for the trucks and the public. The public enters through a different gate. When looking to the west from the Cargo Distribution Centre, we have purchased several different parcels of land which will allow the Port Authority, when necessary, to resurface more space, to add to the facilities at the Cargo Distribution Centre, and to eventually allow access of trucks from that side as well as from the Industrial Park side.

The extension of the Dock is something that we are presently working on. I believe it is in the best interest of this country, and the people of this country, to extend the facilities so that it will not be necessary [again] until the next ten, 15, or maybe 20 years.

**The Speaker:** Would this be a convenient time to take the afternoon break?

**Hon. Thomas C. Jefferson:** Yes, Mr. Speaker.

**The Speaker:** We shall suspend for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3.46 PM**

### PROCEEDINGS RESUMED AT 4.20 PM

**The Speaker:** Please be seated. Proceedings are resumed. The Honourable Minister responsible for Tourism, Commerce and Transport, continuing.

**Hon. Thomas C. Jefferson:** Sometimes when we are dealing with items we don't seem to be able to remember everything we want to say. And I found myself in that position when I was in the Common Room. I know that the public is concerned about the service being delivered in the collection of garbage because we have received a number of complaints. But Government does have provision in the 1999 Estimates, and has already given permission for additional, new—I emphasise new—garbage trucks to be purchased.

And may I say in addition, that the vehicles budgeted for in the 1999 Estimates, since that department now falls under my Ministry, we will be dealing with the purchase of the new vehicles. No used items, otherwise you spend the money in spare parts and then the service which the public requires, does not happen to their satisfaction.

I need to also mention that the land for the Cayman Brac Port is about to be vested in the Port Authority. And we have no difficulty in assuming responsibility for it because we believe that it is in the best interests of the public to keep those who have that kind of skill and knowledge running all the ports in this country. And I think it is probably required under the law as well. The Cayman Brac Port did sustain some damage during that same period in February when we had the heavy northwester, or probably more of a westerly movement of waves. That is due for repairs, and was due for that before this happened. We will be moving on to accomplish that in the very near future.

I come now to Tourism. I really want to say how pleased I am with the work of the Tourism Department. Last Saturday morning I presented to the Minister for Education Books 1, 2 and 3 of Social Studies in the Primary Schools dealing with Tourism Education in the Cayman Islands. And I have copies which I beg your permission to lay on the Table of this Honourable House so that there shall be a record in this country of that happening.

**The Speaker:** So ordered.

**Hon. Thomas C. Jefferson:** I have additional copies to pass around to all Members for viewing, rather than taking those items off the Table.

We have looked at tourism from a global point of view. We have looked at the results from what we call the Pacific Rim. We have looked at the results from Europe, UK, Canada, United States, and I have to admit that great work is being done by our people who are representing our country in those parts of the world.

The position of the United States—as at the end of October, 246,456 visitors had come to our shores. That is about 6.3% above 1997. From the UK we have almost 20,000 visitors. But when we look at the array of countries persons are coming to us from, and compare that with 1997, we find ourselves with increases all through the year, with the exception of March. I believe that is the result of Easter falling in April rather than March of this year. When

we put those two months together, March and April, we have a very substantial percentage of persons visiting the Cayman Islands. But at the end of October, the air arrival figure is 6.5%.

In August of this year we decided to have a good look at South America. We led a delegation to Buenos Aires, Argentina. Someone once said that *time spent in reconnaissance was seldom wasted*. And I am a firm believer, after that visit, that that approach is correct. It is always good to see it for yourself; to be able to relate to it rather than being asked to take decisions about something that you are perhaps not very familiar with.

We carried out our first promotion in Argentina just about two weeks ago. The word on the street in Buenos Aires is Cayman Islands, and Cayman Islands. We look forward to activity in that area. We are not naïve, we don't expect a great volume to come tomorrow. But we know that in a courtesy call to the Secretary of Tourism (They have a similar style of Government as the US) in discussions with him, we are aware that 400,000 Argentineans travel to Miami. And it is not uncommon that they have two-stop vacations.

We also talked to regional managers in Buenos Aires for United, American, Lan Chile, for Aerolíneas Argentina, and we do know that they together with leading tour operators in Argentina are quite willing and pleased to sell the Cayman Islands to their customers. And quite frankly some of the tour operators have already come and visited to become familiar with the facilities in the Cayman Islands.

I think we are all proud of the website that we have put together for the Cayman Islands. It is attractive. We hope to continue to move enhancements to it to make it more user friendly, and to eventually take bookings from travel agents on it. We are careful that travel agents who have worked with us for many, many years and have, and continue to sell the Cayman Islands, and are friends of the Cayman Islands, that we do not step on any toes in this process.

### MOMENT OF INTERRUPTION—4.30 PM

**The Speaker:** Honourable Minister, may I interrupt you for just one moment? We have reached the hour of 4.30. I would entertain a motion for the suspension of Standing Order 10(2) in order to continue. I understand it is the wish of the House that we continue until 7.00 PM.

### SUSPENSION OF STANDING ORDER 10(2)

**Hon. Thomas C. Jefferson:** Mr. Speaker, I am pleased to move the suspension of Standing Order 10(2) to allow the debate to continue.

**The Speaker:** Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 10(2) SUSPENDED.**

**The Speaker:** Please continue.

**Hon. Thomas C. Jefferson:** Thank you.

In the area of Tourism we also deal with Hotel Licensing Board activities. I must say that the partnership that has come together, and we continue to work with that industry and the people providing the service in the Cayman Islands. I am pleased with the results. I am pleased with the co-operation that is being received by the Ministry and the Department of Tourism in putting together various programmes that attract people to our shores, that lend to volunteers coming forward and assisting with promotions such as Aviation Week among others. I believe that teamwork makes the job easy and helps us to deliver the quality of service that the individual seeks to receive.

With all that I have said today, it is appropriate to say that this morning at 5.30 I got a message to read James 4:17. That verse of the Holy Book reads: "When a man knows the right thing to do and does not do it, he sins." So I was not prepared today, Mr. Speaker, to sin.

I believe, in summary, what we have put forward is that there should be a new direction, a new commitment in dealing with the service required by our local people as well as others who visit. There is a need for all of us to work together to ensure that the prosperity that we boast about sometimes continues to happen in this country, not just for us, we probably wouldn't be here that much longer, but to ensure that our children and theirs have the same golden opportunity that we have. It is fair to say that when I went to high school we had to pay for it. That tells you how this country has changed.

It is also important to not take for granted that prosperity, that standard of living, that social harmony that we have come to know just about all of our lives. We have to commit to working to ensure that it remains, for that is certainly in the best interest of this country. We have to ensure that today and in the future that the services we provide to the people of this country and others maintains the same high quality, so that when you have to raise revenue measures you don't become . . . I am tempted to say the wrong thing. Let me not do that. You don't weaken, but you step forward and tell the people what they need to know. This is not a day for moving backward. This is a day for forward motion.

Even when we talked about the cost of collecting garbage at my house twice per week (or your house), the manpower cost is \$191 a year. It doesn't take into consideration the truck and the depreciation, and other things. So this ninety-six cents that we are paying on a weekly basis, I think it is reasonable to move to \$1.92 per week. Even then, it doesn't pay for this \$191. It would have to move to \$3.67 a week. We must get accustomed that you cannot continue to deliver the service to the public unless somebody pays for it. It's the truth. Anybody who tries to tell the public differently knows it's not true. You know that you cannot continue to increase expenditure unless you have more income. And the way to get more income is to increase the revenue. And we must do it comprehensively and fairly as we move on, perhaps incrementally.

As I said earlier, if we can recover the cost of the service that we are delivering, there will be no problem today, tomorrow, or even 20 years from today. We are not looking to make a profit. There's no profit in this. But if we are to continue the same level of service we must have the same amount of revenue to deal with it as we move forward. We know that what a dollar buys today is different from what it bought ten years ago. We have to keep that difference in place as we move forward so that \$100 or that \$1,000 is increased to allow it to buy the same quantity or quality that you were seeking to buy.

The capital development in this country needs to be a two-year programme. We need a number of projects that we can commit to, as being urgent, in order to ensure that the infrastructure in this country keeps pace with the demand. So that when you leave your house in Bodden Town, at whatever hour, you can get to George Town at a reasonable time; it is just an example. When you leave your building at Cayman Kai coming into George Town, you can arrive at a reasonable time.

**Mr. Roy Bodden:** Preach!

**Hon. Thomas C. Jefferson:** What we are trying to say is: not only are you arriving on time, but you are arriving on good roads, comfort, not the potholes, not the patches, not the need for your shocks to be always in operation.

The programme that I have outlined for roads, I sincerely believe we need to act on now. We need to begin that process in 1999.

*[Member's inaudible interjection]*

**Hon. Thomas C. Jefferson:** Mr. Speaker, for the Member's benefit, there are a lot of things we should have done before.

*[Inaudible interjections]*

**Hon. Thomas C. Jefferson:** The traffic congestion and how to arrest it: we have to deal with the extension of the Harquail, and put in the roundabout at North Sound junction. We also have to deal with the first phase of the Crewe Road Bypass that takes us from Tropical Gardens down to Bob Thompson Way where you will turn left and go to the schools, or turn right and come out on Smith Road. We have to do it, otherwise we are not going to arrest the situation.

I don't commit myself to any Band-Aid approach, Mr. Speaker. If they want me to do that, take the subject back, please! Take the subject back!

*[Inaudible interjections]*

**Hon. Thomas C. Jefferson:** If we own land in this country, if we have Crown land that is capable of being the type that we need to crush and get rock to deal with the Harquail or deal with the Crewe Road, it's a business decision. We own it, why not use it? Reduce the cost. How much do we want to pay? They say it's \$6 million, if

we use our rock and our marl maybe it will be \$3 [million], maybe \$4 [million]. But it would make sense to go that route. Why spend extra money? We could use the extra \$2 million or \$3 million doing some other project the country needs.

And district roads, let me be there too. District roads. Mr. Speaker, take back the million dollars, I don't need it I can't do anything with \$1 million on Grand Cayman!

**The Speaker:** We'll take it!

**Hon. Thomas C. Jefferson:** And it's not you that put it there, Mr. Speaker, but I am supposed to address you.

**The Speaker:** We'll take it!

**Hon. Thomas C. Jefferson:** I believe that the district roads in George Town, Bodden Town and West Bay—each district needs at least \$500,000, otherwise you cannot correct the problems in the districts. I believe that in North Side and East End you need \$250,000 to correct the district roads. I believe that when you are talking about the road resurfacing (and I may have quoted the wrong figure) from Frank Sound to Old Man Bay, 1.75 miles, the amount we need is \$450,000. We know that is the amount for 1999. We know that we have to duplicate that in the year 2000 in order to do it properly and do all that needs to be done. So I go back to that area to be sure that what I did say was correct.

I know that many Members across the floor have been asking for civic centres. Why can't we get it done? I know that Members across the floor have been asking for the Lighthouse School to be put in place.

**Mr. Roy Bodden:** Yeah! Now you're preaching!

**Hon. Thomas C. Jefferson:** Community parks. Sporting facilities. Why can't they be done? We vote the money, why can't they be done? Are we handcuffing ourselves, or do we really want to get this done? I know there is a need for another Primary School in the George Town area because the three schools nearest to this area, George Town Primary, Red Bay Primary, and even Savannah, can't take many more children. Red Bay is at 416, I think, and George Town is at 422, and Savannah is close to 300. You need more facilities. We have to do it!

Which one of us is going to deal with the parents when the child is put outside under the grape tree, when the others are inside in air-conditioned facilities? I wonder who will be bold enough to deal with it.

*[Inaudible interjections]*

**Hon. Thomas C. Jefferson:** Mr. Speaker, I know there are other Members who wish to speak. And I am not going to go on much longer, but West Bay Primary School multi-purpose hall...

*[A Member's laughter]*

**Hon. Thomas C. Jefferson:** ...must be put in place in 1999. West Bay Hurricane Shelter must start in 1999 because we want to get on with providing a public library in our district. We don't want all of our people coming to George Town to visit a library. We have 8,000 people.

*[Inaudible interjections]*

**Hon. Thomas C. Jefferson:** I know that the Member across the floor, the Third Elected Member for George Town, in particular, is trying hard to get his George Town civic centre hurricane shelter. We should do it! We should do it! And the Minister for Education says he supports it, so what's the problem?

*[General uproar!—laughter & inaudible comments]*

**Hon. Thomas C. Jefferson:** Please. Mr. Speaker, we have bought land in West Bay. We are reasonable people. We have bought land in West Bay for the second Primary School in West Bay. And we are going to move on with that as well. That's another project that has to get done by the year 2000.

*[Inaudible interjections]*

**Hon. Thomas C. Jefferson:** I am going to, with the agreement of my colleagues, circulate this document I am talking about that has \$54 million in it, and I am saying let's look at it as a two year project. Let's cap it at \$30 million for 1999, and we know that it does not change the percentage of debt repayment. The percentage is 7.1%, and I didn't do this myself, I got the information from a very able finance person. So I don't have any doubt about what it says and whether it is right or not. I know that he has done this exercise many, many times.

We are able to go to the bank. We are able to borrow. We have the ability to look comprehensively at the revenue system in this country. We have to do all these things I have mentioned because we have to steer a different direction for this country. We have to ensure that the infrastructural needs in the Cayman Islands are put in place. What's the cost if you don't? Think about it.

What is the cost to all of us if we don't arrest the traffic situation in this country? What is the cost if we don't provide the schools for the children? We have to provide the facilities in order for the Cayman Islands to continue to be the country we are proud to live in; proud to raise our children; proud to attend church; proud to have a community of social harmony, a community that has very little crime. Let us all step up to the plate. Thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? The First Elected Member for West Bay.

**Mr. W McKeeva Bush:** Mr. Speaker, thank you very much.



I do not expect to be long, but I am pleased to be able to add my contribution to this very important debate on the budgetary proposals for the year 1999, God willing. It is important because whatever is agreed on this Estimates will do the work, we hope, in these islands for the very last year in this century.

It should be important because these are the plans that should be helping us in the new millennium. I should say that this is where I am disappointed: With all the good ideas and all the good programmes started, and all the goodwill of the people, the Government has become lame and is without cohesiveness—because of their own faults, of course. I believe that the Minister for Tourism spent yesterday (or Friday afternoon) and all day today showing us why. I doubt that the plans, projects and programmes will be affordable in the short term; I doubt they will be sustainable in the longer term. I certainly say they are unrealistic and unfair in the circumstances.

Now, Mr. Speaker, as Legislators, we must be fair in all that we say and do. In spite of all our problems, I believe that these Cayman Islands are the best little [islands] in the whole wide world. God has been good to us. We are blessed. When we consider the plight of others in this region, can we not say that God has blessed us? We surely can!

As I said earlier, the Government is getting deeper and deeper into a situation with the financial aspect of this country because of their own fault, that borrowing and raising fees seems to have become commonplace. But how far, or how much further can we really go before we begin to feel the negative fallout of such policies? I pose the question, Will the next decade be one of confronting the bills built up today?

I don't know much about economics and accounts, and I will leave that for those persons best suited. The policies of the Governments of this country have followed a prudent path over the years. The Budget, as we all know as parliamentarians, is constructed in two parts: current accounts and capital accounts.

The current account is likened to 'the housekeeping budget'—taking care of the payment of salaries, travelling, rent, interest and all the expenditures that occur from year to year, or throughout the year. I am told that it is a sacrosanct rule in prudent financial practices that this housekeeping budget of the country, the housekeeping expenditure, must be met from the revenues of the country.

The earnings of the country must be used to finance the recurrent expenditure and indeed not only should the earnings of the country finance the recurrent expenditure, but it should leave something over which can be used to help finance the other accounts of the Budget. That other account is the capital account which is where all the capital development work takes place, the productive programmes—the capital development that the Minister for Tourism was talking about.

We are borrowing money to close the gap. I don't know of a time when that happened. The Government cannot continue to use those loan funds, if I am understanding correctly, to fund the housekeeping expendi-

ture. There is good, common-sense reason, that anybody can understand. If we, in our household budget, have to buy the supplies, that is take care of our families—food at the supermarket, transportation, mortgage/rent, school fees and other things like that—out of what we earn then we will have to borrow in order to make up the difference.

As I understand it, you can borrow for just so long to make up that difference, until one day the bank manager catches up with us and says, '*You can't continue to borrow by virtue of spending more than you earn. What are you going to use to repay what you have borrowed?*' Borrowings can only be repaid from earnings. I will wait for others to explain it much better than I can, but from what I see, we are borrowing to close the gap.

We have to face certain realities. The question of borrowing is the same for the country as it is for a person or a family. It is not how much we can borrow, but how much we can afford to pay back. What we must always remember is that there is no such thing as two or three percent borrowing, or soft loans, anymore. I doubt that. I don't know if the Hon. Financial Secretary will get that kind of support in the country. I doubt it.

In March 1997 I was in Executive Council and the Government decided there had to be some borrowings and fees raised. I agreed at the time because at long last I felt that the position I had taken all of my public life was being taken up. For instance, if a man bought a Toyota Tercel in Miami, his duty should be less than a person who bought a Cadillac, Lincoln or some other big car. I could support that kind of increase. However, the money from such fee increases as duty and registration of vehicles was supposed to go to our roads network. But that didn't happen! And it didn't happen in the borrowings of November 1997 either when I was not in Executive Council. We all know what kind of prioritising the Government did.

They went away at the end of the year and came back with a list of items that was not included in the Budget that the Minister for Tourism said they would prioritise and bring back to Finance Committee. We all know that the kind of prioritising that took place was certain projects, like Pedro Castle—which was not included in the Budget—were handed large sums of money in the new prioritised list. Let me say that I don't agree with that move. I didn't agree with it then. It is that kind of 'me first' attitude that got us to this point. That money, as we agreed, and as was told to the country, should have gone on roads at the time. Then there would be no need to come here expecting us to put \$10 million or \$15 million on the roads now because the responsibility for roads has shifted.

I don't want to hear that I am against cultural programmes, or that I am against Pedro Castle. It is a nice, new, Disneyland type facility. However, it would have been much better for the country to have spent half that amount and given the country a more culturally oriented facility along with a decent conference centre. I do hope that since that was not done that the projections given to us by the Honourable Minister responsible for Tourism,

as to how much revenue we will make from that project, will be realised.

I say again, that is where the money went. This cannot be good Government. When the previous Minister for roads was also screaming for money, the money went elsewhere. Let us be honest and tell the truth. I say again that I am not against developing projects to enhance tourism because tourism is one of the main pillars of our economy, but I am against the amount of expenditure that has gone into Pedro Castle to make it this Disneyland facility it has turned out to be. We didn't need to do that at all, and far too much money has been spent on it.

We, who were the National Team way back in the early days, campaigned on a manifesto that said we would do something about getting the sports centre in George Town. We said we would do something about facilities in the districts. We said we would do something about roads. We said that we would do something about social development and the truth is, every candidate in that election campaign, campaigned on the same thing and said the same thing in their manifestos and publicly. But the National Team did not campaign on Pedro Castle. We had a mandate from the people to address other areas neglected for 25 years. There was no mandate to spend \$10 million on Pedro Castle.

When we got elected to Executive Council in 1992 we started out on a course to put some money into the social infrastructure in such things as sports, which the Government and Opposition alike said was neglected—for 25 years, some said.

I remember proposing that we could tackle one area one year and another sector the next, rather than doing all sectors at the same time. But that did not work. No one wanted that. And if anyone believes that it is he who screams the loudest who gets, he is sadly mistaken. He doesn't know what takes place in the Glass House. In the makeup of the Executive Council, it was he who could get the support of certain players in Government who got the most.

While I was blamed for everything, and was the whipping horse for spending money, others were spending much larger sums than what I spent on sports and old people. That couldn't put us where we are today. Not that kind of expenditure over the five years I was in Executive Council.

Mr. Speaker, I was never a person to be easily disillusioned, but now that I have had some time to stand back and see what is really happening, I am really disillusioned with the way that I see the goings on, let's put it, and what scheming really goes on. I can really say that I am glad that I am not there. I don't want to be in a situation where anybody can be sacrificed, because that seems to be the way Government has been operating. But I am really sorry for some, and sorry for this country.

When I was in Executive Council I was too busy protecting others, trying to get housing, trying to get training, trying to get youth programmes, and sports. I took great interest in the work of the Hon. Financial Secretary to protect us from those who are so jealous of

these islands that they would sink us. I had no time to scheme against my fellow man, not for praise, not for glory, not for re-election. Perhaps I was too busy for my own good!

But from what I see taking place, Mr. Speaker—and I say this hoping the Members of Executive Council take it for all it's worth: One of the fundamental problems that I see existing is that there is no cohesiveness in Government now. Each person is doing what he wants and the Leader of Government Business is left to take the licks and still keep everybody happy with expenditure; to still keep them together, while his Education Ministry goes lacking. He is taking the licks and everybody else is having a joyous occasion.

Is this good Government? As far as I am concerned this is not good enough. As I said, there is no cohesiveness. Therefore, with what I see going on, I doubt that the plans and projects as proposed, not just by them but by other people over the years that are now trying to come to fruition, programmes I doubt will be affordable in the short-term, and doubt will be sustainable in the longer term. And we know now, according to what the Minister for Tourism has spent the day telling us, that they are unrealistic, and, certainly, from what I see in the Budget, they are unfair in the present.

Mr. Speaker, we are all talking about changing the systems and what we should do to make Government work better. Let me say that no amount of accrual accounting or changing up the books will help us in the prevailing circumstances of the Government and the country when this kind of situation exists where so much cut-throat is going on. The country sees it, and the Members in this House see it. How can this inspire confidence?

Let me say that the country is the worse off for it, and will be worse off no matter what group is there when this kind of 'me-first' attitude prevails. I hope, sir, whether I am there or not—and I don't have to be there—that the next Executive Council, no matter who it is, things will be different.

You know, Mr. Speaker, I must agree with the Minister for Tourism: In spite of all the problems we have, this is still the only place that I would want to live—the only place I can live. And we still have a tremendous amount of goodwill in these islands from our people. Believe me, the people want things to work. Sure, you will find those who criticise everything. But the stark truth is, these people are in the minority.

Every one of us in this House wants the country to be good, wants the country to be workable, every one of us—Government and those of us on this side of the House as well. We have good civil servants to be proud of, good doctors, good teachers, nurses, clerks in the offices, good managers, good tradesmen, good people working in the churches, good people working in the service clubs, we have good labourers, even the street cleaners are doing a good job. We all want to see these Cayman Islands succeed because we live and have our being here. Thanks be to God, these islands are still the best place to be. But we must make it work for all of us today, and in the future.

I don't intend to be long on this aspect of the examination of the Estimates. I hope to have some time in Finance Committee to be able to get some questions answered. However, there are real fundamental mistakes in the Budget, as far as I am concerned; mistakes which I cannot condone and I hope before the entire exercise is completed mistakes will be corrected. Mr. Speaker, first of all, the funds projected are too much for use in the year 2000 for new projects and continuing projects which would be left over from 1999.

If we are having so much trouble funding what we are doing in 1998, where will the funds come from in the year 2000? I hear about borrowing larger and larger sums when the sums being borrowed in 1999 will presumably take the Government through 1999. For those new projects that are included in these papers before us for 2000, will we borrow in 2000 to start them in 2000? And raise fees to assist with payment of the loans in 2001?

There are consequences, as I understand it, for placing these projects in the Estimates for 2000. We cannot keep taxing the same areas. I guess that has been our sing-song for some time now. What will happen in 2000? In 2001? In 2002? In 2003? – to just look at a few years. Will the Government, then, whichever it may be, have to come to the country and make us pay for educating our children? I have always opposed that, and I always will, because I know full well that if we don't educate and train our young people, the Cayman Islands have no future. And if we tell the country that they have to pay for education in the public schools, then people will grow up much worse off than many of us who grew up years ago when we had no opportunity. The reality is that today the gap is widening between the haves and have-nots. And while we build castles, that kind of policy, with its attendant need for large funds, leaves room to attack the poor and middle-income [groups] in these islands with the kind of fees being raised, and raised again.

Mr. Speaker, when we examine the Estimates, that project is spending over \$2.5 million this year, 1998. It will spend \$335,000 for capital works in 1999. If we can believe that, because they started out saying \$1 million this year (that was in November last year) and we see over \$2.5 million spent. So we don't know. But in addition to \$335,000 they also have a subsidy of \$620,000.

While we spend \$955,000 (if that is so) next year on the castle, the mental health clinic which was scheduled to be housed in the old West Bay Health Clinic now has no funds allocated. How long have we been trying to get a day care centre, clinic, or anything you want to call it, for the mentally handicapped? And we finally find a place which was agreeable to everybody, but it seems now that the castles and the jailhouses are so important that these poor people who are so unfortunate to be mentally handicapped again go without this facility. This is a disgrace for a country boasting of so much prosperity.

Our history cannot, and might not be written in great and bloody battles, but it can be written about how we progress the human condition by actions and advances

gained. It is not charity to show respect and care for people. No, I agree that we don't want to be a welfare state. But, as I have always said, we must take care of the state of our welfare. It has been accepted that Education needs huge sums of money for new school facilities such as halls, and as I said, for general maintenance of school plant.

The Minister is quite aware of how Members feel about Education. It was always said to the Minister for Education at Budget time, and other times, "Truman, get what you need for Education, even if you have to borrow it." So goodwill has always existed to the extent that Members on both sides of the House have agreed at all times for expenditure on Education. However, we find that seriously needed school facilities are again not going to get attention in 1999, although I heard the Minister of Tourism saying that we must get it. How can we get it when the money is going elsewhere?

I wonder at the politics that exist, when, once again we find \$100,000 in the Estimates for the Sunrise Centre. If this is for renovating the present facility, then I feel that it's money wasted. I haven't had time to talk to the Minister for Education. The Sunrise Centre needs a different facility as we keep saying. And I know the Minister for Education recognises this. The present one is unworkable, is unsafe and leaves no room for needed intelligent programmes to help those who attend it move ahead in life. Yet, all we can put for the Sunrise Centre is \$100,000. What are we going to do when the Fire Department has condemned the present facility? And you are talking about adding \$15 million to the roads, the Sunrise Centre—that kind of human condition goes without.

The Alternative Education Centre is slated to cost \$1.3 million. That's what these Budgetary Estimates say. But it will only get \$450,000 in 1999. There are no funds placed in the Estimates for 1999 for the Secure Children's Facility which is so badly needed. I sat there and I marvelled at the speech of the Honourable Minister for Tourism, and I said would to God that the Minister for Tourism had talked that way when I was in Executive Council taking the licks from people who did their endeavour best to stop the building of the remand centre—right within the Glass House, and outside of the Glass House. Would to God that I had that kind of support.

In fact, before I left there was a man brought in to advise on the facility and he has been working with the Social Services Department. Yet, again, there are no funds in the face of such need. And they recognise it.

I see that they have projected \$5.6 million for the year 2000. How much money can be spent in the year 2000? I ask. Every one of these items as you go down the line, is 2000, 2000, 2000. And I wonder if it is not a grand exercise...begin in 1999 and have big openings in 2000...while people suffered for the many years that I attempted to get these kinds of things done. Do you know what we heard? We're spending too much money. So, no Alternative Education Centre, and no Sunrise Centre, and no Remand Centre. Good going, is it not?

Now, Mr. Speaker. I heard the Honourable Minister for Tourism mention that he didn't know whether or not the Alternative Education Programme should be with the Marine Institute. I believe he said *don't duplicate efforts*.

When we said that the Alternative Education Programme should be incorporated with the Cayman Islands Marine Institute, did I get the support then? What has brought this tremendous change of mind? I would like to know. I am not disagreeing, by the way.

What brought this change of mind now that the Alternative Education Programme should go in with the Cayman Islands Marine Institute? Is it so that they can borrow more money and get them the programmes they want—to be heroes? Got the remand centre, got the schools, got the halls, got the libraries? We were supposed to get these some time ago. I am glad that there is a realisation that we need them.

We said, don't put a project in because you dreamed it up. And that is a profound statement by the past Financial Secretary, the Minister of Education. You see the need. You even perhaps campaign on it over a period of years like we did, and begin to put them in place like we tried to do. But if you have people putting stumbling blocks in your way and cutting your throat you won't get them all done as happened to me. We couldn't get all those things before, but we can get them now. Just borrow the money. Just borrow it, they say.

Mr. Speaker, and Honourable Members, the worst situation that exists with promises is the John A. Cumber Primary School Hall. As far back as 1988 I have been trying to get that hall for that school. Nothing was done. The school hall has been needed and there has been nothing done. Every year I was in Executive Council, it was promised. Last year I practically begged the Government—in fact, I did, here in Finance Committee—to put its foot down. I asked the Minister to put his foot down, and in May this year I was being told that the hall could not be built within that seven-month period. That is, May to December—next month. I agree with the Minister for Tourism. I begged them; I argued with them in Finance Committee. No, they said, it would be built next year—next year, 1999. That was the promise.

Well, what do we find in the Estimates for 1999? Lo and behold, for the construction of the Multi-purpose Hall at West Bay Primary School, \$1 million, when the project is slated to cost \$1,728,400! One million dollars for a facility that is going to cost that kind of money is placed in the Estimates for the year. For the year 2000, the amount of \$728,405 is placed in the Estimates. Do you realise, Mr. Speaker, what this means?

I believe the Minister for Tourism realises what it means because he kept saying, "We have to get the hall!" Because of only having \$1 million in the Estimates this year, and \$728,000 for the year 2000, it means that the West Bay School hall would not be completed until the year 2000. Can you imagine that they would expect the public to swallow that? The children of the John A. Cumber Primary School would still be meeting on the field, or somewhere outside West Bay for their school functions.

Mr. Speaker, this is simply not good enough! I certainly expected that the Minister of Education was going to put his foot down to get those programmes through. But to top it all off (and I just can't understand how Government thinks), we can count at least five needed facilities that are not getting enough of the required funds—or none at all!—Alternative Education Facilities, Secure Children's Centre, Sunrise Centre, Mental Health Centre, and the John A. Cumber Primary School Hall, not to mention the other schools for West Bay because the present one is too small, not to mention other projects that are needed.

Look at the irony of the whole matter. We can't get the required amounts of funds to ensure protection and education for our children, and the sick. But alas, we find close to \$1 million to extend the Prison! This really, really grieves me, Mr. Speaker! It really, really grieves me when the Government comes here raising fees, and borrowing money, as the Financial Secretary said, and then the Minister for Tourism gets up and says '*No, we don't need \$20 million. Uh-uh. That's not good enough. We have to borrow more money.*' It really grieves me, to raise fees, and borrow money to build a larger jail. Not with my support! And I can stand alone.

What we need to do is quickly be about rehabilitating these people who are committing the burglaries to pay their drug habit and then ending up at Northward and just escalate the need to build a larger prison. We don't need to put any more money in the prison, give that money to the Minister for Health and let him finish what he needs to do. That's what needs to be done.

I took a lot of ridicule from a lot of areas because I spent funds on a few social programmes. Let me say that I have never believed that we should do as much to create a welfare state, but these islands are far from that. It is not charity to look after the old who don't have pensions. It is not charity to look after those who are sick. It is not charity to care for and show respect for others—be they our supporters or not.

We talk a lot about Vision 2008, and the new millennium, and the National Team's central theme was "Building for the 21<sup>st</sup> Century." The great public works of the future will not be motorways as far as I am concerned, will not be roads. They will be investments in Education, investments in technology and social infrastructure. Does anyone believe that a policy of spending more Government money on tourism and finance, leaving out the social infrastructure, and then building a larger prison will continue to work? It can't!

You might hear some crying about the roads now, but when we got elected there was some cry about roads too. We want more roads. What was the cry then? We need to get young people off the street. The cry was to get crimes by young people down. I am not saying that what I attempted to do was the panacea for the whole problem, but, by God, I attacked it and I dealt with it in the face of much opposition and cut-throat from within the Government! I will never forget it.

And now they come in here with their swanky hymn-books singing a song of 'Come to the Altar, I need to bor-

row more money' That's good enough? I doubt it. It is not good enough. We are about people. To build a larger prison for \$1 million? Sorry, Mr. Speaker, I shouldn't shout.

The young people of this country know better. And they are not going to be what we think. That they can just sit down and take it. It won't happen that way. They know better. The young people of this country and many others know what wellness of life means too. That people must be cared for. The young people know that. It is ironic and cruel that this major budgetary exercise which will lead us into the new millennium is forgetting about certain policies which we said we would push for.

We do have a duty to try to build for the 21<sup>st</sup> Century, for the future. These islands are a place of fairness and equity, and our policies should be about enhancing social development, not winding it back. Our policies and principles and positions should be about advancing all the needs of public education. No, we don't believe in handouts. But I am convinced that the state should exist to give people a hand up. That's me. What I see happening is that we are coming up short.

Mr. Speaker, as I said earlier, I don't intend to be long. I believe that we should continue to prepare these islands to be a premier tourist destination. I believe that. And I agree with attempts made by former Members responsible for Tourism, and some being made by this Honourable Minister of Tourism to accomplish this. I support efforts to move up the level income group to a higher end. I support all that. But we have come now to a time to examine the actual expenditure from our Budget. We are spending over \$11 million on advertising? How do you make tourism work? How do we bring visitors here? We promote the Cayman Islands more strongly. But we don't do it alone. I have been saying that for a long time. We get the private sector and the Government together to market our islands. We have a good destination, yes.

These days there is much talk about reinvention. They even said that New Zealand is a good model. Well, I won't support everything that New Zealand does. But one of the things they do is that the private sector and tourism match dollar for dollar in promoting New Zealand. The Minister should look at that. I am not saying that that is the entire ratio we should look at, but I believe that earnest dialogue should take place between Government and the private sector in the sharing of advertising costs. I will say no more at this time about that.

Mr. Speaker, I sat back and I listened to my friend, the Minister for Tourism, when he said that we need to do training. There is a motion before the House about getting some training done. But I am going to be frank here today. Again I had to wonder about those pronouncements. I didn't hear a lot about it when I was taking the licks to try to get it done. I got a paper through Executive Council that said we would do certain things. But I couldn't get any money to do it with. I had little or nothing to do training. Couldn't get it off the ground no matter how hard I tried. While there were a lot of people saying 'I support you', there were not a lot coming up

front saying '*This is how you do it. This is how you get it done. Here are the funds.*'

The Ministry of Community Development at the time had no funds for training. In comparison, this year Tourism has \$500,000 for local promotion. Local public relations \$140,000. Information System Services, \$252,000. Tourism development programme, \$304,000. I don't see anything here about training in the other Ministry.

Training has now moved to my friend, the Minister for Education, and what do we have? They only gave him specialist training, \$15,979. There is nothing here for training. I am not going to dwell long on it because I have a motion that I hope to deal with it in total.

The Minister for Tourism said the apple is not ready before it's ripe. Ha! The apple is rotten! It was ready to be plucked. It had ripened. It had come where we needed to move it to get it out so that people could smell it, feel it and eat it. What happened? They didn't give me the support. That's what happened.

Much has been said about roads. The Minister for Tourism, the new Minister for roads, said that we are going to do all the roads in the country. They all need to be done, put black top, or asphalt on them. We just did North Side some time ago, chipped and sprayed it, resurfaced it. And Bodden Town too; that was just resurfaced. Now they are going to asphalt it. Now, Mr. Speaker, it's all good and well when if you have loads of money or you have asphalt like Trinidad and Tobago. We could do that.

And I heard about resurfacing the West Bay Road. And, yes, that needs some attention. But is resurfacing the West Bay road the most important? Or adding one or two more lanes where they can be added so that the traffic flow is much easier? Or finishing the Harquail Bypass straight through? The truth is that from the cemetery in West Bay up, to a certain distance—let's say from the Governor's residence even—the road itself is not that bad. To make traffic flow easier, perhaps more lanes could be put in. It is better, as far as I am concerned, to spend and do what you can, rather than going having to borrow millions for some things and leaving other things behind.

Not to say that money does not need to be put on roads. What I am saying is that we just resurfaced Bodden Town Road in certain areas. The main road, not the entire Bodden Town district because that is in a bad plight as far as the feeder roads are concerned. I am talking about the main road. Anyway, they have the wheel. Let's see if the ship runs aground by putting in the roads or borrowing the money.

To get his point across, the Minister for Tourism gave the comparison that the Government is paying more to collect people's garbage than it is collecting from households. You can put it up \$100 and we would have to pay. I hope that an allowance will be made for old people, so that they will not be expected to pay if they are not working.

That is a good excuse to get the extra \$50 per year. I opposed that before, so they couldn't do it. They are doing it now. But what the Minister for Tourism didn't tell

the House was—he didn't say anything about the situation with commercial businesses. He wouldn't say that last year in March when they wanted to put an increase on garbage I inquired about which businesses were paying. And when they completed that exercise, they found out that Government is subsidising business garbage collection by 50%. Whether that is so, that is what we were told. If they can subsidise any business, they can subsidise the households a little bit more. I wait to see if figures are brought up to show that they are not doing that. But that is my understanding.

I can't finish without talking about the hospital. I just want to be brief about it. The original estimated cost of the hospital in the swamp was \$16 million. But coupled to that was some \$11 million for the other hospital in George Town where it is now. Nobody seems to remember that. But why the country was in the uproar over the hospital was because the hospital was going to be a split site hospital—one in the swamp, and one at George Town, where it is now.

If any of us believe that building that hospital up there cost us anything to operate, [just imagine if we] had gone through with that programme that was set in motion where you didn't even have a kitchen—as I recall—at the one in the swamp. Maybe the Minister for Health can correct me. If there was one, it was not called a kitchen; it was called something else. [Member's inaudible comments] No. They don't call it a kitchen in a hospital I am being told. But I do know that the duplicity of services would have driven this country mad in recurrent expenditure.

When we got elected, the Governor was quick to say that this thing had to be stopped. The paper was put and it had to be stopped at the time. Now, it is left to see that where the present Minister has the programme, whether savings will be realised in the recurrent side of the project. But to say that what I did as the first Minister of Health, and what he came along and did afterwards, we did what the people asked us to do. If we all talk about doing what the people want us to do then we did that. But, you know, people change their minds.

I have no regrets about changing that, Mr. Speaker, because I went to that site in November 1996 and believe you me, you could sail the *Adams* around it. What I am concerned with is getting proper health care attention to those who need it. And we started out on a project and in the first year we said we'd build the district clinics, they will take the stress off the main hospital and it would be cheaper to an extent to service some needs in the communities rather than people tripping up and down in George Town and that sort of thing. And I don't have all the facts in front of me, but those were the general ideas going into the clinics.

The first thing I did was go to Bodden Town and look at the Bodden Town clinic which was right on the road and in a dilapidated condition. I said that was the first one that was going to be built. So, it was after I had left and the new Minister took over. I don't think that is so much an issue. It all depends on what the Minister and his civil servants do with the programmes that are there,

and whether the recurrent expenditure is kept in line. If that is blown out of proportion, then the Minister knows that he will have to bear the responsibility.

Mr. Speaker, I can't forget the ordeal with the Budget in March 1997. When I talk about players in the Government and the Budget planning for 1997, as I said, came to the conclusion that on certain revenue raising and loans I agreed with some of this. But I didn't agree to remove duty from yoghurt and such products. We agreed to put fees on shellfish, let us say lobster and shrimp. I believe those items were then 15% for import duty at the time. We agreed to put a 5% increase on it because it could take it. That was not going to hurt the ordinary man.

What happened? They not only took off the 5%, but they took off a further 5%. In fact, they decreased the duty on lobster and shrimp down to 10% to import. And now they have the audacity, the temerity to play statesman and say we must borrow \$30 million and then blame John McLean because they didn't get the work done for roads. Yes, Mr. Speaker, I agree that the former Minister for that subject was lacking. But the truth is, you have to have funds. Let's give credit where credit is due.

And some of the main people hollering today about '*We have to do this because we live here and this is our country.*' That's true, but it was our country then too! As far as I am concerned, it's nothing but gearing up for the year 2000 election—do some of the projects next year, borrow enough this year to do some of it next year, and some in 2000, and they will all look good smiling going to the polls. That's a fact.

In March 1997 it was "Blame it on McKeeva's Budget." In November 1997 it was "Blame it on First Cayman Bank." I wonder who they are blaming this one on. My desire is to see things working right in these islands for all people; to see that needs are met from what the country earns. My objective is to help unite a strong guard. What greater challenge could there be than to help lead one country in times of difficulty, to put aside petty arguments and to focus on the much bigger goal of building a better Cayman Islands for all of our people, and for all those who chose to live among us? I believe "... that all things work together for good to them that love God...." And these little islands are not heathen. There is nothing we can't do if we work together for the same purpose.

Now, Mr. Speaker, I have asked the Government for support in certain areas. And I hope that I won't find that I can't get it because of what I have said. If I don't, if I can't do things for the people I represent because of people playing politics, then I will bring a motion to this House and expose them. It is as simple as that. We must all work together for the good of the country. We must all see that those who need most get.

I have much more to say, but I am going to finish at this time. I hope that we get a chance in Finance Committee to explore the Estimates for the country. Thank you, and I thank the House for going on this late.

**The Speaker:** Does any other Member wish to speak? (Pause) The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I haven't risen to speak, but with your permission I would just like to mention that there is a function this evening for some of the Members at Pedro Castle. There are still a few who haven't left who would like to attend that function. I think it would be in order this afternoon with your permission, and that of the House, if we could close off at this time so that some of those Members could attend that function.

**The Speaker:** I am in the hands of the House. I was told until 7 o'clock, but if that is the wish . . . The Honourable Minister responsible for Education, Aviation and Planning.

### **ADJOURNMENT**

**Hon. Truman M. Boddén:** Mr. Speaker, I move the adjournment of this Honourable House until Wednesday at 10.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM on Wednesday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House do stand adjourned until 10.00 AM Wednesday.

**AT 6.05 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 25 NOVEMBER 1998.**

**MONDAY  
25 NOVEMBER 1998  
10.20 AM**

**The Speaker:** I will ask the Member for North Side to say prayers.

**Mrs. Edna Moyle:** Mr. Speaker, before I say the prayers this morning I would seek your permission for the House to observe one minute of silence for the victims of violence, as His Excellency the Governor has proclaimed today, 25<sup>th</sup> November, as International Day against Violence against Women

***The House observed one minute of silence***

*[Prayers read by the Elected Member for North Side]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**NATIONAL DAY OF PRAYER**

**The Speaker:** Today has been declared a National Day of Prayer by the Cayman Ministers' Association. At 12 noon today a religious service will be conducted in the Chamber. As a result, the House would suspend proceedings at 11.45 AM.

**APOLOGIES**

**The Speaker:** I have apologies from the First Elected Member for West Bay who is still off the Island.

Item 3 on today's Order Paper, Questions to Honourable/Official Members. Question number 202 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 202**

**No. 202: Mr. D Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning what is the total debt owed by Cayman Airways Limited to the Civil Aviation Authority for landing fees.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** As at 31 December 1996, Cayman Airways Limited owed the Civil Aviation Authority CI\$372,739.62 for landing fees. As at 31 December 1997, Cayman Airways Limited owed the Civil Aviation Authority CI\$1,500,356 for landing fees. As of 30 September 1998, total landing fees owed to the Civil Aviation Authority by Cayman Airways are CI\$2,188,041.

**SUPPLEMENTARIES**

**The Speaker:** Supplementaries? The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if at any point since 1995 any landing fee debt owed by Cayman Airways to the Civil Aviation Authority has been forgiven?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Yes. When the restructuring was done (just after the new Government came in about six years ago), some of the debt that was owed, if not all of it, to the Civil Aviation Authority was issued as capital in Cayman Airways. It was capitalised. There was a substantial accumulation at that time and shares were issued for it. That's to my memory.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say what that figure was—even if it is an approximate figure—and when this was done?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** It was in the 1995 accounts. As to how much that was, I don't have that. It is such a long time back I don't want to risk guessing on it. But I can get it and make it available to the Honourable Member. I will get somebody to look back in the 1995 accounts.

**The Speaker:** Do you have a follow up question? The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** The Minister stated that when the restructuring took place after the new Government came in (in 1992) that this debt was nullified through book-keeping purposes by way of issuing shares. And the Minister then said this was done during the financial year



1995. When this was done during the financial year 1995 was this for the debt owed prior to the "new Government" (as he termed it) taking over, or was this the accumulated debt up to that point in time in 1995?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I don't have that answer. I would have to have someone go back and look into the accounts. However, what I would say is that normally this has to go to Finance Committee, and it would normally be for at least a year prior to when the shares were issued. But I don't have the figures on that, and I don't remember that far back.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say if the \$2,188,041 is listed in the books of Cayman Airways as a debt?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Yes it is. It has passed through the profit and loss account so this would have gone through the books of the company.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say if any penalties or interest are being charged by the Civil Aviation for this delayed payment and loss of revenue by the Civil Aviation Authority?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** No interest is charged either on what is owed by Cayman Airways, or what is owed by Island Air.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say if he is responsible to this Legislative Assembly for the Civil Aviation Authority?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Yes, I am, sir.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Would the Minister say whether or not he perceives this to be a conflict of interests? he being the final authority in both cases.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, there is no conflict of interest because the Civil Aviation Authority and Cayman Airways are both owned by the Government and the people of the Cayman Islands. I represent the people of the Cayman Islands. Therefore, where the ownership is common and similar, there can be no conflict of interests. The interest would be from one pocket of Government to the other pocket of Government. There is no conflict.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** That Minister is, of course, versed in finance. Would he say that it is prudent policy on the part of the Civil Aviation Authority not to collect monies of this amount, or not to charge late fees as is commonplace in the private sector?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, that's an opinion. Accountants do the accounts, and I stand on the audited accounts of both the Authority and of the airlines. What I would say, however, as we see neither Cayman Airways nor Island Air have been paying these debts, one has to question the common sense of adding interest to something that at present isn't being paid and, in relation to Cayman Airways, capitalised.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Would the Minister tell the House whether or not the Civil Aviation Authority experiences any inconvenience or deprivation as a result of such an outstanding amount? Might they not have problems replenishing or keeping up with state-of-the-art equipment and the offering of incentives and attractive salary packages to their staff so as to ensure that they attract and keep the best available personnel?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The debts owed by Cayman Airways and Island Air to the Civil Aviation Authority do not affect what staff should rightfully have. The Civil Aviation Authority has always had a surplus both in cash and in profit. However, the Member has quite rightly pointed out that it is a disadvantage to the Civil Aviation Authority to be owed money, and it obviously is an ad-

vantage to Cayman Airways to owe it. But as far as whatever is necessary for the Civil Aviation Authority—whether that is capital or recurrent or for staff or whatever—there are always sufficient funds. By and large, there is between \$1 million, to maybe \$2 million or \$3 million a year surplus. This year there will be a surplus I would assume as well.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Based on the answer given, it would seem that by year end 1998 that figure should be \$2.7 million, assuming that Cayman Airways hasn't landed any less in 1998 than it did in 1997.

Can the Honourable Minister say if there have been any plans put forward to or by the Government to retire this debt? If so, by what means?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** That's actually a part of one of the three questions on CAL. The answer to that is yes. They will be capitalising a part of that in shares from Cayman Airways. That will come out clearly in another question.

**The Speaker:** I will entertain two additional supplementaries. The Fourth Elected Member for George Town.

**Dr. Frank McField:** Since this debt seems to have been increasing since 1996, can the Honourable Minister say if he knows of any intention by the Civil Aviation Authority to collect these fees?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** That debt has actually been increasing since 1968, if we want to be a bit more accurate on it!

Cayman Airways has basically never paid Civil Aviation the fees. That is a fact. What I would like to do more than anything else would be to get sufficient money in Cayman Airways to pay off all of the past debt which, with the million [dollars] this year we are probably in the area of \$17 million or \$18 million. The fact is, with retiring the debt that was—I shouldn't say that Cayman Airways inherited, but that I found back six years ago . . . paying interest on a substantial part of that \$18 million is a lot of money. What we have been doing is paying \$50,000 per month, which is \$600,000 per year, on the loan at Royal Bank. But beyond that, we cannot pay anything further. That's just a fact of Cayman Airways' position at present.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I am using up the last supplementary. I would like to ask the Minister if other airlines using the services of the Civil Aviation Authority are charged landing fees. If so, do they pay these fees? Is it the policy of the Civil Aviation Authority to aggressively collect these fees? And if this is done by the Civil Aviation Authority how can Cayman Airways then be able to calculate its efficiency and productivity in comparison to other airlines that are using the Civil Aviation Authority without paying the debt?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The airlines that are owned by citizens of the United States, the ones owned by citizens of Jamaica (Air Jamaica, that is), and also Island Air are charged fees, as I said before. Island Air also has a substantial debt that is current and owed to Government. As far as I know the United States airlines pay fees for landing here—the same as Cayman Airways and Island Air have to pay to the US Government when they land at US airports, or Jamaican airports. So the answer is yes.

As to whether the US airlines owe their own Government, I know in the past US airlines have because a lot of them have gone bankrupt over the years—Eastern, Air Florida, Pan Am, a lot of them that flew here. So that is about the best that I can reply.

**The Speaker:** Moving on to question 203, standing in the name of the First Elected Member for George Town.

### QUESTION 203

**No. 203: Mr. D Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning to give an update on any proposed purchase of new aircraft by Cayman Airways Limited.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Since the Board's decision in May 1997 to pursue the acquisition of a suitable third aircraft, the management of Cayman Airways Limited has been involved in an extensive search. Cayman Airways Limited has technically examined a number of aircraft over the past eighteen months and is actively conducting further inspections on a shortlist of three aircraft and their respective technical records.

### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if the three aircraft on the shortlist mentioned in the answer

are indeed compatible with the parts in store for the other two aircraft?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** For the larger part, yes. Not everything, naturally, would be compatible. But they are the same type of aircraft and you will find similar equipment throughout. Occasionally things like avionics in the cockpit may sometimes differ.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** It is my understanding that the two aircraft being used by Cayman Airways at present, while being Boeing 737-200s, are different in many respects. I also remember the Minister in previous discussions talking about trying to get all of the aircraft as compatible as possible, regarding parts and operations.

Can the Honourable Minister say if part of the plan in purchasing a third aircraft is to attempt to get three aircraft of the same type?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The answer to that is yes, with an explanation. What would be ideal, as the Honourable Member quite rightly said, is that we would get three aircraft that were literally exactly the same. In other words, near to the same year with similar avionics and everything. That is the ideal situation.

He is quite right that in relation to the cockpit the two aircraft that we have now are different. I wouldn't say that there are substantial differences, but there are differences. One has JTD-17A engines, and the other has – 15A engines. Even though they are interchangeable, the 17's can be reduced to 15's if that has to happen.

So the answer is yes, if we could get three aircraft alike that would be ideal. If we could even get two of them that are very similar that would be better than having three that are different.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Based on the Honourable Minister's answer, is there any thought, then, to offloading one of the existing aircraft with a view to purchasing two aircraft that will match the remaining one?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** If it was possible to get a transaction constructed in such a way that we could purchase two similar aircraft, and be able to sell the aircraft that was least compatible with those two, that would be a

very good situation. What I should say is that we probably have to keep estimating it in the area of \$300,000 to \$400,000 more spares in inventory now than if the two aircraft were exactly alike. So the nearer together we could get the aircraft the less spares we would have to keep. It would be advantageous, as the Member has said.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Can the Honourable Minister say how this third aircraft will be utilised?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The third aircraft will do several things. One is that it will be support service for ensuring that our present routes are kept more on time. We will have a third aircraft and we would be able to schedule the aircraft at better times for maintenance, and have longer downtimes for maintenance.

Secondly, it will allow us to do better routes into Cayman Brac. Thirdly, it will allow us to have a third aircraft when we are dealing with checks such as D-checks, which are the heavy checks that take the aircraft out of service for a while. And we wouldn't have to pay the \$1.1 million or \$1.3 million to lease other aircraft during those heavy checks. It will also allow us to do more charters, some of which can be lucrative. It will give us all around better service.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I have always heard that a ship does not make money tied up to the dock, and that an airline does not make money while on the ground. Can the Honourable Minister say if this third aircraft will be in the air long enough to at least break even on the cost?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The Member is quite right: The aircraft has to fly a certain amount of hours. And I give the undertaking—and I have that from the managing director who is here with me—that there will be scheduling that will allow that aircraft to fly sufficient time to break even and hopefully produce a profit.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** One last supplementary. With the coming on line of the third aircraft can the Honourable Minister say if the staff will be increased, and if Cayman Airways will be looking to employ young Caymanians who have qualified as pilots?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The airline would have to hire pilots and flight attendants for the aircraft. Whenever there are any Caymanians available, or residents locally available next, we would always employ them in preference to anyone else.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** The Minister likes to give undertakings, so perhaps we will start to call him the Undertaker!

[Members' laughter]

**Mr. D Kurt Tibbetts:** Going back to the supplementaries answered before, when the Minister was talking about compatibility with the aircraft, can he say if in the negotiations that are taking place now Cayman Airways is actively pursuing the hypothetical arrangement he put forward about purchasing two [aircraft] that are more compatible while trying to offload the other one?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Out of the three aircraft that I mentioned the answer is no. There are no others. But sometime earlier there were three aircraft that were similar. Unfortunately, we were unable . . . well, there were more than three aircraft that were similar. We were not able to purchase those singly, and they are either off the market or they are gone.

I would like to mention as well that we only have one non-Caymanian pilot at present. Actually all of our pilots, other than one, are Caymanian.

**The Speaker:** Two additional supplementaries. The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just to follow up, in the answer the Minister said that they are actively looking at the shortlist of aircraft for a possible purchase. It seems like there is no possibility of linking two of them if they are the right aircraft to purchase along with another one. Is this the final lap? And is the thought that one of these three will be purchased, or is it very possible that we might not—not “we,” I take that back—that “they” might have to begin the process over again?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** It is always good to hear the Honourable Member referring to “we” because I believe that he has asked sufficient questions on Cayman Airways that at this stage he must feel a part of it!

The answer is that with the aircraft we are looking at now (they are three single aircraft) if it did become possible to find two similar, then, provided price and every-

thing else was right, obviously that is the route we would go. We would then sell the one of the two we now have that is least compatible with those two.

**The Speaker:** The First Elected Member for George Town, this is the final supplementary.

**Mr. D Kurt Tibbetts:** If you limit me to that, I am going to ask four in one.

**The Speaker:** Go ahead.

**Mr. D Kurt Tibbetts:** This can't be another one because the Minister has not fully answered my previous question. I was asking if one of these three would definitely be purchased, or if it was possible that any of these three might not be bought and you might have to seek elsewhere to get an aircraft. I was trying to get that answer. So that is not an extra supplementary, Mr. Speaker.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The answer is that we have no agreement, or no holding agreement. Normally what happens is that a small deposit is put down and there is an agreement where they take it off the market until the balance of technical checks can be made. We do not have an agreement on any. So it is quite possible, in the market that we have now . . . and it is difficult to purchase an aircraft out there. That's hard to believe. Even though one goes out with money to purchase an aircraft, it is just not easy.

**Mr. D Kurt Tibbetts:** It's not easy to buy a Cadillac Saville, but [inaudible].

**Hon. Truman M. Bodden:** That's true. But at least I kept my 1985 Cadillac. I am not going to sell that. But he is quite right, sir. I mean, it is possible that we would have to start over again looking at other aircraft.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Mr. Speaker, my final supplementary, sir. If that is the case, then, surely Cayman Airways cannot be serious about changing the colours of the aircraft if they might sell one.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I think one message that has come through loud and clear is that Sir Turtle is a very important part of Cayman Airways. And while the decision is the Board's I believe that the Member will see Sir Turtle— hopefully in an enhanced form, perhaps a bit larger even than it is now—continuing on.

On the painting, I should say this would not be done until the three-year routine painting for the aircraft came up when we would have had to repaint anyhow. So it would be a long distance away. But we learned a lot from the questionnaires that went out and the fora, the group questionnaires that went out in relation to this, and there seems to be a liking of the Turtle. I would think that Sir Turtle will remain.

**The Speaker:** Moving on to question 204, standing in the name of the First Elected Member for George Town.

#### QUESTION 204

**No. 204: Mr. D Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning what the total subsidy given to Cayman Airways Limited by the Cayman Islands Government will be during 1998.

**The Speaker:** Honourable Minister responsible for Education, Aviation and Planning, before you answer the question, I would ask that you suspend Standing Order 23(7) and (8) so that Question Time can go beyond 11 o'clock.

#### SUSPENSION OF STANDING ORDER 23 (7) & (8)

**Hon. Truman M. Bodden:** Since one Honourable Member was referring to "we" this morning, I will put this motion. I am happy to move the suspension of the Standing Order for Question Time to continue beyond 11 o'clock.

**The Speaker:** The question is suspension of Standing Order 23 (7) and (8) to allow Question Time to continue beyond 11 o'clock. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** During 1998, Cayman Airways Limited received a total of CI\$4.6 million in subsidy payments. Four million dollars of this was a general operating subsidy and \$600,000 was earmarked especially for advertising.

In 1998 it is estimated that Cayman Airways Limited will pay to the Government leasing companies a sum of CI\$3.25 million for rental of the aircraft, together with maintenance reserves which, when offset, is a net subsidy of CI\$1.35 million.

#### SUPPLEMENTARIES

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I will ask the Minister a pointed question: To that Minister's knowledge, was any other subsidy given to Cayman Airways by the Cayman Islands Government in the year 1998 besides what is mentioned in the answer?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The answer is that there is no other subsidy. However, the Government is paying \$1 million to Cayman Airways that will be used to pay debts that existed prior to 1992. The only other payment that the Member may be referring to is what was discussed earlier, which is the Civil Aviation debt. Once again, shares will be issued for the million dollars as well as for the Civil Aviation Authority debt. So there are payments going in, but in return Government will get shares for it. Those are all of the payments that I know of from Government to Cayman Airways.

I should perhaps point out that Government does owe Cayman Airways money too. So this goes both ways—both for mail, as far as I can remember, also for travel on Cayman Airways.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** The Minister just mentioned a very interesting word, "travel." I know there will be a substantive question, but can the Honourable Minister say what Government's arrangement is at present in regard to airline travel? Is there a fixed arrangement with any airline, including Cayman Airways, or does Government use whichever is more suitable for official Government travel?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I would hope on the routes Cayman Airways flies that government civil servants would have the loyalty to fly Cayman Airways and would not be going on other airlines. I can assure the honourable member that I fly only Cayman Airways, and I pay for my tickets when I go personally. The policy is that government should use Cayman Airways on all of its travel abroad where Cayman Airways flies.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say what the relationship is in regard to travel *arrangements* when made by any Government department for official travel? Is it done through Cayman Airways, or does each

department have the latitude to make its own arrangements even if it is using Cayman Airways to fly?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Mr. D Kurt Tibbetts:** Mr. Speaker, if I may interrupt. I am sorry. Obviously, the Minister is a bit puzzled. Maybe I can reword it so that he will understand what I am trying to say a little bit better.

Let me put it bluntly. It is said that by having to book through Cayman Airways it costs Government in excess of \$300,000 every year because of not having the latitude to book through a travel agent, or make direct arrangements with an airline. Cayman Airways' routes are limited, obviously. Much of the official travel done by Government officials extends beyond these routes. It is only natural that if there are options where savings can be realised that this should be so. I am told that this is not the case, and I am asking the Minister to say whether or not it is so.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** This is probably getting into Personnel matters, but I do not know whether the allegation that Government is losing \$300,000 [is true] or not. I would ask that it be checked out. What would have to happen is that what is lost in one area would have to be looked at from the point of view that Cayman Airways is owned by Government. So, when Government pays Cayman Airways for a ticket that would otherwise have gone on American Airlines, for example, it is saving the full amount that is paid—whatever Cayman Airways gets net, not just the difference.

So I guess you would have to take what is paid and what is lost and offset it. But there is a person in Government, in Personnel, who deals with Government's bookings and there is a person in Cayman Airways who also deals with Government's bookings.

The most I can do is to ask the Personnel Department whether or not the statement is correct; that whether as a result of booking Cayman Airways and another airline—which I think is what the Member is saying—that as a result of bookings on multiple airlines where Cayman Airways is involved, a loss does arise to the extent of just booking on one airline straight through (which is what I think the Member is saying).

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** The Minister is partially correct. What I was asking about was the cost to Government having to make the entire booking through Cayman Airways. I do not believe that anyone has a problem with using Cayman Airways where Cayman Airways flies. The problem lies after getting off Cayman Airways. I just had to clear that up. So the question is not a matter of loyalty

to Cayman Airways, the question is the methodology in making bookings. One could always instruct the travel agent to use Cayman Airways wherever Cayman Airways flies, but thereafter make whatever arrangement can best be made.

I can assure the Minister that there is the loss that I am talking about. And we talk about budgets? Those are the hidden things that make everything cost more. I am sorry I didn't put that in question form, but it needed clarification based on the answer given.

My question is, Would the Minister give an undertaking to ensure that if this is the case, that it be stopped?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The most I can give an undertaking on—since I have been referred to as an Undertaker this morning—is that I will check the matter out and see what is happening within these areas. But the fares of Cayman Airways to these gateways are by and large competitive. But you do get a difference at times. I am not saying American Airlines might not be lower than us sometimes, or that we are sometimes lower than American Airlines. But I think one has to remember that every dollar paid to Cayman Airways is money back to the Government.

**The Speaker:** Are there any further supplementaries? The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** A final supplementary, and I hope that the answer will make it final. The Minister just said that we need to understand that any money paid to Cayman Airways is money paid to Government. If that is the statement the Minister made, would the Minister please explain that, because I certainly don't understand that.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Government owns Cayman Airways, and it is therefore the owner of whatever funds are paid in there, indirectly. In other words, a person who owns a company ultimately benefits from whatever the company makes. That is what I am saying.

**The Speaker:** The Third Elected Member for Bodden Town, the final supplementary.

**Mr. Roy Bodden:** Is the Minister then telling the House that because any money paid to Cayman Airways is indirectly paid to Government we should fly Cayman Airways for \$10 (for the sake of argument), even when we could get a flight by another airline for \$1?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** That is an extreme case, but if it is Government's staff, in other words if it is civil servants, then that \$1 saved would be \$1 made. To quote a well-known phrase of Dr. Roy McTaggart's, "A penny saved is a penny made."

If it is Government staff, yes, they should fly Cayman Airways. And I would ask all people in Cayman to please fly Cayman Airways—it's your national carrier. We will always try to be competitive and we will always try to give very good service. Please fly us rather than putting money into a United States' airline that just goes back out of the country and does not benefit this. The \$1 left here is better than \$10 going out of the country and anybody who can't see the economic common sense of that really has a problem. A dollar spent in Cayman is better—

**Mr. D Kurt Tibbetts:** [inaudible interjection]

**Hon. Truman M. Bodden:** [addressing the First Elected Member for George Town] I am not talking to you. You keep out of this.

A dollar put in Cayman, and spent in Cayman is far better than \$10 spent with a US company that goes out of the country and benefits Cayman nothing.

**Mr. Roy Bodden:** Mr. Speaker, the Minister never ceases to amaze me, sir. That is not what I asked. I asked if the Minister is telling the House that it is better for the House to pay \$10 to Cayman Airways to fly, primarily because Cayman Airways indirectly benefits the Government, when they can pay \$1 to a competing airline and fly the same route. The Minister, in his usual way, has twisted the question around, sir.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning. This is the final supplementary now.

**Hon. Truman M. Bodden:** The Member shouldn't be asking me hypothetical questions under the Standing Orders anyway, so he gets a hypothetical answer. And that is the answer that I wish to give. A dollar spent in this country is better than \$10 spent in the United States or abroad because it does not benefit Caymanians in this country.

**The Speaker:** Moving on to question 205, standing in the name of the Third Elected Member for Bodden Town.

[inaudible interjections]

**The Speaker:** Question 205.

**Mr. Roy Bodden:** Mr. Speaker, I hope this doesn't mean that the Minister is now preaching socialistic economics!

**QUESTION 205**

**No. 205: Mr. Roy Bodden** asked the Honourable Minister responsible for Education, Aviation and Planning to provide a breakdown of the number of suspensions from the John Gray and George Hicks High Schools over the past school year giving the nature of the offence, gender of offender, age and length of suspension.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** There have been 254 suspensions involving 107 boys and 33 girls during the last school year. Of that number, ten boys were given long-term suspensions because of gang-style behaviours.

| George Hicks High School |                 |                 |
|--------------------------|-----------------|-----------------|
| Year 7 Age 11+           | 15 boys         | 2 girls         |
| Year 8 Age 12+           | 41 boys         | 11 girls        |
| Year 9 Age 13+           | 40 boys         | 20 girls.       |
| <b>Total:</b>            | <b>107 boys</b> | <b>33 girls</b> |

The ten boys on extended suspensions involved one Year 7 student; five Year 8 students, and four Year 9 students. All of these students were suspended on at least two occasions.

Below is a breakdown of the suspensions.

|                                |         |          |
|--------------------------------|---------|----------|
| Suspended on one occasion      | 51 boys | 26 girls |
| Suspended on two occasions     | 14 boys | 5 girls  |
| Suspended on three occasions   | 18 boys | 1 girl   |
| Suspended on four occasions    | 7 boys  | 1 girl   |
| Suspended on five occasions    | 3 boys  | No girls |
| Suspended for more than 5 days | 4 boys  | No girls |

Suspensions lasting more than 7 days were served by 10 boys. No girls were on extended suspensions.

| John Gray High School:<br>(1) Suspension – Boys 1997-1998 |                 |
|-----------------------------------------------------------|-----------------|
| Year 1014+ years                                          | 48 boys         |
| Year 1115+ years                                          | 40 boys         |
| Year 1216+ years                                          | 17 boys         |
| <b>Total:</b>                                             | <b>105 boys</b> |

Some of these boys were suspended on more than one occasion and consequently a total of 187 suspensions were imposed during the school year.

Nature of offences:

- ◆ Repeated misconduct/refusal to obey instructions
- ◆ Theft
- ◆ Fighting
- ◆ Abuse/threats to teachers
- ◆ Drug involvement
- ◆ Possession of offensive weapons

Length of suspensions imposed by school ranged from two to seven days. The Chief Education Officer imposed

longer suspensions on five of the boys for drug involvement and serious assault.

| <b>(2) Suspensions – Girls 1997-1998</b> |                           |           |                |
|------------------------------------------|---------------------------|-----------|----------------|
| Year 10 Age 14+                          | Abusive behaviour         | 4         | 7 days         |
|                                          | Fights                    | 5         | 18 days        |
|                                          | 7 detentions              | 8         | 24 days        |
| <b>Total:</b>                            |                           | <b>17</b> | <b>49 days</b> |
| Year 11 Age 15+                          | Abusive/defiant behaviour | 9         | 21 days        |
|                                          | Fights                    | 3         | 8 days         |
|                                          | 7 detentions              | 4         | 12 days        |
|                                          | Forgery                   | 1         | 2 days         |
| <b>Total</b>                             |                           | <b>17</b> | <b>43 days</b> |

|                 |                   |           |                |
|-----------------|-------------------|-----------|----------------|
| Year 12 Age 16+ | Abusive behaviour | 2         | 6 days         |
|                 | Fights            | 8         | 0 days         |
|                 | 7 detentions      | 4         | 9 days         |
| <b>Total:</b>   |                   | <b>14</b> | <b>35 days</b> |

Range: Two to seven days. Number of girls suspended, 48.

**The Speaker:** Is it the wish of the House that we suspend for a few minutes until we get photocopies of the answer, bearing in mind that we have to suspend proceedings at 11.45?

**Mr. Roy Bodden:** Mr. Speaker, I can ask—

**The Speaker:** Do you think we can continue? Okay. The Third Elected Member for Bodden Town.

**SUPPLEMENTARIES**

**Mr. Roy Bodden:** Can the Honourable Minister say what strategies have been effected to deal with what he has described in the substantive answer as “gang-style” behaviour?

**Hon. Truman M. Bodden:** There has been counselling within the school. We also have psychologists. We have access to psychiatrists. There is normally a panel of teachers including, where necessary, psychologists and psychiatrists who have a look at the behaviour of children and case by case come up with what is necessary in their opinion to assist the child to get back to a normal school life. Whether it is in the suspension unit or in the Alternative Education Unit, the aim is always to continue to assess and review the child with the aim of getting them back into the normal stream.

I would like to point out, however, that out of the average of the two schools (860-odd) 99% of the students are very good children. They are very obedient children, and I guess it is unfortunate that we do have a few that are subject to these suspensions or other problems within the school. I hope that this does not mar the 99%, or the 835 good children who are in the schools,

because we do have very good children generally in Cayman.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Minister also tell the House whether this “gang-style” behaviour, as he has described it, is a phenomenon experienced in both high schools or is it limited to one high school which he mentioned.

**The Speaker:** Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, I understand that it is in both schools on a limited basis. I should have added before that we have been working with the Social Services Department because most of the time the gang-style problems we have been facing arise outside of the schools. In fact, we have set up a group of advisers to specifically look at the gang-style problem that has arisen in the two schools.

The problem has to be attacked both from within the school as well as out in the society. No matter how much we do in the schools, as the Honourable Member knows, if the children go back to homes where the necessary discipline or the necessary love is not there these problems will continue. I think it has to be a joint effort by both education and social services, and at times also the health services, because some of these children are also ill, in trying to bring about a solution to the problems of these children.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker could the Minister say if he knows of any reason why this lack of discipline and love in the family does not exhibit itself in gang-style behaviour at the primary school level?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker I have not heard of it at primary school level. Unless the Member has information that I do not have it has been restricted to the two high schools as far as I know.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I was really asking the Minister why it exhibits itself at the high school if it doesn't exhibit itself at the primary school level. He is saying that the environment is responsible for the existence of this delinquent or gang-style behaviour. If they have the same environment at the primary school level why does it happen that we get this extreme exhibition of



gang-style behaviour in these particular children at that particular stage?

Has the Minister come to the conclusion that it is, in fact, the home environment that is responsible, or does the school environment also play some role in the failure?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker it is obvious that the school, the home, and also the child's mental and physical ability play a part in this. I was not attempting to say that the school doesn't have a role to play, it does. And we have tried to fulfil that role. But as the Honourable Member knows, these problems are never simple; they are complex.

Each child has to be looked at individually. But, speaking generally, I think it is part home and it is part school. The environment the child is in away from home also plays a role in how the child goes. Sometimes a family can raise a child in a very Christian way; yet the child at a later stage may not turn out to be as good as one would have expected. This is why I stress that there is a panel that looks at each child individually and tries to find out where the problems arise and what are the best solutions.

But I would like to stress again sir—and this was borne out—we invited all Members to the George Hicks High School. When you look at 400 children there and you see them singing, and performing skits, you realise Cayman has a lot to thank God for. We have some very good children. The vast majority are good. Unfortunately the press will only put in what one or two out of 852 . . . and this is unfortunate.

The press was not there the morning that we were at the George Hicks School. It would have been good if they had been there. I bet if there had been a fight, everybody would have been across there to headline things. So I am criticising the press, but I am also asking the press to please try to put forward some of the good things.

I guess I should not be criticising them today because yesterday they printed an extremely good editorial. But I am asking them to please try to put forward in the press, when I say that I mean all media—the radio, the television, the newspaper, the magazines—please try to put forward the 99% of good children's behaviour, the good things they do. We have a lot of good children in those schools and we have to thank God for that. Please don't let the six or eight or ten out of 860 or 880 children really hurt the character or taint the schools.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. Would the Honourable Minister say if any action has been taken as recommended on a motion that was moved on the adjournment of this House, I think at the last sitting, to set

up a task force to look at the gang related problems at our schools?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** A committee has been put together which is comprised of education, social services, and medical, to look at this gang area. It is the equivalent of a task force, which will look specifically at the gang problems. I am sorry if I didn't convey that earlier. I will have to get particulars, as it has only recently been done.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Would the Honourable Minister say if it is the intention of the Education Department to carry out a study in the primary schools to see if this problem starts in the primary school level and is then taken to the middle and high school level?

**The Speaker:** The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The most I can say on that is that I will put this question to both the Chief Education Officer and my Permanent Secretary and ask them whether they feel it should be done. If they feel it should be done then, by all means, we will do this.

We have extended, mainly through the Lighthouse School, a unit that actually begins with children who may have a problem beginning from about 12, 18 months of age, as the Member knows. They visit the homes of approximately 80. The new Lighthouse School will move that unit from where it is at the old buildings at the George Town Primary School to the Lighthouse School area so that the full unit will be together.

But the Member is quite right, these problems may be beginning earlier, and I will do what I can to do that.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** One last supplementary, Mr. Speaker. And I guess this is because I do not have the answer to the question before me. Could the Honourable Minister tell me how many of those students they have had problems with in his answer are girls?

**The Speaker:** Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** In the George Hicks School only 33 girls had problems and 107 boys. I do apologise for not having this answer. I did offer it, as the Member knows, to the person who asked the question. I am not certain why it is not here but, obviously, I am responsible for it, and I apologise. There were 105 boys in John Gray and 48 girls. So it is literally half the number of girls to boys.

**The Speaker:** Are there any further supplementaries? If not, maybe this would be an appropriate time for us to suspend proceedings until 2:15.

**PROCEEDINGS SUSPENDED AT 11.35 AM**

**PROCEEDINGS RESUMED AT 2.20 PM**

**The Speaker:** Proceedings are resumed. Item number 4 on today's Order Paper, Government Business, Bills, Continuation of Second Reading, Debate on the Appropriation (1999) Bill, 1998. The Third Elected Member for George Town.

**GOVERNMENT BUSINESS**

**BILLS**

**SECOND READING**

**THE APPROPRIATION (1999) BILL, 1998**

**DEBATE ON THE BUDGET ADDRESS DELIVERED  
BY THE HONOURABLE THIRD OFFICIAL MEMBER  
ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998**

*(Continuation of debate thereon)*

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

Before making my contribution to the 1999 Budget I wish to take this opportunity to join in thanking the Minister's Association for the very inspiring National Day of Prayer and Thanksgiving Service held in these hollowed halls.

**Mr. D. Kurt Tibbetts:** Hear, hear!

**Mr. Linford A. Pierson:** I trust that we will each resolve to concentrate more on good and sound debate, and less on what we usually term 'pounding up' our colleagues.

I would like to take an extract from a piece read today by one of the ministers entitled, "National Prayer of Consecration" and preface my remarks with these few words. It reads, "**We remove ourselves from the throne of our lives, repudiating the god of self, and enthroning you, O Lord our God, who is and was, and who is to come, the Almighty.**" And it continues, "**God of our life, take control of our minds, the foundation of our thoughts; our hearts, seat of emotion, and our actions. May we be motivated by love for God and neighbour, and in the urgency of the hour cast off all restraints as we move forward under the leadership of your Holy Spirit to fulfil the great commission of Christ in our generation through the power and grace of our Lord and Saviour Jesus Christ.**"

I don't want to appear to be preaching but I believe that this is so very important that it is worth repeating and

that we should each try to emulate those wise sentiments in our own personal lives.

During my debate I will be calling on the Honourable Ministers and Members of Government to consider deleting in full the total amount of increase that has been placed on school fees and book rentals. I trust that those Honourable Members and Ministers will see fit to do so, and I trust that when I get to the subject I will be able to comment and perhaps justify that suggestion in more detail.

First, I wish to extend my sincere congratulations to the Honourable Financial Secretary, the Third Official Member, on his fine presentation of the Budget Address—that is, on the original 1999 Budget—and, equally, to the Honourable Minister for Tourism for his presentation of a more realistic 1999 revised Budget. I must say that whilst I admire the Honourable Minister's intestinal fortitude to speak out as he did, I must hasten to question whether or not he was a party to the preparation of the 1999 Budget.

However, in fairness, I can fully understand the difficulties facing him, having only recently been allocated the responsibility for roads and other subjects with insufficient funds to carry out the necessary work. But, my understanding of this predicament notwithstanding, I trust that in our national interest—as opposed to our portfolio or parochial interest—we will think more in terms of the needs of the country regardless of which Minister is personally responsible for a subject. In other words, if it is necessary for the current minister of roads to have additional funds for construction of roads etc., then this same need should have been quite evident when the former minister held the responsibility for roads. One has to wonder why, working as a Government, this matter did not receive more attention.

I have to also question where, for example, is the National Roads Plan that was promised to this House many, many months ago: Another indication of the dire lack of planning. This apparent lack of cohesiveness reflects very badly on the Government and suggests that there may be a serious division within the ranks of the elected Executive Council. Further, I am very, very concerned with the obvious lack of overall planning and prioritisation within Government as a whole.

That said, I also wish to associate myself with the very kind sentiments and good wishes expressed by the Honourable Third Official Member during his Budget Address to the people of Honduras and Nicaragua and indeed the other countries ravaged by Hurricane Mitch. My particular best wishes are also extended to the people of the Bay Islands, many of whom have very, very close Caymanian connections.

I am told that five of the most powerful hurricanes to come through the Caribbean in the past 100 years came within very close proximity of the Cayman Islands, with the 1932 Hurricane perhaps being the most damaging to these islands. The point of that information is to remind us of how very grateful we should be for the protecting hands of God in sparing us from the devastating effects

that these very powerful hurricanes would have had on these three small islands.

In the introductory section of the Financial Secretary's Budget Address he mentioned the overall progress in the Cayman Islands. I wish to express my deep disappointment at the apparent lack of progress with preliminary matters relating to the Ritz Carlton. I was one of those members who supported this project—amid many objections—because I felt, and I still feel, that it will be good for our people in the long term. The economic benefits could be enormous, but I am most concerned over the unexplained delay in the payment of the \$4 million deposit which should have been paid to this Government on entering into the agreement on the 31<sup>st</sup> October 1998.

I feel that it is only right that this Honourable House and, indeed, the people of these islands, be made aware of the legal status of this project. It would be interesting to know whether any provision was made in the agreement for this unexplained delay. Perhaps the Honourable Third Official Member, or maybe some other Member, could comment on this when I sit down.

Another point I wish to touch on during my debate is what I see as my role as a member of the Opposition, and what role an Opposition member should properly play in contributing to this debate, as well as in future debates coming before this Honourable House. Is it my role to mainly oppose for the sake of opposition? Or, instead, to offer constructive but pointed criticism? I propose to be offering some constructive criticism during my debate.

Also, I wish to make it clear that I appreciate each Member of this Honourable House has his or her own individual style of dealing with the issues that come before this Honourable House. Accordingly, I personally would be very hesitant to criticise anyone because he or she does not necessarily adopt my style of presenting views. I personally respect the fact that we each have our individual way of representing our people. That is as it should be.

During what I often refer to as my rookie days in this House, from 1984 to 1988, I was often chided for being too vociferous, and perhaps with much justification. I have matured not only physically, but hopefully mentally and politically, and I am much happier with the more level-headed approach that I now take in this Honourable House.

I like to feel that my behaviour in this House is influenced not only by my political maturation, but, indeed, by my previous experience as a Member of Executive Council and also my experience within the senior roles I filled in Government, as Deputy Financial Secretary and also as a Permanent Secretary for Health and Education. This experience has served me well. I believe that the benefits are reflected in my representation of my people in and out of this Honourable House.

On the role of the Opposition, I feel that the Opposition—as the alternative Government—must reflect credibility and therefore have a certain level of responsibility for maintaining good government. In this connection,

it is the responsibility of the Opposition to give attention to the development and implementation of policies. This should also be reflected in contributions to the various issues brought to this Honourable House by any Government—regardless of which Government that is—bearing in mind that as the alternative Government we could indeed be sitting in those hot seats within the very near future.

In closing on this particular point, I am of the view that opposition should be constructive and not merely criticising for the sake of criticism. Please understand that I am not levelling criticism at any particular individual, I am merely stating my personal position.

As in the past, I will confine most of my contribution on the Budget to the state of the country's public finances. As a professional accountant with professional experience, I feel that I am well qualified to speak on this very important subject. However, before dealing with the full text of this subject, I wish to return for a short while to the contribution made by the Honourable Minister for Tourism, and, in doing so, to congratulate him for his presentation of a more realistic 1999 Budget.

It was most surprising to me, especially having had the experience of preparing Government Budgets in the past, to see that same deficit Budget (which reflected a deficit of \$122 million, or there about) transformed miraculously within a very short time—perhaps a week—into a surplus position. That is one of the reasons why I must refer to this 1999 Budget, as I have done with past Budgets, as an unrealistic Budget. At least the revised Budget presented by the Honourable Minister for Tourism is a more realistic Budget.

I have heard blame thrown all around the place in the debates on past Budgets. I hope that I do not hear anymore blame thrown at the Financial Secretary that this is 'his' Budget. This has to be the National Team's Budget—because not only was it accepted in its original form, but now it has been revised with their blessings!

During the introduction to the Budget Address, the Honourable Financial Secretary stated, and I quote, "**Today we take pride in being one of the world's largest financial centres, and in maintaining a high quality, up-scale tourism industry. Our people enjoy a high standard of living . . .**" While I do not have any major differences with those sentiments, I nonetheless wish to draw a distinction between an apparent high standard of living and the quality of life one enjoys, as both should be inextricably linked together. One's standard of living must include the amenities and conveniences of life that constitute these same standards in other countries.

The infrastructure development of these islands is a key factor in determining the standard of living, and thus the quality of life our people enjoy. Basic examples of a good infrastructure development are good roads, good and reliable water supply, a reliable and good sewage system, a good educational system and facilities, etc. These should be available to all of our people. We have to be careful of how we boast of such a high standard of living when many of these amenities may be lacking or non-existent.

It is against this background that I cannot, in good conscience and in the interest of my people, object totally to all that has been contained in the capital package suggested by the Honourable Minister for Tourism during his debate on the Budget.

The Honourable Minister for Tourism is recommending a total capital package of \$30 million to cover the necessary capital needs during 1999 with a \$54 million package spread over a total of three years, that is, 1999 to year 2001. The Honourable Financial Secretary stated in his Budget Address that, after taking into consideration loan repayments of \$11.4 million and total loan receipts of \$20.6 million during 1998, total public debt is expected to rise to \$92.1 million by year end 1998. He went on to say that even though the total value of outstanding loans has risen over the year, that total public debt service (that is, principal and interest) remains at 7.2% of the 1998 forecasted recurrent revenue, which is below the 10% upper limit which has been established by Government.

This information is crucial to the decision that I will take in regard to the public debt position of Government. I am well aware that this percentage of debt servicing is more important to good government than comparative statistics of the actual dollar increases of the public debt. My question is, Will the debt servicing on the total \$30 million package being suggested by the Honourable Minister for Tourism for 1999 (and which, it is my understanding, includes the \$19 million already in the Budget) exceed that 10% upper limit established by Government?

Just to quickly comment on that, I am told that the revised figure shows that the ratio is now about the same, and maybe a fraction lower when all matters are taken into consideration. We were told by the Honourable Minister of Tourism (and former Financial Secretary) that there would be very little if any change to that 7.2%. I wanted to repeat that.

Again, out of caution, and not to doubt the Honourable Minister for Tourism (a gentleman for whom I have a great deal of respect), I would wish for the Third Official Member, the Honourable Financial Secretary, to confirm this is the position during his winding-up debate. If the total debt ratio will now, even with the \$30 million package, be only 7.2% of the total recurrent expenditure, then my position will have to be much different than if this were not the case.

If the figures that we have received are correct, then I feel that the members of this Honourable House should carefully examine the new capital package and the proposals that have been circulated by the Honourable Minister of Tourism. Further, I think that we would be doing not only an injustice to ourselves but also to our constituents and the country as a whole if we did not take careful note of those items that have been mentioned for the individual constituencies and districts.

I have had the opportunity to briefly examine the package, though not in detail, and in particular those related to George Town. I cannot in good conscience oppose all of the projects suggested for my district. I know

that they are very badly needed. But I do appreciate that these expenditures will have to be very carefully prioritised. It will be very interesting to see what position individual members take on the suggestion when, on the one hand, we are saying we need certain things done for our people, but, on the other hand, we must appreciate that for us to get those things done it is going to cost money.

My support of this new capital package will depend on the level of debt service and burden that will be placed on the people of these islands—not necessarily on the amount of the debt. Let me explain that. In the same way that over the past ten years the budget of this country has almost doubled, we will have to appreciate that the public debt of the country, the actual amount, will increase especially in the absence of certain enhancement revenues that we are reluctant to include in the Budget. Mr. Speaker, I will deal with that in more detail as I move on.

Now I would like to have a little closer look at the state of our public finances. Before doing so, I wish to comment on the budgetary structure of these islands and to say that no amount of reform initiative will have any major impact on the financial operations of these islands in the absence of a serious look at the revenue structure of the country. For example, I have heard a lot about accrual accounting from a lot of people who probably don't even understand what that means. I can say as a professional accountant that accrual accounting is just a principle of accounting; it is just a method used, just like cash accounting. It doesn't tell you exactly how the funds will be managed. It is a historical thing.

What we need in addition to accrual accounting is for Government to say that these are the principles we have to follow. This is what we need to do to be able to take care of our recurrent and capital expenditure. And in order for us to do this we will have to restructure the whole revenue system. I am not here to suggest what type of restructuring will be necessary. I will suggest later on in my debate that perhaps the Honourable Financial Secretary will consider the appointment of a think-tank whose major job will be to look seriously at the revenue structure of Government. And to suggest that the majority of those members should be people who are leading people within their own profession within the private sector.

The current system that we are using is antiquated. We know that the system of revenue enhancement being used today is the most regressive form of revenue enhancement method. It hits hardest on those who can least afford it—the people paying import duties regardless of their salaries. A clerk making a \$1000 per month and a senior executive making \$20,000 per month go to the same supermarket to buy goods. It is time that we got away from this regressiveness and looked more widely to find ways and means of financing necessary projects in the Cayman Islands without squeezing our people to death.

There are other ways, and before anybody here thinks that I am talking about income tax, let me make it

quite clear that I am not speaking about income tax. There are other ways we can get revenue for this country without having to put it on things like school books and other essentials, school fees and so on. That is the most simplistic of ways, and it seems to me that it was very rushed.

**Mr. Roy Bodden:** Hear, hear!

**Mr. Linford A. Pierson:** No time was taken to fully consider the impact of these increases.

On the question of the state of our public finances, I wish to refer to Table 1 of the 1999 Estimates of Revenue and Expenditure. It can easily be seen that had it not been for borrowings Government would not have been in a position to balance the Budget. This has been the situation for a number of years.

What is more disappointing is that three of the funds we had hoped would have been left to accumulate some money in were completely stripped. The Environmental Protection Fund should not have been gutted: Yet, of the \$3.95 million there, \$2 million was taken from it. That \$2 million should have been specifically earmarked for the Environmental Impact Study that we have been talking about for so long. I can understand funds being taken from the Infrastructure Development for the roads, because the roads are an essential part of our infrastructure. But I find it difficult to accept that \$2 million should have been transferred from the Environmental Protection Fund.

We see that in order to obtain a surplus position of \$70,000, \$19,150,000 had to be borrowed. This is not the only time that this has been done. I would like to refer you to the period of 1988 to 1992, which was perhaps one of the worst global recessions in recent decades.

During that period, the Government of the day had the foresight and good management so that our surplus position was higher than during a period of one of the highest economic boom periods the world has seen, and that is during the past five to six years. I will deal with the general reserves in a minute, but just to deal with this. . . when I became Minister (or "Member" as it was called then) of Communications and Works in 1988, I had to make some very unpopular, but what I thought were good, decisions for the country. In 1988 the deficit was \$1.4 million. In 1989 we had a deficit of \$600,000. Then, as the recession got worse in 1990, it went up to \$14.9 million. In 1991 it was \$15.4 million, and because of some very creative accounting on the part of my good friend, the Honourable Minister for Education, it then jumped to \$21.7 million.

Alas, we are in perhaps the biggest economic boom period this world has seen in a long time, even though I will mention later on the problems globally which seem to be moving towards a recession. But we are not affected by Taiwan and Indonesia and those countries. We have been more directly affected by what occurs in the United States. And the basic fundamentals of the economy in the United States have been very good for the past five

years. We have been the happy recipients of that good fortune.

It is not because of any sort of economic policies that we have done. We are not, for instance, like Alan Greenspan who decides to lower interest rates to boost the economy. We don't have that kind of economical mechanism in the Cayman Islands. We are just the happy recipients of what happened through external forces, and we have been getting some very positive external assistance. But what have we done with it?

In 1997, the deficit position of this Government was \$27.6 million—much higher than any other period since 1984. In 1998 it is forecasted to be \$21.6 million, which is equivalent to the worst period that we had during the last recession. The situation is not good. But it cannot be any better when you find that your recurrent expenditure is constantly outpacing your recurrent revenue. When I speak of recurrent I include statutory expenditure because this is something that must be paid. There is no choice.

For instance, in 1992, when the Government took over, there was an increased growth in revenue of 7%, but 12% in recurrent expenditure. In 1993, there was an increased growth in revenue, but also an equal increased growth in expenditure. Then you come to 1995, an increased growth of 15%, but 20% in expenditure. And then in this year, there is an increased growth of 14%, but 17% in expenditure. When you find that kind of disparity then the money has got to come from somewhere. This is the reason why Government has had to borrow, and borrow, and borrow.

The surplus position shown at the end of 1999 is a serious indictment on this Government. But, worse still, if a lot of the expense now being kept on an advance account—such as overseas medical cases, which I believe is some \$12 million, or perhaps a little less now—had been written off the way it should be, then this small surplus would be reflected as a major deficit. While I do not intend to go into details on that, the Government must have that same intestinal fortitude to do what is right. If the people cannot pay this money it should be written off by Government.

I hope that the day will never come when any of our people are denied good medical attention because they cannot pay for it. God knows they are paying enough right now in health insurance. So there should be no reason why they should be denied proper medical assistance.

Now, Mr. Speaker, what is the general reserve position of this country? The general reserve is in a very sad situation. During the presentation of the Budget Address the Honourable Financial Secretary gave some very interesting and revealing information under the caption, "General Reserve Fund." He said, and I quote, "**Mr Speaker, at the beginning of 1998 the General Reserve Fund balance stood at \$9.0 million. This balance is expected to rise to approximately \$10.5 million by year-end 1998 as a result of interest earnings and a budgeted inflow of \$1.0 million from general revenue.**"

That tells me that by the end of this year our general reserve position should be around \$10.5 million. But

with a forecasted expenditure figure for 1998 (expenditure to include statutory expenditure of \$233 million) that \$10.5 million could serve only for approximately two weeks. With all of this economic boom, we have been able to put aside only enough money in our general reserves to carry this country through for approximately two weeks! That is a very terrible indictment on the good management and stewardship of this Government. They need some help, Mr. Speaker!

I mentioned earlier that the actual figure on the public debt is not really of as much concern to me at this point in time as is the ability of the Government of our country to service the debts that we have to incur. So, even with the forecasted \$92.1 million at the end of 1998, to which will be added whatever amount agreed upon during Finance Committee—as long as we are able to comfortably service that debt and it is expenditure in the interest of our people—then I am prepared to sit down with the Government and look at it.

Having had a look at the expenses of Government, I think it is quite clear that serious attention needs to be placed on the overall stewardship and management of our finances, which will, of course, include prioritisation. Between 1993 to-date—and I am taking these figures from Appendix 8 giving the Financial Summary from 1984 to 1997 (it was circulated by the Honourable Financial Secretary), we would have borrowed over \$90 million. That is not including the amounts for 1999.

I now wish to draw the attention of this Honourable House to the revenue enhancement measures. Whilst I understand the predicament of Government, I had expected that more consideration would have been given to some of the less fortunate. I hate to use the word 'little people' because a number of my colleagues like to put a spin on that to make it sound like it is a derogatory remark. But I am really referring to those on the lower rung of the economic ladder. Not 'little' at all as far as I am concerned. I believe that most of them know that by the way I treat them—I treat them like kings and queens. I don't treat them as if they are any less than the millionaires in this country.

If I were to stand here and say that I have a lot of sympathy for the duties on alcoholic beverages and cigarettes, I would be smothering my conscience. I have a lot of friends that smoke. I wish they didn't. I have a very good friend who just died. It is believed that much of his problem might have come from alcoholic beverages and other things. But nobody that has ever been addicted to smoking, or drugs, or who drinks alcohol can say that there is any virtue in it. It is a very bad habit when one cannot get through the day without smoking two packs of cigarettes, or drinking a bottle of gin, vodka, or worse still, white rum. Some of these people are hooked on this.

And when I hear politicians criticising increases just to get a few votes, that bothers me. I would rather take ten dollars and give it to them to buy a plate of food than to buy two drinks in a barroom. If I lose votes because I do not support the alcohol and tobacco habit, then so be it. But I would have spoken my conscience.

I agree with the Honourable Financial Secretary. That this is one way, perhaps, of cutting this dreadful habit—even though it is self-defeating for him. I say self-defeating because if he cures too many of them then he won't get the import duty he is expecting because he won't be selling the cigarettes.

In any country of the world this is normally referred to as a "sin tax." So let us not smother our consciences just because we hope it is the thing that will cause us to be politically popular. I do not support the use of tobacco and alcohol especially when it is used to the extent where it is going to hurt families. Children go without food just because their fathers and mothers can't do without a smoke or a drink.

On item 2 dealing with school fees, I have already spoken to individual elected members of the Executive Council, and I have asked them to consider deleting the increases on these school fees, and also on the school-book rental fees. Even though the school fees refer to non-Caymanian children, I think it is unfair for us to single them out to bear the brunt of this increase. Many of those people have been living in these islands for many years, and they should be treated with more respect. It is as if we are discriminating against them. On the one hand we are building an educational system so that all Caymanians and residents can have the benefit of a good education and, on the other hand, we are increasing the fees to such an extent that mothers and fathers will be forced to keep their children at home.

Without revealing the source of the information, I will say that I have been reliably informed that the amount of revenue from the rental of schoolbooks is something like \$246,000. I feel that in view of the fact that the Financial Secretary factored into his budget the new revenue measures would total something like \$11.8 million—and it now seems that it will be more like \$12.8 million—there is no reason why that \$246,000 cannot be adjusted against that revised increase of \$1 million.

I see no reason why this amount cannot be re-considered. I think that the Government would go down looking very good indeed if it could show that it is thoughtful enough to reconsider the situation. Not only is it going to hurt the foreigners living amongst us—who should be treated with some respect and should not be discriminated against—but it is also going to hurt our own people. We might say what is \$10? \$50? Or what is \$100? Let me tell you, when you are paying \$5 from a measly amount each month, whether it is on an annual basis or not, and it jumps to \$50—almost 1000%—then it means a lot. For somebody that does not have it, one dollar means a lot, especially if she has four or five children to look after. The Government would certainly go down very highly if it re-considered this amount.

I think it would be very thoughtful of Government to re-consider this increase because it will not affect the Budget that has been presented by the Honourable Financial Secretary. I would like to repeat again, because in his Budget speech he mentioned the amount of \$11.8 million he had factored into the Budget, it is my understanding that the revised position on that is more like

\$12.8 million. So, you are looking at a difference there of \$1 million, if you have to adjust three or four hundred thousand dollars against it.

I trust that the Honourable Members of Executive Council would go along with me in deleting the increases on school fees for non-Caymanian children because it was not increased for Caymanian children—only non-Caymanian children—and also the school book rental fees that will apply equally to all children.

On the question of Trade and Business Licenses, there are some people I know, especially the smaller people (and I have to be careful again how I say that, but I mean the smaller business people) that will be hurt by this increase. Today I was speaking to one such person and she told me that her business has never been so slow. I said, "You've got to be joking, this is a boom period." She said that a lot of people that used to buy from her are now getting visas and going to the United States and buying their own stuff. So things are bad.

We have to consider all of this, and I would be happy if that particular point was taken into consideration. The barbers, the hairdressers, the people that have a little shop in their homes, these are the people that are going to be hurt. I would be happy to sit with Government and recommend some of the areas that I feel would be more equitable for extracting the necessary revenue. I hope that I will be given that opportunity.

I am not going to go through all of these because I believe that some of them are well justified—areas such as the garbage fees. I don't think that we could ask for a better service than what we are receiving, but the cost that we have to pay is sometimes referred to as most unrealistic. It is my intention to go through this in further detail during Finance Committee, but I will not be going through all the details in regard to the revenue measures on each item.

Mr. Speaker, because some of these items are justified and some are not I did not take the precipitous action personally to have voted against these measures. (I am talking about myself. It would have been precipitous for me to do it.) That is why I abstained from voting until I could have time to study the measures. Even though I was criticised for abstaining, I regard myself as a fairly intelligent person and I have some amount of experience in this House, and when I take an action it is usually well thought out.

Now that I have had more time to study these measures, I must say that whilst I am very concerned about the structure of Government and, in particular, about what is going to happen in future years with any future Government—regardless of who comprises that Government—I am nonetheless supportive of certain areas. I realise that it is my duty as a representative to ensure that I do my part in presenting myself as an Opposition member in a sensible and creditable position.

That said, Mr. Speaker, it is nonetheless my view that these measures were very hurriedly drawn up. Substantiating the view that I have held for many years—and which is shared by many of my colleagues—that this Government in certain areas as is reflected in this

Budget appears to be operating under crisis management rather than through carefully planned objectives.

When one speaks in this House it is recorded in the *Hansards*, and one has to be very careful as one's word may come back to haunt one. Whilst I do not intend to spend a lot of time on the indiscretions of my good friend the Minister of Education, as recorded in the 1991 *Hansard*—during the time that I was Minister, and during the time he took pleasure in making my life miserable—he used to look across at me Mr. Speaker and say, "You and I go back a long way, you know, Linford"; and in the same breath he used to pepper me to death. I wonder what he would have done if we hadn't gone back a long way.

But I would be remiss in my duties if I did not refer to certain statements made by that good Minister on 27 November 1991. I don't mind telling you, Mr. Speaker, that every night when I went to bed I prayed for you, because you were the only one who gave us a majority! So I used to pray for you to come out and keep us alive.

[Laughter]

**Mr. Linford A. Pierson:** Our words often come back to haunt us. During the year before election—a year that you get a lot of politics being played just like you will find it next year—the Minister . . . I really don't have anything against him, he knows that. The Minister really out did himself. And this had to do with the same revenue package that is before us today, even though we did not go as far as to tax the children in the schools.

But, reading from page 1224 of the 1991 *Hansard*, Volume III, he said, inter alia, "**The increase on liquor and cigarettes, while it perhaps is one of the easier areas to put taxes and import duties on, it has an indirect impact that has to be looked at carefully by Members of the Legislative Assembly.**

"**Yes,**" he said, "**it is perhaps justifiable, more justifiable than others. But as has been said from time to time in this House, in different sessions, a person who drinks normally, is going to go out and buy his bottle of liquor or cigarettes, whatever, and the ultimate hurt is on the children and the wife who get less of the income. That is a reality. Not a nice one but it is.**" Mr. Speaker, I agree with him on that but the same thing applies today.

He also spoke about the impact on tourism. I am not going to read all of it, but I couldn't let the opportunity pass without reading this one. He said, "**A new Head that the Member for Communication and Works [that was myself at the time] touted as being the brainchild of this Government was revenue of \$2.5 million from Cable and Wireless.**" All I am going to say about that is that this was the revenue the Government received when Cable and Wireless renewed their contract. They were paying this Government nothing. And I made it quite clear to them that we would not renew it unless they had agreed to pay a license fee. And that license fee was something like 6% of gross revenue or 20% of net, something like that, whichever was the higher. At that time it was estimated to be \$2.5 million.

But guess what. If you look in the estimates this year, \$10.5 million will come from that same source—from Cable and Wireless revenue. It doesn't seem to have been such a bad idea. And it would be interesting to know how much they have collected since they came to power some six years ago.

The Honourable Minister also chided Government for increasing the taxes on companies, etc. That was one of the areas that was hit hardest in this package. I think the crowning statement of all those nasty little remarks he made about the person he said was his friend, was when he said, **"This heavy amount of taxes has arisen because the Government has been incompetent."**

I will not say too much more on this. I will leave that good Minister to his conscience, and the listening public to decide what is the true meaning of incompetence.

As mentioned, the \$10.5 million included in the 1999 Budget is something like 400% more than it was in the 1992 Budget. Much more! There is an old saying, "What goes around, comes around." But in this particular case it would seem to be in much bigger proportions.

Mr. Speaker, in the event that the Honourable Minister would like to make reference to what I said about the \$10.5 million, it is on page 4 of the Budget, and the Item is 63-020.

Where do we go from here? What does the future hold for these islands? Is the future as rosy as it is painted to be? I really do not think so. I am not going to go into some of the external pressures that are being brought against the Cayman Islands through various initiatives being concocted by OECD, G-7, and other powerful areas. I am not going to do that at this point because of the delicacy of the negotiations now underway. I would not wish to give the impression one way or the other of the status of those negotiations; only to say that I congratulate each Member of the consultative committee that has been assisting the Honourable Financial Secretary, and him, in particular, for his good leadership in this particular area and to join him in saying that I feel that there will be victory at the end.

The Honourable Financial Secretary in presenting the Budget asked a crucial question. He said, and I quote, **"With such an impressive past, the question that comes to mind is: can we continue to be successful in the future?"** And he went on to say, and I quote, **"The short answer to this question is 'yes.'"** Mr. Speaker for the sake of this country I really and sincerely hope that he is correct. I believe that he is, but the truth is that the same global prices which he eluded to could have a negative impact on the Cayman Islands economy. And this is not a contradiction to what I said earlier when I said that the direct impacts come from the United States. We could get an indirect whiplash in the Cayman Islands in that if the global situation worsens in Asia, and perhaps in Central and South America, and then Europe, it will have a direct effect on the United States.

The United States will have to continue to find a trading partner to keep it profitable and keep a positive trade balance. If that is not the case then the United States will start feeling the pinch. This is one of the rea-

sons why the President of the United States has been visiting Japan and other places to try to boost the economies in those countries. It is in the national interest of the United States that the rest of the world is as buoyant as possible.

The global situation does not look good. It has been referred to in the *Economist* and *Time magazine*. Any reputable financial magazine will tell you that globally there appears to be a meltdown on the way. This is why I am questioning the optimism that seems to be exuding. Whilst I do not want to be walking around expressing negative thoughts, because this can be bad for the country also, I would hate for us to move away from the realism of what is actually happening around us.

How have we been preparing for this rainy day? I am not questioning our reserves, but I would like to see more concerted effort being made to bring our reserve position to the three-month level that has been set by this Government. If this were done our reserves would be looking more like fifty to sixty million dollars, and not ten million dollars.

As mentioned earlier, it is my intention to deal with the expenditures of this country in the 1999 Budget in far greater detail than would either be desirable or possible during my contribution to this debate. I will be looking in detail at the recurrent side of Government expenditure because the size of certain sections of Government has long been of concern to me, as well as the recurrent cost attached to those sections.

To say that those recurrent costs can be cut back is sometimes easier said than done. I have heard a number of people saying cut back on the Civil Service. What they don't realise is that many of their own people will be put out of a job and may have to be subsidised. Thus, in the long run, it does not prove to be an effective cut of expenditure, or savings.

That said, it is a basic principle of accounting that in order to increase the bottom line there are two or three basic things that can be done: 1) is to increase your revenue; 2) is to cut your expenditure; and 3) is a combination of both. In order for us to start seriously looking at the financial structure then some serious, and perhaps unpleasant, decisions may have to be made.

I trust that the Financial Secretary will find it possible to accept the recommendations and suggestions that a think tank can look into the whole structure of our revenue base. This year we were able to consider another revenue enhancement package, but can we do it next year or the year to come? How far are we going to take this? How much can the people bear? Such a think tank should be equipped with a term of reference to look specifically at the whole structure of Government's revenues and expenditures, and determine what effect that the present level of taxation or revenue analysis measure is having on the people; and, based on that, come up with a system that will be more acceptable and more equitable, a fairer system to our people. I think that this should be done without delay. We should not wait until a month, or three weeks, or four weeks, or five weeks before the next budget, it should be done right away.



As mentioned earlier, it should be comprised of some of our brightest brains in Government. It could be headed by some of our economists and other people, some of our financial people. We have some bright people in Government. But it should also have some of the leading people from the private sector.

I can only trust and pray that the good Lord will continue to bless these islands, guide and direct us in all that we do. And I trust that in my contribution to this debate I have been as fair as I can be. I have not tried to ridicule the Government, but I have tried to be as factual and as pointed as I could be in assisting them in trying to preserve and maintain good Government. I trust, therefore, that the Honourable Government will take these points into consideration. Thank you.

**The Speaker:** We shall suspend for fifteen minutes.

### PROCEEDINGS SUSPENDED AT 3.55 PM

### PROCEEDINGS RESUMED AT 4.28 PM

**The Speaker:** Please be seated. Proceedings are resumed.

I would entertain a motion for the suspension of Standing Order 10(2) in order that we can continue beyond the hour of 4.30. The Honourable Minister for Tourism, Commerce and Transport.

### SUSPENSION OF STANDING ORDER 10(2)

**Hon. Thomas C. Jefferson:** Mr. Speaker I am pleased to move the suspension of Standing Order 10(2) to allow the debate on the Budget Address to continue.

**The Speaker:** I should put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. Proceedings will continue.

### AGREED: STANDING ORDER 10(2) SUSPENDED.

**The Speaker:** Does any other Member wish to speak? The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Thank you, Mr. Speaker.

I rise to offer my contribution to the 1999 Budget Address delivered by the Financial Secretary, the Honourable Third Official Member, on Monday, November 16. But before I begin, allow me a moment to also thank the Cayman Ministers' Association for having a National Day of Prayer and Thanksgiving here in the Legislative Assembly. I am sure this afternoon a lot of us feel very uplifted after an inspiring hour of song and prayer.

I will first begin my contribution by saying that I too must join in with the Honourable Financial Secretary and offer my deepest sympathy to all those people in Hondu-

ras and Nicaragua who unfortunately suffered so much destruction and loss of life caused by Hurricane Mitch. Yes, once again this wonderful little place that we call paradise was spared. We have so much to be thankful for and I trust that many prayers and thanksgiving went up to Almighty God.

As the Honourable Financial Secretary mentioned in the Budget Address, and I quote, "**As we look back over the past decade and take stock of our present situation there is so much of which we have to be proud. Our achievements have been truly outstanding.**"

Because of these achievements we here in the Cayman Islands find ourselves in a financial position to offer assistance to those in need here, and in our neighbouring countries. Amidst the many problems world wide, the people of the Cayman Islands have once again displayed their generosity and have come forward and provided food, clothing, medicine and building supplies to the people of Honduras.

Although no lives were lost here in the Cayman Islands, the lives of several persons in my district and other parts of the island were affected by flooding from both rainwater and saltwater damage. I am very happy to see that there is a budgetary allocation for an engineering study to be carried out with a view to preventing any further flood damage to the surrounding homes and yards.

On behalf of my constituents, I would like to take this opportunity to thank the Executive Council for taking the time to tour with me and see firsthand the areas in Savannah and Newlands that were badly affected.

I was especially pleased to hear the stand the Honourable Minister for Tourism, Commerce and Transport took on Monday. Like him, it is also my view that priorities must not only be in respect of recurrent expenditure but in the area of capital projects as well. I was particularly impressed by his move to improve the various transportation issues that we are facing here today in Cayman.

As mentioned by the Honourable Minister, there are a number of roads that need urgent attention. Not only are we faced with repairs and the maintenance of existing roads but from traffic congestion morning, noon and night. New roads corridors need to be identified and new roads constructed.

In the Honourable Financial Secretary's address, he indicated that the Planning Department had approved some 676 planning applications for construction mainly in the George Town and Bodden Town areas. It is a well known fact that the district of Bodden Town is becoming the fastest growing district in these islands. Whilst we welcome planned development, this continues to contribute to the traffic congestion that we in the eastern districts face and experience on a daily basis.

To my constituents who have asked for road repairs within our district that have been badly affected by the recent rains—and those roads are Orchard Lane, Old Yard Lane, Lemon Road, Connolly Road and Star Apple Road. I would like to say to those constituents: You will get those roads repaired as soon as possible. Money has been allocated for these as well.

I am indeed happy to hear that the Government intends to construct the Crewe Road bypass and to put in place a third lane from Spotts to South Sound. I believe this will go a long way in alleviating the daily traffic back-ups. These two road projects have my full support.

Because of the importance of Tourism to the economy of these islands, we must do everything possible to improve the traffic flow on the West Bay Road as well. The Harquail extension, the Galleria Loop, and the roundabout will, in my view, also help to improve traffic not only for our visitors but our Caymanian residents as well.

The Budget also indicates that the Government continues to place health as one of its top priorities. Recently we toured the new hospital with the Honourable Minister for Health and to everyone's delight were very impressed and pleased with the well-planned and modern medical facility. This will certainly be a facility all of Cayman can be justly proud of.

I was also very touched to see that thought had been given for the inclusion of a beautiful hospital chapel in honour of the late Captain Theo Bodden. The chapel has been tastefully decorated by his daughters, and gratitude must certainly be expressed to this family for providing such a special place for people who need to find solace and comfort in their hour of sorrow.

Not only is the hospital well equipped with state of the art equipment, but it is also staffed with competent and qualified personnel who demonstrated an admirable degree of loyalty and respect for the Minister and his ministerial staff.

The district health clinic in Bodden Town continues to be a well received and useful facility. The Health Department continues to monitor the needs of our people by extending the hours of the clinic and making sure the needs of everyone are met. Having this facility in the district of Bodden Town has indeed been another way to assist our people health wise.

Another attempt of the de-centralisation will be seen with the establishment of the Vehicle Licensing Unit in the district of Bodden Town. I know this will be a welcomed addition and I offer my full support to the Minister and his officials as well.

Education continues to be a high priority. It is very encouraging to see that the Bodden Town Primary and the Savannah Primary Schools are now air-conditioned. I trust that the other schools will soon be completed as well. For Bodden Town and Savannah this has been a long awaited project and the children are now able to learn and study in a much more pleasant environment. I was particularly pleased with this past summer maintenance programme as related to the Bodden Town Primary and Savannah Primary Schools. A tremendous amount of work went into ensuring that these two schools were painted, cleaned and put in proper order for the return of students at the beginning of the school year.

I was also very impressed when I visited these schools during the summer break. I found principals and teachers hard at work making sure that every square inch of the buildings and classrooms were painted and cleaned. The surrounding school grounds were nicely manicured as well. This was certainly a positive start for the kick-off of a new school year.

I would like to thank those teachers who took so much pride, and who continue to ensure that their students work and play in a clean environment. I always feel very proud in visiting these two schools, as well as the other schools, to see the interest taken by all concerned to maintain their schools in a proper manner.

Another evidence of Government's commitment to improving the wellbeing of all the students can be seen by the funding and the completion of the Bodden Primary School Bus Shelter. This too was a long awaited project.

I am also very pleased to see the allocation of funds and the estimates for the establishment of a Bodden Town District Library. This will certainly be music to the ears of the many school children that wrote to me about getting a library in the district of Bodden Town. Bodden Towners have always been known as avid readers and researchers, and having a district library will allow them to pursue their literary interest. Presently they have to travel to other districts to get the benefits of a library.

This Saturday, December 5<sup>th</sup> will undoubtedly be a very proud moment for my people and me when the Pedro St. James Castle will be officially opened. As the birthplace of democracy there is so much history within the walls and the immediate surroundings of this castle. The Minister can be commended for his efforts to preserve this historical landmark and for turning it into a tourist attraction. He has my full support with the funds necessary for the completion of this project.

I was also very pleased to see the road leading to Pedro Castle this morning begin to get its paved asphalt roads all the way into Pedro Castle.

I now move to speak briefly on the various recreational facilities that have been provided for in the Estimates.

The Haig Bodden Football Field is near completion but still requires bathroom facilities as well as bleachers. So it is encouraging to see the funds provided for these facilities in the estimates as well.

There also the need for the upgrading of the hard court facilities next to the football field because many of our youth use this facility on a daily basis and this too will soon be a reality.

There is also need for further upgrading and beautification of parks within my district and I am pleased to see funds allocated for these projects.

In winding-up, I would like to thank the Government, the Honourable Financial Secretary and his capable staff, as well as other civil servants that have contributed in the preparation of the 1999 Estimates. I am confident that these funds will undoubtedly go a long way in improving the lives of our people.

As always, I am truly grateful for whatever funds are allocated for my district. My people know I will continue to make sure the district of Bodden Town receives the appropriate funds in order to continue the upward trend in providing and enhancing the facilities for the people of Bodden Town. I look forward to the completion of these projects and assistance whenever possible.

May God continue to bless and prosper these islands. Mr. Speaker, I thank you.

**The Speaker:** The floor is opened to debate. Does any other Member wish to speak? The Third Elected Member for West Bay.

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

Let me also add my vote of thanks to the Financial Secretary for his capable presentation of the Budget Address for 1999. I also want to add my praise to Almighty God for his protection and continued care of these beautiful Cayman Islands.

When I saw where the hurricane was located, I recall praying on a personal basis saying, 'Lord, send it left,' because I knew by the path it was taking we were in serious, serious trouble. I wouldn't have wanted to wish the devastation caused by Hurricane Mitch on any people, including the people of Nicaragua and Honduras.

I heard a firsthand account of that experience from a Caymanian that lives in the Bay Islands. Fortunately, his residence survived. But according to him, if Hell is any worse than the experience of going through Hurricane Mitch, then it must be an awful place. I got a call just yesterday from one of my managers who is from the Bay Islands, and she said at the present time many of the residents are taking shelter under the floors of homes that still stand in that area.

Let me also add that I personally do not agree with the position taken by Executive Council with regard to visas for residents from this area, in particular requests from residents associated with the Bay Islands. I am aware that many of the people who inhabit those small islands are direct descendants of the Cayman Islands.

I would like to say thanks to the people of the Cayman Islands who assisted by way of financing, supplies, materials and food. But I think as a people who have been so fortunate and so blessed that we cannot shut up our compassion against people like that who are in need. I trust that the Executive Council will seriously reconsider requests for visas from residents of the Bay Islands.

I believe one of the reasons why we are so blessed is because the people of the Cayman Islands have always had a heart. We have always reached out to those in need, especially those people who have been less fortunate than we are.

In the 1988 political campaign in the United States then Vice-President George Bush made a statement that came back to haunt him. The statement was, "Read my lips: There will be no new taxes." I think I am correct in saying that during his four years in office some of the most massive tax packages were produced.

Since 1988 when I was first elected, I have always promoted the philosophy that the Cayman Islands have to be extremely careful with the way we managed our financial affairs. It is unfortunate that the National Team Government took power in 1992 on the promise that they would ensure that some discipline was re-introduced into public financing. I recall in 1993 after the National Team took possession of Government, when we assessed the situation the conclusion we came to was that we didn't have any money to spend. We had to give the finances of the country some breathing room in order to recover. Our philosophy was that we would attempt to address, in particular, the capital needs of the country as we could afford them.

Shortly after the National Team took possession of the Government, and based on promises of public financial reforms and the other measures promised, confidence was restored, as far as the foreign investor was concerned. They came off the fence and they once again started to invest heavily in our economy. During the past five or six years we have experienced unprecedented growth with respect to sales in the real estate market. We have experienced like we have never experienced before a boom in construction. In the area of tourism we have seen some tremendous accomplishments by way of visitor arrivals to the Cayman Islands.

But, speaking on a personal basis, I am very disappointed with what I see taking place in regard to Government's financial position under the stewardship of the National Team. In 1992, one of things that we campaigned on—and I was a part of the National Team at that time— and we beat the last Government to death over was its reckless attitude toward public borrowings and taxation.

For my own personal information, I looked at the record of the 1988 to 1992 Government in regard to public borrowing and tax measures. I compared it with the goals and decisions that were taken by the National Team Government in regard to public borrowings and new tax measures. What I found was extremely interesting. And I did bring a copy of our Manifesto for 1996 which was very well done. That was a very charming group of candidates.

As I said, I am personally very disappointed that we—that is, the National Team—did more than what we accused the last Government of doing. We had on our platform a very capable and qualified group of candidates. Among our ranks we had a former financial secretary (for twelve years), we had a lawyer who has been very successful on a personal basis—two lawyers—and a number of other candidates who had tremendous experience and qualifications. If I must say so myself, it was probably the most qualified group, or team, of candidates that I have ever seen put together in this country. I believe because of that we gained the confidence and the support of the people of this country.

Let me repent over what I had to say about the last Government, that is, the 1988 to 1992 Government, because they were very reckless indeed. In this House from one day to the next, you did not know what was coming; so I don't fault the people of this country for removing that Government.

It was interesting to read from our Manifesto the following with regard to the financial position of Government, it says, "**The last Government 1988 – 1992, of which Mr. Linford Pierson and Mr. Ezzard Miller were a part, spent \$52.6 million more than they collected.**" I do not support that either. Almost all of the capital expenditure of \$64.4 million was funded by loans, taxes, surplus, and the 1984 to 1988 elected Government's surpluses and general reserves of \$30 million.

In 1992, the country was in a very sad state financially. In the manifesto, on page 8, the National Team was touting or boasting of the fact, . . . let me read it to you. Number two, "**Borrowed only \$6.6 million, but repaid over \$16.9 million on loans that we inherited from the last elected Government.**" That is the kind of position I have always supported: You live within your financial means, you borrow as little as necessary. Government has such a good reputation credit-wise, that if it wanted to go to the bank tomorrow and borrow \$100 million, somehow the financial institutions in this country would make it available. Borrowing money is one thing. Having the ability to pay it back is a totally different situation.

Another comment was "**4. Imposed no new. . . taxes to burden our Caymanian people.**" I think it says in 1990

it was \$10 million, and it came back in 1991 with another \$10 million. So, they were accused of not only borrowing, but they were also accused of new taxes.

Here is a promise: **"The future 1997-2000: As a prudent Government, we will continue our policy of only borrowing what is necessary and never exceeding the internationally accepted limitation for debt service of 10% of recurrent revenue (which now stands at 6%)."** Because you have an artificial ceiling of 10% of recurrent revenue as a benchmark for your borrowings does not mean that you have to do it.

I would have been proud as a Member of the National Team to come up in the year 2000 and say, *'My Caymanian people, let me tell you a few facts: I recognise that we had some serious demands in this country in regard to new facilities and new services. But we did only those projects that were priority projects that we could basically cover from minimum borrowings and out of our local revenue.'* In the same instance, *'We have in our general reserves \$25 or \$30 million just in case things slow down in this country to the extent that Government has to do something to stimulate the economy.'* We would have money to spend.

When you boast of a Budget of \$282 million and you are saying that you can only put aside \$1 million a year, . . . that does not speak well at all for this Government.

It is unfortunate that we are all politicians in here. I mean, the paramount concern of most politicians is whether or not in four years we will be re-elected. That's paramount. It is amazing, that once one is elected, regardless of how tough things get in this House, no one wants to retire, no one wants to lose his seat at the polls—including me, Mr. Speaker. We have at the same time to be responsible financially.

One of the comments that I continue to hear is that it is becoming so expensive to live in this country. And I keep hearing comments to the effect that we are not catering to everybody, that we are only catering to a certain echelon of people on the outside. But you have plenty of poor people here in the Cayman Islands; people who live from one pay cheque to the next. So we have to be conscious of the fact that everything we do in this country affects our people.

Like I said before, I have become very disillusioned with the stewardship of the present Government. You know, I have many friends on the Executive Council. I count each and every one of them as friends on a personal basis. But the truth is the truth! They have not done a good job in managing the affairs of this country.

On Friday, last week, and on Monday of this week, the Minister of Tourism got up and did what I personally expected of him when I voted for him as Minister of Executive Council in 1992. I believe that members of the public and of this House feel the same way I do: That with twelve years of experience as the former Financial Secretary of this country, and as a Minister of Executive Council, he should have been playing a vital role in guiding this Government. And not only guiding this Government, but speaking out when he saw that the Government was going down the wrong road financially.

You know, Mr. Speaker, politicians believe that people are only going to support them when they tell them what they want to hear. I have learned over the years that people respect you when you tell them the facts, and the reason for your decisions, rather than being in a position where you think you are going to accommodate everybody. At the end of day, what happens? You make a mess of not only their lives but also the finances of the country that you are responsible for safeguarding.

Like I said before, the message that this Minister sent should have been preached a long time ago—since he was elected in 1992 to the Executive Council. It is a little late now. What I fear happened is that the Ministers of Executive Council recognised the position they were in and said to him, *'You know, being the former Financial Secretary for twelve years, you should get up and talk. The people will listen to you. You have credibility.'* And they hoped he could sell the situation as it now exists to the people.

The feedback that I have gotten is exactly what I have asked, Where has he been all this time? Why is it that they are just now speaking along those lines? Is it because they find themselves in a very unpopular position with the people, and the elections are only two years away?

Do you know what has disappointed me as well, Mr. Speaker? When I was still a part of the National Team we put together a new revenue package from which we felt we could earn a certain amount of revenue. And when I give you my word on anything, you can carry that to Cayman National or Barclays or anywhere you want to carry it because I am going stand with you. But do you know what happened to that? The only thing that reminds me of it was when Jimmy Carter was President of the United States. He commissioned the Navy, or whoever it was, to go into Iran and rescue the hostages that were held there. There was a total debacle and it was a total flop.

What happened to that package was that the committee of the councils called a meeting at the Lion's Centre. They went up and they saw maybe five hundred people, and all of a sudden the Executive Council came back jittery, frightened in their boots. Not only were they frightened but they demanded we sit at a table and they told us what was acceptable as the new tax measures. The only tax measures that were put in place were those that affected the small man, like duties on liquor and tobacco. That was where the majority of the revenue would have come from.

That doesn't speak well at all for any Government. All leaders, I don't care who they are, will someday find themselves in a very unpopular position because when you are in leadership you cannot always be popular.

**Mr. Roy Bodden:** Tell 'em, Johnny!

**Mr. John D. Jefferson, Jr.:** Because you come to me and say, *'You know John, I am sorry but I don't agree with you'* I am not going roll over and say, *'I am sorry. Since you and I are friends, I am going to back off.'* No!

If I believe it is in the best interest of the country, I am going to stand my ground.

We came back this year with new tax measures again, based on the same items that were introduced in 1997, I think it was. All of a sudden, we don't care who likes it or not, we are going to push it through. Why? Is it because we are so close to the general elections? Two years is a short time, Mr. Speaker.

You know, I am a 24-hour representative. I am out there. I get the feedback from the common person. People are upset with the new tax measures, particularly those relating to the schools. I was at my office yesterday and it was amazing the number of parents that came to me and asked, "What is Government trying to do? When fees jump from [I can't remember the figure that was quoted] to \$700." I had one parent say, "I have four children that I am responsible for paying fees for."

Let me say this: I am one of those members who considers every dollar that we spend on education as an investment in our future. We should never allow to happen again in this country what I experienced as a boy, where only the privileged few got a good education. Only a privileged few were able to qualify for scholarships. Only a privileged few were able to get a university education in this country. That is not the case today because, thanks to the National Team Government, some things were done right.

One of things that we did was make a conscious decision to make funds available for our young people who wanted to go aboard to study.

I was talking to a young man yesterday in the common room and I mentioned how proud I was of what he and his brothers, and other members of the family were able to accomplish. He is a young man who comes from a poor family, like myself. But he had ambition, and the resources were made available to him and he was able to get a good education.

What I am concerned about is that if the new fees go into effect in regard to the schools, that some parents, because they cannot afford it, will keep their children at home. I am quite sure that was never the intention of the Minister of Education or the National Team when they put together the Budget, but that is the reality if the fees go into effect. We have to be sensitive to the position of our people in this country.

The thought was that we would impose the new increases on non-Caymanian children. But the reality of it is that a lot of those non-Caymanian children are children of parents who are married to Caymanians. In effect, what you are doing is hurting your own people. I join in with the Third Elected Member from George Town in requesting the Government to look at the issue of the new fees with regard to schools. If we need to find money, let us find it from people who can afford to pay for it.

Increasing fees on work permits, especially in the professional fields . . . I have no apology for anyone. Things are so good in this country it is easy for them to get work permits. Because of that they would prefer to pay \$5,000 for a work permit than make an investment in one of our young people, training them and putting them

in a position where they can hold a job in this country. We should make those fees \$10,000 a year. I have no apology.

And it is amazing when you look at the ads for those positions, the qualifications that you need in order to qualify for one of those positions is remarkable. An ordinary Caymanian in most instances will never qualify for one of those positions. Why? Because of the way they have it geared and worded. So, make them pay!

The problem that we are faced with in this country is the constant demand for new services. Let me hasten to say that there are some new services which I support 100 percent. We have a constant demand for new roads, schools, increases in police patrol and surveillance, civic centres, sport facilities, just to name a few. But the message that has to be extended is this: Those services cost money. Unfortunately, we politicians sometimes give the impression that we can provide these services free of cost. I must add though that I fully support the money that we have spent in the last three or four years, five years maybe, on sporting facilities in this country.

We can now be proud of the fact that we have probably one of the most modern sporting complexes of any place in the Caribbean, that is, the Truman Bodden Sports Complex. With the image that we have of a financial centre nothing less is expected of us. And by providing that kind of facility, we are making an investment in our young people.

The other thing that was done was that we put in place salaries for national coaches for all of the major sports in this country. There is nothing wrong with that. That is not what has caused the present financial position that we find ourselves in.

Being a businessman, one of the first things that I attempt to determine is what my cost is. If I am selling a hamburger I must know what the cost is. How can I arrive at a price for my product if I don't know the cost? I believe that is one of the fundamental problems we have in Government: Government does not know the cost of its services. If you don't know the cost, then how can you determine what price your services should be?

Government should never be in a position where it is run for a profit. But in most areas Government should be in a position where it at least covers its cost. I know the Financial Secretary is now in the process of going through some financial reforms and that type of thing. I really applaud him on that because I think it speaks well for his stewardship and his sense of responsibility. It has to be done.

Now, if Government was in a position to say, '*John, for you to licence your car, it cost us \$250.*' And, if I may add, we don't expect to make a profit on this, but at least we expect to get enough back to cover our costs. If we had taken that approach in this country, we would not be here today talking about new borrowings, or new tax measures. Government would be in a position where at least it has the revenue to cover its cost of services.

I think the other thing Government has to be very careful with is ensuring that it gets value for money.

Every year we boast of \$48 million, \$49 million, \$50 million in capital expenditure. I am not a builder, but I have heard enough to know that we could get better value for the money we spend on capital projects. I was told recently that the cost of construction for Government is in the region of about \$260 per square foot. I don't know how accurate that is. And I was told that in the private sector, if it is \$80 to \$120, that was plenty.

What is the reason for the difference? Is it because they know Government is prepared to pay regardless of what it costs? Unfortunately, Government embarks upon projects where it has to compete for those construction services with everybody else. So, it puts Government in a position where it may not have the kind of bargaining power that it should have. If Government waited until things were less hectic and the contractors were less busy, it would probably get a better price.

I am told that there is a small group of contractors who bid on Government projects. What they do beforehand is get together and say *'Okay, you know I am busy so I can't handle it now. But tell me what you are going to bid on it.'* The next person says, *'I am going to bid \$100.'* *'Well because I am not in a position to take it now, I am going to make sure that I bid \$120 so that I do not get it.'* But, Mr. Speaker, the \$100 in the first place is an artificially arrived at cost. So it costs Government much more than it probably should to get the same things done that the private sector also gets done. We must remember at the end of the day, that the money that we spend is for the people of these islands.

One of the areas that has always been of great interest to me is the training of Caymanians. I recall in 1992 when we were running as a team our slogan was the training of Caymanians. It is amazing how that message got out there among the businesses in this country, that they had to do something about training. I recall speaking to the management of many of these properties. They would tell me what they had in mind with regard to establishing training facilities or programmes for Caymanians. They recognised that it had to be done.

I also support the fact that work permit requests should be tied to training. Like the Minister of Tourism said, maybe a three-year programme where you sit down and determine what your work permit needs are, and you tie that in with what Caymanian personnel you have, and what you are doing with respect to having them trained to eventually take some of the positions you are now applying for work permits to fill. I believe if we took that approach with regard to training in this country, we would see some significant results.

I really applaud those companies in the private sector who have a genuine interest in employing and training Caymanians. One of the companies that comes to mind is Ernst & Young, an accounting firm here in this country. It is headed up by a qualified Caymanian. He told me that they have six or eight young Caymanians now on full scholarships in the accounting profession. It speaks well for the company. In order for us to ensure that the stability we enjoy in this country continues, our

people have to continue to benefit from the economic situation that we enjoy.

I believe that if we take that approach it would also lessen the workload for the Immigration Board in dealing with work permits. I would daresay that on a weekly basis, they probably handle in the region of 200-250, maybe even 300 requests for work permits. If they can approve a work permit and not have to worry about it for another three years, but be confident that there is also a programme in place to train Caymanians, hopefully after the three years are up it may not be necessary to renew some of those permits. Someone would have been trained to take that position.

I believe that Government has to lead by example. I recall in 1992, after the election, that there was talk about establishing a hotel training school. This is 1998 and I don't see it yet. I believe that is the approach we need to take. We cannot sit down and continue to just look at work permits from the standpoint of being a revenue earner. We need to ensure that our people understand the value of the tourism industry and the benefits from employment in that area. In order for them to enjoy those benefits, that is, at least some of the senior management positions, you will have to train your Caymanians.

I know the Minister of Education has training or labour now. I expect great things out of him, I really do.

In the last two to three years, I have heard very little about training. We are making scholarships available. That goes a long way, but what about on-the-job training? How do we ensure that those Caymanians who do find themselves in employment move up the ladder?

Vocational training is also an area we need to place new emphasis on. I was glad to hear that the registration for vocational classes at the Community College is increasing. I hope that's a fact. What our Caymanian young people have to understand is that you can make a very decent, honest living being an electrician, a plumber, a mason, or a carpenter. There is nothing wrong with that.

Unfortunately, what has happened to our young people is that the majority of them believe that unless they are wearing a white shirt and a necktie they are not successful. But those who find a job in a bank making \$800, \$900 per month compared to that plumber out there who's taking home probably \$3,000 to \$4,000 per month . . . there is no comparison. But we have not emphasised the importance of vocational areas to our young people.

Government must lead by example. I was told just recently that there is a young Caymanian in one of the departments here who has a genuine interest in the area that she is employed in. She has the academic ability to go off to school. Right now she is very frustrated because they are telling her that the budget for training has been cut. Now, I know our budget is tight, but when it comes to training, when it comes to education, this Member is prepared to vote whatever funds are necessary to ensure that our young people are not deprived of

the training they need in order to hold responsible positions in this country.

To get back on the new revenue measures for just a bit, I just want to highlight what some of those new proposed measures are. The question that I have to ask is how did we arrive at these increases?

Schoolbook rental fees for the Primary Year 1 went from \$5 to \$50. That is increased ten times! It does not sound like a whole lot of money, but when you have four kids it costs \$200 just for book rental fees. With regard to school fees, it says for non-Caymanian children in Government Primary Schools it is proposed to be raised from \$450 to \$750 per year; in the Middle School the increase is from \$540 to \$900 per year; while in the High School it is from \$630 to \$1200 per year.

I recognise that the Government needs money, but my question is what did they use to arrive at those figures? I have not looked in the Budget to see what it amounts to with respect to new revenue, but it is probably a couple of hundred thousand dollars. I don't think that we can run the risk of increasing revenue from this source—a couple of hundred thousand dollars—and jeopardise the educational opportunities of our young people.

With regard to new roads in this country, I have heard a lot said about the necessity of new roads in this country. I honestly believe that the people of this country would not only support but deserve new roads, good roads, in this country. It baffles me, though, why the information was withheld in regard to what it would cost us to put our existing roads back in order. Where was it held for so long? I was told (and I still can't understand it) that from one cemetery to the next along Seven Mile Beach it was going to cost approximately \$1.8 million. If that is the case, my question is why haven't we done this before? Nobody told us how much it was going to cost either. I have never heard it before.

I believe the approach that we should take with regard to roads is the approach recommended by the Fourth Elected Member for George Town and myself in a Private Members' Motion that was moved here, I think sometime last year, whereby we establish a road fund.

The people of this country have to understand that we can't do it free of cost. I honestly believe that if we told the people of this country that if they allowed us to borrow \$5 million we would be able to provide them with brand new roads throughout this country, but that it would cost them an extra \$10 on their licences fees (which would go into this fund to finance or support the repayment of any loans that we would have obtained for this purpose), I don't think that we would have a problem. I honestly do not believe that we would have a problem with regard to support. People would be able to relate the specific task with a service that they need and they would be willing to pay for it.

The fact remains, though, that re-paving those roads is going to do very little to ease the traffic congestion in this country. It just means that we will have better roads to wait on in traffic. It is not going to solve the traffic congestion that we experience in this country. This

time of the year it becomes most noticeable. I guess it is getting near to Christmas and we have a lot of visitors on the island and people going back and forth to the shops. Now, when you come by Seven Mile Beach between 12 noon and 2.00 in the afternoon, there is quite a line extended along there as far as traffic is concerned.

The other thing that the people of this country have to recognise (and I was talking to someone yesterday in my office about this) is that one of the ambitions of every Caymanian, especially young people in this country, is to eventually own their own car. You have some families in this country who have five or seven members of the family and each and every one of them has his own vehicle. I don't have a problem with that, but every additional vehicle that is brought into this country adds to the traffic congestion. So, it is just one of those evils that if we are going to enjoy the benefits of owning a vehicle, we are going to have to be prepared to suffer some amount of traffic congestion.

I do support the extension to the Harquail Bypass. I honestly do not understand why it is taking us so long to do it. I was told it was in the region of about \$2 million in order to do it. That would be money well spent. Why has it taken us so long to negotiate the purchase of that piece of property necessary to do the job? Is it because we didn't have the money? I don't believe so. What's the reason?

We are going to go through another Christmas season using the same situation we have right now—people getting frustrated because they are sitting in traffic for an hour or two just to get between West Bay and George Town, or from the other districts into George Town.

The other feedback that I am getting, and it really concerns me, is that it is becoming very difficult to do business in this country. By that I mean having to deal with the Planning Department, having to deal with the Immigration Board, having to deal with the Trade and Business Licensing Board and other Government Departments.

I have heard examples of this. Let's say that I apply to the Government for permission to do my little subdivision, and that you, Mr. Speaker, submit an application at the same time basically requesting permission to do the same thing. For some reason the requirements for approval for your sub-division are totally different from mine. In your case, Mr. Speaker, they may require that you do sidewalks throughout your sub-division. On the other hand, there is no such condition associated with my approval. We have to be careful because we have to recognise that every additional requirement in that area adds cost.

I was talking to a young Caymanian the other day who has done a lot of development in this country, and has spent a lot of money in this country. He is totally frustrated, totally discouraged from doing anything. He said to me, "John, I honestly don't need this because the kind of money I have I could take a walk and live happily ever after. But I have a genuine interest in doing something in this country by way of development and as a Caymanian

I feel that I should be extended greater courtesy than I am."

One problem that we have (and I am not the only one who has echoed this) is that Caymanians are Caymanians' worst enemies. They see that you are doing a little business and they believe that you are making a lot of money. Do you know what they do? Whenever they are in a position where they can throw a stumbling block in your way, they will do it. They prefer to see somebody come in from the outside and rape this country and send it away to wherever they come from, rather than see another Caymanian get ahead in life.

That's a problem we have. No longer can we boast of the community where if George is building a house, Kurt, Linford, the other members, and I pitch in and help out. That's the kind of community that we enjoyed in this country. We assisted one another, we minimised cost and we helped our fellow man. We have a lot to say about the Jamaicans in this country; we have a lot to say about the Hondurans in this country; we have a lot to say about the Cubans in this country. But one thing you can say about those nationalities is that they stick together. They assist one another. That is why a lot of times they get ahead when we as individual Caymanians find it so difficult to get anything done or get ahead in this country.

As a representative I am constantly pushing, constantly negotiating and bargaining for Caymanians to be promoted. I remember one instance where a Caymanian at one of the hotels was promoted to personnel manager. I said "Great. Now at least I know he will look out for other Caymanians." I was never so shocked in my life. I recall calling that person looking for a couple of jobs for some of my constituents. He didn't have the courtesy to even return my call. That's the problem we have, and we as leaders have to be better examples for our people. We need to work together, we need to support one another, we need to be happy when we see other Caymanians make it in life financially and otherwise.

Like I said, some of our local people who are involved in development in this country are having a very difficult time. And it is not because they are asking for any favours. They have the ability and they are willing to pay their dollar like everybody else, but it just seems that there are totally different rules for them compared to some others.

I believe that we need to take a totally different approach to the annual budget of this country. As I mentioned before, I am aware that the Financial Secretary is moving ahead in that area, and he has my full support. I trust that the reforms he wants to see put in place will be done as expeditiously as possible because there is definitely a need for reform.

I did request information on Government's borrowings since 1993. For the record, let me mention what my findings were.

Back in 1993, that is, after the National Team took over the Government, we borrowed \$825,897 in addition to the \$16.7 million necessary for the survival of Cayman Airways.

In 1994, we borrowed \$5,905,618.

In 1995, we borrowed \$1,590,719.

In 1996, according to my information, the Government of the day borrowed another \$20,204,986.

In 1997, under Capital Acquisitions—Local Loans, we borrowed \$769,762, and again under Capital Development—Local Loans, we borrowed an additional \$23,476,101 and from Capital Development—External Loans for the Pedro Castle, we borrowed another \$1.2 million.

In 1998, it is projected that we would have borrowed another \$19.5 million.

When you add all those figures together it comes to a handsome amount of money that we borrowed over those five or six years. I do not believe it is prudent for us to come here every year with a request to borrow money to balance the Budget. I would have preferred if Government had come to us this year and said, '*You know because of the financial position in this country, we only have \$5 million, \$6 million or \$10 million to spend on capital development.*' I would have been most happy if it meant that we did not have to go into extensive borrowings to balance this year's and next year's budgets.

It frightens me. It really frightens me, because one of the situations that you always have to be aware of is that when times are good and revenue is coming in, sure you can service your loan situation. But what happens if it slows down? Rather than being 7%, it can easily go to 15% or 20% of local revenue or recurrent revenue overnight. I am very concerned with regard to that position.

Do not get me wrong, I fully support the fact that there are needs or demands on this country for additional facilities. And I support them. I don't care which Government is in place, it needs a programme.

Governments are only here for four years at a time, and I believe that any Government that takes the reigns in this country should sit down when it is first elected and say, '*Okay, what is our programme now for the next four years? What should we attempt to accomplish? How much is it going to cost us? How are we going to finance those facilities and services that we have determined we will support?*' I believe that approach makes much more sense than the present approach we take where, on an annual basis around June, July or August, we say, '*Okay now, let's think about what we are going to support or promote for our people in this year's budget*' with very little thought to what those requests are going to be. We have to appear to be doing something in order to ensure that we continue to have the support of our constituents.

I have found the Cayman people to be very reasonable indeed. If you go to them with a programme and say, '*Here is what we intend to accomplish over the next two or three years; here's what it is going to cost, here's how we are going to finance it . . .*' I believe personally that the people would not only support you but would appreciate that you came to them in the first place. I don't care what Government is in place, it cannot expect to accomplish everything that everybody needs—or wants.



One of the priorities in this year's Budget (and I believe there is quite a bit of money that has been set aside for it) is education. We need to ensure that our kids have the facilities, the books, the personnel that we need in our public schools. And the other thing I would advocate now, and I have advocated before, is that we do a recruitment with regard to teachers.

One of the approaches I think we should take is more recruitment from the Caribbean. I have been to Barbados, I have been to Trinidad and Jamaica, most of my teachers were either Caymanians or West Indians. And I don't believe that I have turned out so badly. I really don't! But I believe it's important for our kids to have teachers that they can relate to—similar backgrounds, similar principles and morals as we emphasise and promote here in the Cayman Islands. Like I said, I am aware that there are a lot of qualified teachers available from some of the other Caribbean countries.

The other thing that I think we need to do more of is to make a serious effort in trying to attract young Caymanians into the teaching profession. I don't know if it has been done, and I have heard it promoted for some time now, whereby teachers are basically taken out of the Budget as far as the salary scale is concerned and specific salary scale established for our teachers. A lot of us have the impression that teaching is not a very worthwhile vocation. But in this country there is no greater calling than that of a teacher.

Our teachers have to be well paid. I am aware right now that full scholarships are available for Caymanians who go into that area. I support that, and we do have some Caymanians who have taken advantage of that. Once they are qualified we must ensure that when they come back to take up their positions that they are encouraged to continue in that profession. The problem we have had over the years is that people have left the teaching profession and have gone into the private sector or even in Government in other areas where they can make more money. And you really can't blame them for that. We are all looking for ways of bettering ourselves financially and otherwise. But it is extremely important for us to have Caymanians teaching our own Caymanian students.

The other area in education I think we need to place more emphasis on is the area of early childhood education. I am aware that some of the other Caribbean countries, in particular Barbados, because of the recent findings as a result of research with respect to the abilities of the young child, have really made a conscious effort and an increased investment in the education of young children. I am talking about children between one and three, where it is very important that we provide that learning environment and those facilities the young child needs in his development. Like I said before, there is no greater investment than the investment in our children.

I honestly believe because the reception classes were abolished in our primary schools (other than a couple of schools which still have reception classes) that Government has to consider financially assisting parents who want to expose their children to a pre-school experi-

ence. At the present time I think the Government assists from three years, nine months, to four years, nine months, which is the last year before the child is legally able to go to a public school. Because of the recent findings I believe that assistance has to be given at an earlier age.

One situation that really concerns me in this country is the level of drug abuse. I know in my district (and I am quite sure the other Members can probably voice the same concerns with regard to their districts) I see young people. One young man came to see me yesterday at my office in West Bay, the man is younger than I am, but he looks like an old man. Why? Because of drug abuse.

I heard tales of somebody sitting on a fence post or a wall after 11:00 PM at night doing nothing, just sitting there talking and socialising. The police came along and grabbed him and gave him a urine test because they suspected that he was on drugs. If they can go to that extent with regard to somebody who is not involved, are you going to tell me they don't see these people like I see them in this condition and know what their problems are? I honestly feel that those people we see on our streets in that situation need to be picked up.

There is a philosophy that unless you want help, it will be no good to you. I personally do not subscribe to that philosophy because a lot of times when you are under the influence of illicit drugs you are not in a position to make any clear decisions with regard to your welfare. But, if you were picked up and put in a place of safety where counselling services and maybe rehab services were available, it must help. We cannot continue to just ignore the fact that we have a serious drug problem in this country.

One of the things that I campaigned on in 1988 was a proper local rehab centre. It is badly needed in this country. I am pleased to hear that we have finally made a decision with regard to providing that kind of facility in this country. The attitude of the former Member for Health was that if somebody needed to be referred overseas, Government was prepared to support that expense. That did not happen. We have run into many, many people who needed this service. But because of the cost of sending somebody abroad to a rehab centre, Government finds other ways of trying to assist. They will say okay to counselling, but unless you can put a lot of these people in a sheltered environment where on a daily basis they don't have access to that drug, it is of no avail. So, we need to make a rehab centre in this country a priority.

If the Government had come to this Legislative Assembly and said '*We need \$2 million to build a proper rehab centre,*' they would have my full support because I see it as a necessity. I see it as a priority in this country. But, like I said before, when you are in leadership you have to take some very unpopular decisions. This is a decision that I think needs to be made, and I am glad to hear that it is on stream now. But it should have been made a long time ago.

How many young people have we lost since I was elected in 1988? And drug abuse knows no colour; it

knows no financial status. It affects families at every level of society. I have seen the ravages of drug abuse—even in my own family. If our people need help in this area, we must have the facilities locally to make sure that this is done.

Canaan Land has made a real effort to provide that facility. For whatever reason we have not given them the support that we should. At least until we get our facility in place, let's gladly support them. So, at least something is available. I had a situation the other day where a young lady in my district needed the service. I called Canaan Land and they said, "Mr Jefferson, we are sorry, we do not take females, it is a male institution." You have as many female drug abusers in this country as you do males—probably more.

We cannot afford to lose this country to drug abuse. But it is happening! I am very pleased to see that the courts are finally extending some severe sentences with regard to crimes committed in this country.

Crime is a situation in this country also that we need to seriously address. I was just looking at the Police statistics in their 1997 Report. Take theft, for example. In 1995 we had 22 reported cases of theft; in 1997, 191 cases. Total reported crimes for all offences in this area rose from 138 cases to 438 cases. That is an increase of 352 cases in three years.

I remember in 1992 the National Team Government decided this was one of the issues we would address—the issue of crime. We made an investment. We established a task force; we beefed up the Police because they said they needed more bodies in order to carry out surveillance and patrol. But even today with all of that, there are some districts, for example the eastern districts, where if you call a Police Station at a certain hour you do not get an answer. I tried it the other night. I hear now that they are on patrol. That's fine. Are you going to tell me we cannot employ an additional person to at least stay in the office to answer telephone calls? The excuse now is that they are all on patrol.

This country that boasts of so much wealth must be able to employ in the outer districts, that is, in North Side and East End and even West Bay, sufficient persons, administratively as well as Police, to answer whatever queries or concerns our citizens may have. It is not because of a lack of finances or support. I understand that as a result of the lack of Police presence in the eastern districts drug abuse and trafficking is becoming an increasingly difficult and prevalent activity.

One reputation the Cayman Islands enjoys is that it is a safe destination. I have heard that from many visitors. It is safe and will continue to be safe if we make a real effort in fighting and controlling crime.

One of the biggest crimes that we have in this country is the crime of burglary. I have never had it happen to me personally, but it must be a frightening experience to awaken during the night and find someone in your home. This is an area that I would encourage the courts to extend more severe sentences on, because no one has any business being in your home without your permission. I don't care who it is. Anyone who comes into your

home to steal—and its normally drug related—is coming in to find your wallet with \$25 or whatever he can find of any value and go out and pawn it for \$5, \$10 or \$15. Anyone who comes into your home comes in there prepared to defend himself—even if it involves taking your life in the process. So it's all related to drug abuse.

There were some statistics recently on the findings of drug abuse at the prison. We have been saying it for a long time, and the administration has constantly covered it up doing whatever they could to hide the facts. I am glad that Government moved ahead and said let's see for ourselves. Once it was brought to someone's attention and the evidence was there, Government could see exactly what the position was, and they took action. Now, all of a sudden, it's down to where it is reasonable.

I was told by 'X' prisoners that when they were at Northward Prison they could get anything they wanted by way of drugs. Why should we send our young people to prison on drug convictions, when they can get it there? It doesn't make sense! And the message that I would like to get across is that it does not matter who is involved, it must be stopped. And if we really wanted to stop it, it would be stopped overnight.

Crime is an issue that has to be addressed in this country.

It is now 6:30 PM, and the Government has fallen asleep or has gone somewhere—they are not here. I wonder if it make sense for us to continue until 7.00 PM because it appears we don't really have a quorum.

Mr. Speaker I would be prepared to continue tomorrow. It's up to you.

**The Speaker:** It was our intention to continue until 7.00 PM. I would call for members to return to the Chamber so that we can continue, please.

If you are not finished, would you continue?

**Mr. John D. Jefferson, Jr.:** No, Mr. Speaker I am not finished. But I would appreciate at least some of the elected Ministers being present to hear what I am saying. That's the only way they are going to be in a position to address the concerns we raise in this House.

I want to personally congratulate the Minister responsible for Health. I had an occasion recently to visit the new hospital. The patient I wanted to visit was in the new facility, and I was very impressed. I support every penny that we have spent on that new health facility.

I think on Monday, a question was asked as to what it has cost us so far. I think it is in the region of \$28 million. Before it is finished, it's probably going to be in a region of \$30 million to \$32 million. Health is a priority.

I don't understand how some Members can allow themselves to be used that way, but the old 'Ezzard' position is being constantly repeated. We could have gotten a hospital in the swamp for \$16 million. Now we have one that has cost us \$28 million. If we had gone ahead with that facility in the swamp, it would have cost us much more than that, especially with the split-site operation where you had some at the present site and

some on the swamp. It couldn't work. We couldn't afford it.

Unlike his predecessor (that is, the 1988 to 1992 Minister for Health) the present Minister for Health sat down with those persons responsible for the day-to-day provision of medical services in this country. He asked them what they believed we needed in that facility. Because of that approach, he has not only provided a first class facility, but he has provided a facility that is very practical and he enjoys the support of the entire staff.

I have been talking to the Minister, and I believe that he will do whatever is necessary. The message that has to be passed on is that sometime next year the facility will be completed and fully operational. As I said, the Cayman Islands can then boast of a first class health services facility. But the message that has to be extended is this: That cost will probably be \$32 million at the end of the day. We Caymanians, or anybody else, cannot expect to go there like the policy in the past and expect to continue to enjoy free medical services.

I am glad that steps have been taken to put in place a proper national health insurance programme. That should help. But Government has to take steps to provide the health insurance coverage for its own members, that is, members of the civil service. When they go to the hospital they should be in a position to pay like everybody else. You pay a premium, you present your card, and the insurance company pays for it. I am hoping that this facility will be in a position where it basically covers its own recurrent cost.

The Government has been kind enough to provide the facility, that is, the capital investment that was necessary. But we should expect that facility to take care of its own recurrent expenditure. Probably not in the first year, but over a period of time, because we have to get people used to the idea that they have to pay for the services.

What constantly baffles me is that when we go to a private doctor (and I have had occasion to do that) at the end of the visit he will write an invoice for \$100 and we don't think twice about paying it. Why? Because we know that we are expected to pay. We should have the same attitude when it comes to the Government facility.

The other thing that I must applaud the Minister for Health on is that with our support he has put in place proper district health care facilities. My people in West Bay are so proud of the fact that it is now convenient for them. If they have a problem, rather than getting in a car, or jumping on a bus and going into George Town in order to get a Tylenol or whatever it is for flu, they can walk down to their health clinic. And right there, their needs can be taken care of. We have also extended the hours, so it is very convenient. Someone can come home in the evening, and in most instances the facility is open. I think it speaks well for that Minister and our people deserve no less a service.

It's amazing, when we want to get something done how we do it. I remember when we were going to host the Carifta games a few years ago. It was determined that we needed a sports complex. We voted the money.

It was done, and today we have a facility we can be proud of.

Since I was elected in 1988, one of the projects that I have pushed for in my district of West Bay is a civic centre and hurricane shelter. We have something like 8,000 people in the district of West Bay and we don't have a proper facility. We pushed the Minister for Education this year, and I am quite sure we are not going to get it done.

When the West Bay Primary School has a function, they either have to use the West Bay Town Hall field or they go to one of the private facilities along Seven Mile Beach. I expect them to get it done.

When it comes to my civic centre in West Bay, I don't know who doesn't want it to happen but somebody doesn't want it to happen. When I talk about a centre, I am looking at something like the Lion's Centre. My good friend here, the First Elected Member for George Town, knows all about this. That's what I am talking about, something that has a high ceiling. Not very complex, but something that is nice enough to have special functions and also where we can host games such as basketball and other in-door sports.

The last figure I heard on that facility was in the region of about \$6 million. Why? Because somebody doesn't want it done. The Minister for Tourism told me, "John I promise you this year, that is going to be started." I think today is the 25<sup>th</sup> of November. I told him at the time, "You know, I am going to be there like the doubting Thomas." Remember him? When they told him that the Lord had risen, he said, "I won't believe it until I see it." It is not going to happen. I think in this year's Budget is another \$1 million. If it is estimated to cost \$6 million what are we going to do with \$1 million? Somebody doesn't want it to happen. And that is not fair to the people of West Bay. It is not!

Mr. Speaker, with all due respect, I love Cayman Brac. But I see a big provision for theirs. What are the chances are that they are going to get theirs? I will be hoping to see that facility in West Bay in the year 2000. If I see it, I will be very pleased—but surprised.

One of the things that we chided the last Government about was the lack of such facilities. I remember how we chided the former Member for Education on the fact that he didn't have the foresight to see the need for additional classrooms in our district. Do you know where we ended up housing them for maybe a year or two? In the old town hall! And do you know what the attitude was? *'It was good enough for me, so it must be good enough for the children.'* No, Mr. Speaker, we cannot continue to have that kind of attitude in this country. Education must be a priority.

One of the faults with the present Minister for Education—and he is a good man. But when it comes to Budget time, he always gives up in order for everybody else to get theirs.

**Mr. D. Kurt Tibbetts:** Cautious lawyer!

**Mr. John D. Jefferson, Jr.:** As I said, he's a good man. He has the interests of our children at heart. But as a Government we need to set our priorities in order. Our priority from here on into the year 2000 must be education. We have our health facility and we are proud of that, but we need to now emphasise the educational facilities that we need in this country.

I understand that we bought the property for our new primary school in West Bay. That's good. Let's see it done. We have put it in the Budget. We have increased the provision for the new multi-purpose hall for West Bay Primary School. Let's see it done.

It is amazing, how when you want something done, you can get it done in this country. And then some of us find it so difficult getting anything done. Why? Because of roadblocks are thrown in our direction. I am serious about this. Under no circumstances am I prepared to see the children in this country suffer from the lack of facilities because we don't make education a priority.

**Mr. D. Kurt Tibbetts:** I thought you thought he was a good man.

**Mr. John D. Jefferson, Jr.:** He is a good man.

**Mr. D. Kurt Tibbetts:** But he's had responsibility for it for six years. It's past time. Anyway, I won't argue with him now.

**Mr. John D. Jefferson, Jr.:** Even in this area of education, what baffles me is the projected cost of doing a new school, now a primary school. It is only a building of block, a roof and some windows. I think the Savannah Primary cost us something like . . . It is projected, and we have just had some built, \$250,000 for classrooms. For \$250,000 the private sector would have marble on the floor. Okay? There is something wrong with our system.

And for political reasons a lot of our people are not prepared to say what has to be said. As a Government we really need to revisit the role of Public Works with regard to assisting Government with capital projects. I am told that it cannot be done. I don't see any reason why it cannot be done. I do support the proposal by the Member from North Side who says we make a mistake every year. Do you know what that is? We put together a Budget. And the Budget is \$25 million, \$30 million, and what do all those contractors do? We put in \$3 million for a primary school. When they bid for that contract what are they going to bid? Three million dollars. And who pays for it? We do.

If we took a different approach with regard to capital projects I believe that we could get much more done with the money that we vote every year for those projects. It baffles me. It really baffles me. I know the cost of construction and the cost of living have gone up in this country, but not to that extent. I really do not believe it has gone up to that extent.

I was told Government has tried to assist the different sporting organisations and that type of thing. There

is a little bathroom that was built for the Cricket Association. Nothing elaborate. I am reliably informed that this bathroom facility cost Government \$236,000. Like I said, it must have 14-karat toilets in there, Mr. Speaker.

We cannot continue to do business this way. If we ran our own private businesses like we have a tendency to run Government, we would have been out of business a long time ago. But it appears that there are different rules when it comes to Government, and that should not be the case. As stewards of public funds we should be extra careful because at the end of the day our people have to pay for those facilities. I honestly believe that is why we are in this position today in regard to education. It costs too much to provide those facilities and there is only a limited amount of resources. So what are you going to do?

I heard that the George Hicks High School needs an assembly hall. What's the estimate? Two million dollars. Give me a break! But it is a facility that the school needs. Can Government afford it?

We have to do something. And I am not taking any pot shots at any Minister personally. I am not. That is not my style. I deal with facts, and if it gets near to whoever it is, that's fine with me. But I don't attack people personally, that is not my style.

**Mr. D. Kurt Tibbetts:** You have to do it in a Mohamed Ali style!

**Mr. John D. Jefferson, Jr.:** I was very careful and I thought about it a couple of times but I think this needs to be said.

**Mr. D. Kurt Tibbetts:** You don't want to wait until tomorrow for that one?

**Mr. John D. Jefferson, Jr.:** Yeah, I think I will wait until tomorrow on this one. It's in regard to education. I am doing it in support of the Minister, I really am.

I believe that he has a very difficult time getting what he needs done with the personnel that has been provided for him. Mr. Speaker we will talk about that tomorrow but I think it needs to be done. What I am going to say needs to be said.

Mr. Speaker, it is 6:45 PM, if you want to . . .

I am not going to waffle. With your permission, sir, I would move the adjournment of this Honourable House until 10.00 AM tomorrow morning.

**The Speaker:** I am in the hands of the Honourable Members. If that's the wish, I would entertain a motion . . .

The Honourable Minister of Education, Aviation and Planning.

## ADJOURNMENT

**Hon. Truman M. Boddin:** Mr. Speaker, I move the adjournment of this Honourable House until 10 am tomorrow morning, sir.

**The Speaker:** The question is that this House will now adjourn until 10.00 AM. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it. The House will stand adjourned until 10.00 AM tomorrow.

**AT 6.53 PM THE HOUSE STOOD ADJOURNED UNTIL  
10.00 AM FRIDAY, 26 NOVEMBER 1998.**

**EDITED  
THURSDAY  
26 NOVEMBER 1998  
10.40 AM**

*[Prayers read by the Honourable Temporary Acting Second Official Member]*

**The Speaker:** Please be seated.

Proceedings are resumed. Item 2 on today's Order Paper is Reading by the Speaker of Messages and Announcements

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have apologies from the Honourable First Official Member, who is presently Acting Governor of the Cayman Islands. I have apologies from the Acting Temporary First Official Member, who will be arriving later this morning. I also have apologies from the First Elected Member for West Bay, who is off the Island.

**The Speaker:** Item number 3 on today's Order Paper, Questions to Honourable Official Members and Ministers. Question number 194, a deferred question, is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 194**

**No. 194: Mr. Roy Bodden** asked the Honourable Third Official Member with responsibility for Finance and Economic Development for Government's total revenue and expenditure for the period January 1 1998 through August 31 1998.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, total receipts for the period January through August 1998 was \$182.1 million, broken down as follows:

|                            |                 |
|----------------------------|-----------------|
| Recurrent revenue receipts | \$162.6 million |
| Loan Receipts              | 19.5 million    |

Total expenditure for the same period was \$167.3 million broken down as follows:

|                                 |                 |
|---------------------------------|-----------------|
| Recurrent expenditure           | \$129.9 million |
| Statutory expenditure           | 17.5 million    |
| Capital acquisitions            | 5.1 million     |
| Capital development expenditure | 14.8 million    |

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for Bodden.

**Mr. Roy Bodden:** Thank you Mr. Speaker. Is the Honourable Member in a position to tell the House what the figures were, comparatively speaking, for the year before?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** For the same period, Mr. Speaker, the recurrent revenue up through the end of August was \$149.9 million.

|                        |               |
|------------------------|---------------|
| Loans                  | \$8.8 million |
| Recurrent expenditures | 117.3 million |
| Statutory expenditure  | 13.1 million  |
| Capital acquisition    | 3.1 million   |
| Capital development    | 24.1 million  |

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. I wonder if the Honourable Member is in a position to state what the surplus and deficit position was at the end of August 1998.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, the surplus as at 31<sup>st</sup> August was \$10,672,080.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr Speaker, I wonder if the Honourable Member could further say whether this takes into account any write-off of the approximately \$11 million in overseas medical cases now pending on the advance account, which the Auditor General recommended be written off.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, it does not take into account the writing off of the balance of overseas medical cases. The Auditor General did not recommend the writing off, Mr. Speaker. What he recommended was a reclassification of that balance which means that it would be taken from advances and treated as expenditure.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I thank the Honourable Member for that clarification. I wonder if he could explain the significance, then, in regard to the surplus and deficit account, of taking the amount to expenditure as opposed to writing it off.

**Hon. George A. McCarthy:** Mr. Speaker, it would amount to affecting the surplus and deficit account balance. Writing off the sum means that the sum would not be recoverable. If it is reclassified as loans those amounts that are recoverable would continue to remain as asset balances, which the Government would recover over a period of time. So the value of those loans would not be lost.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. I wonder then if the Honourable Member can give an indication of what percentage of the overseas medical loans—which I understand is in the vicinity of some \$11 million or more—he expects to be able to collect through the process of loans, and how much will be written off?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, we are presently waiting on the Health Services Authority to advise us of those figures. But my view is that this is a matter that will have to be dealt with by the Legislative Assembly.

I am not being evasive in terms of indicating what amounts will have to be written off. Although some persons who owe money to the Health Services Department are not in a position to pay the outstanding balance, these loans are secured. These are decisions that will have to be taken by the Legislative Assembly in terms of how such securities will be activated, or how the balances will be addressed. In light of the fact that these people may not be in a position to repay the amounts that are due, they have given securities—lands and other properties—to cover the outstanding balance.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Mr. Speaker, just to have this clarified. Is the Honourable Third Official Member saying then that he is not really quite sure of the estimated amount that will be recovered through loans, and that the office is now in the process of looking into these matters?

Secondly, Mr. Speaker, whilst I am on my feet, could he give an indication as to whether there may be any other expenses that may be on advance accounts that should also be written off?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, the Honourable Member is correct. At this point in time I would not want to give an indication as to what amount of the \$11 million will be submitted to the Legislative Assembly for approval for these sums to be written off.

Mr Speaker, if we were to take a hypothetical case, a person could have a balance of \$200,000 on advances. It is possible that that \$200,000 could be fully secured. But, considering the income of the individual it is unlikely that more than \$50,000 of that will be recovered. Now there is a differential of \$150,000 that will have to be addressed.

The question is, should the Government continue to maintain a lien against that property until the person dies, before such property will be passed on to relatives? Should Government, seeking to recover that sum, activate the lien? Or will the Government take a decision to write that balance off? notwithstanding the fact that this loan is secured.

These are decisions that will have to be made in Finance Committee. We are waiting on the Health Services Department to give an indication as to what sum out of that \$11 million can be safely regarded as recoverable. What is unsecured and also doubtful are the amounts that will definitely have to be written off.

We have been following up this matter since last year and the Government is anxious for this to be concluded.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Just to have this matter clarified further. I know that the Honourable Member stated that the matter is now being seriously looked into. But, with respect, I have heard for quite a long time now that the matter is being looked into. As a matter of fact, I can recall that for several years now the Auditor General has been questioning why this is still remaining on an advance account.

I wonder whether the Honourable Member may be in a position to give some kind of a timeline, or approximate timing, on when he expects to have this matter resolved.

**Hon. George A. McCarthy:** Mr. Speaker, I would like to see this matter resolved, like yesterday. This matter was directed to the Executive Council for consideration. But, rightly so, a final decision could not be taken in terms of the way forward until this classification that is being carried out by the Health Services Department is completed. There is an urgent need for the classification of this outstanding balance to be completed as quickly as possible.

Mr. Speaker, I want to venture to say that I would believe that this could be done within a six-month timeframe. But it could be where I will then have to go back to the Accountant at the Health Services Department, after consulting with the Minister, and probably take ad-

vice in terms of the best way forward in dealing with this. We would like for this matter to be resolved as quickly as possible.

I would like to tell the Honourable Member, two months, three months, four months, or five months. But it poses a difficulty. I have been up to the hospital. I sat down with the Accountant General, and we spoke with the Accountant there, and also the individual assigned to deal with this. We were assured the matter was being worked on and that it was being expedited.

I know that this cannot remain outstanding indefinitely, and it will have to be resolved. Each year it remains outstanding, the balance continues to build. The substantial part of it may not be immediately recoverable and Government is at risk in terms of having its financial position distorted.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** This is my last supplementary Mr. Speaker, but just to find out from the Honourable Member whether or not he would agree with me that until these adjustments are made the financial position of Government is somewhat distorted.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, it will be distorted from the point of view that it does not take into account amounts that are unrecoverable at this point in time. This would be quite a significant portion of that balance.

But it is a question that I think the Legislative Assembly or Finance Committee will have to determine in terms of how the various segments of that balance will be addressed. What decisions will have to be made as to whether some amounts that are secured, as I said earlier, should be written off and Government gives up its right to those securities or other means?

I have ideas in my mind. But I would not want to mention them at this point in time until the full scope of this consideration is given as to exactly how this should be addressed.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, the Honourable Member may not be able answer this question, but I am going to pose it anyway. Could the Honourable Member say if when the health insurance comes on line that will decrease the possibility of the Government finding itself in this invidious position?

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** From all indications Mr. Speaker, I would say, yes, to the Honourable Member.

**The Speaker:** If there are no further supplementaries, we will move on to question 206, standing in the name of the Fourth Elected Member for George Town.

Excuse me one minute, Honourable Member. I would entertain a motion for the suspension of Standing Order 23(7) and (8) in order that Question Time can go beyond 11 o'clock.

The Third Elected Member for George Town.

### SUSPENSION OF STANDING ORDER 23(7) & (8)

**Mr. Linford A. Pierson:** Mr. Speaker I so move.

**The Speaker:** Can I have seconder? The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I second it, Mr. Speaker.

**The Speaker:** The motion has been made and seconded. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23(7) & (8) SUSPENDED.**

**The Speaker:** Question Time, continuing. The Fourth Elected Member for George Town.

### QUESTION 206

**No. 206: Dr. Frank McField** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if there are any special community based incentives fulfilling the needs of the elderly?

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

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. The Department of Social Services fulfils the needs of elderly persons through the community based services provided by the Adult Special Needs Program. The goal of the program is to provide services for the elderly in their own homes, where possible, and in their own district or community.

The services are provided in response to each individual circumstance and as the need arises. In addition to the various social work strategies, the program provides a number of services. The services may be full services, part-time, or partial services. The services are provided to elderly persons who are financially indigent, in failing health, and who have no family member willing or able to care for them and they are unable to adequately care for themselves.

Services include the services of a Community Care Worker for two to 24-hours to provide personal care;



homemaker services; home practical nursing care; socialisation; supervision for the client in his/her own home or a residential setting. The residential homes are Sunrise Cottage in East End, Hillside House in George Town, Golden Age Home in West Bay, Farrington House in West Bay, and Kirkconnell Community Care Centre in Cayman Brac.

The West Bay Adult Daycare Centre programme is provided daily Monday through Friday, 8.30 AM to 4.00 PM. It provides socialisation, physical activities, structured timed sessions, outings, monitoring of health and personal care needs, a hot meal, transportation and supervision in a safe environment. The clients are primarily ageing, mentally and physically handicapped persons. The residents of Golden Age Home as well as a few other frail elderly persons also attend daily.

- Provision or assistance with a voucher for nutritional needs.
- Provision of all clothing and personal needs.
- Provision of special equipment needs such as wheelchair, walker, or cane as needed.
- Provision of household furnishings as needed to maintain the home and provide services (kitchen supplies, linens, and appliances).
- Provision of housing repairs to improve or maintain the structure of the house. After assessment, this is provided through the Public Works Department.
- Provision of assistance or payment of utilities (i.e., water, gasoline, and telephone) by the Department of Social Services or the programme budget where applicable.
- Clients are provided with free medical care and regular medical supervision by each district clinic.
- Pamper programme provides disposable undergarments to enhance the provision of care to bed bound elderly persons at home being cared for by family.
- Provision of full or partial payment of fees to The Pines if and when applicable.
- Home care and residential services are also available in Cayman Brac.

### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I would like to thank the Minister for that comprehensive answer. The answer, however, seems to describe the welfare part of the Social Services Department.

Are any preventative methods used in dealing with the elderly? For instance, are there any programs that deal with the whole process of ageing that begin at a stage where the person is neither indigent nor physically handicapped, or aged to the point where the person is considered to be helpless?

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

**Hon. Anthony S. Eden:** Mr Speaker, that was a good observation by the Member. These programs continue to be developed through the Community Development Officers who have a better grasp, being in the community and visiting these people before they get to the stage that I mentioned.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Honourable Minister then say if there is any specific program, be it in the community-based programs, or directly involved with the Social Services program, that fulfils the required recommendations made as a result of the Family Study, which suggested that special public sessions should be arranged which dramatise and discuss the process of ageing? These sessions could also lead to community based incentives in fulfilling the needs of the elderly. Has there been any specific attempt to address this recommendation?

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

**Hon. Anthony S. Eden:** Mr. Speaker, some of these were undertaken, especially during the emphasis on the International Day in Recognition of Older Persons. And as the Honourable Member referred to, the Study done on the family is a stepping stone for us to continue to expand and build on.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say whether or not the community based initiatives consider the use of productive activities such as the making of crafts, and using these types of activities for elderly persons?

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

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, we encourage that. As we go forward into the development of these daycare centres for the elderly in each district, it can then be expanded.

I do know that through the Community Development Officer in the district of Bodden Town there is a group that works out of the Webster Memorial United Church. They are very well organised. They go on tours to the Botanic Park and different areas. They get together and meet.

This is being looked at for further expansion and involvement by the Social Services to assist. And with the involvement more of the community, I think it is better than Social Services coming and having a hands-on. We all know the pride of the elderly, how they like to do things on their own, and this is what we are encouraging.

**The Speaker:** The Second Elected Member for Bodden Town.

**Miss Heather Bodden:** Thank you, Mr. Speaker, since the Honourable Minister mentioned the residential homes in East End, George Town, West Bay and Cayman Brac, could he give an update on the progress of the Bodden Town Daycare Centre? What stage are we at now?

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

**Hon. Anthony S. Eden:** Mr. Speaker, Public Works will be undertaking the initiative to clear the area, fence and secure the place, once we can make funds available for the development there. Also there are funds to get the North Side situation started, and we would like to start with the daycare in the Civic Centre and then expand into a more comprehensive thing in the district.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I wonder if the Honourable Minister could give the House some idea of the age when one is considered elderly?

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

**Hon. Anthony S. Eden:** Mr. Speaker, my understanding is that it is 65 plus.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I will put this supplementary into one question, it is two but I will put it one and the Minister won't have to be continuously standing and sitting. Can he tell me if the majority of the people his is providing all the assistance for are female? That's one.

Is the provision of this assistance (clothing, household furnishings, house repairs, assistance of payment of utilities, free medical) only provided to the elderly, or are there other people in the community being provided with these? And are the majority of those persons female?

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

**Hon. Anthony S. Eden:** Mr. Speaker the majority in the first part of the question are females. There are some under the age that I mentioned who are helped after being assessed and it is determined that they are in need. Once again, the predominant is on the female side.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker.

I would like to thank the Honourable Minister for that reply. I would now like to ask if this is becoming a con-

cern to his Ministry that the number of women in need is increasing? Does the Ministry have any intention of doing anything to correct this problem?

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

**Hon. Anthony S. Eden:** I attended a meeting in Miami in regard to this. It is a universal concern that is shared by all when dealing with the elderly and the significant expense to the country for the provision of medical services—in this case to Social Services—to help them. We will be looking at this. I would like to encourage those who can assist us—families specifically—to give that undertaking. It has always been the proud tradition in the Cayman Islands that families continue to help, and that Social Services is not left alone to bear the burden.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I wonder if the Honourable Minister could say if a survey has ever been carried out to see whether these younger women have the potential to upgrade their education standards so that they can become self-productive. Has the Education Department ever been approached by the Ministry to share the burden of this survey to see if we can get these women back into society making an honest living instead of relying on the dole?

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

**Hon. Anthony S. Eden:** Mr. Speaker, to my knowledge there has not been a survey undertaken. But when we come across these cases we try to provide assistance where possible for those who will take up the offer to improve themselves. I am sure that all Members in this Honourable House have been approached by younger people. I have. One of the first things I ask them is if they are computer literate, and if I or other members could arrange for them to go to the Community College or wherever necessary to improve their skills. I think this is one way of going forward to better prepare those who have difficulties at an early stage.

One of the feelings within my Ministry and throughout the Social Services is that we need to address this problem at an earlier stage—specifically in cases of pregnancy—monitoring these young women from the time they go in for delivery, keeping a tab on them, monitoring them, so that we do not see a continuation and a compounding of the difficulties. We need to try to address these difficulties at an earlier age thus providing better prevention.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker. Whilst not perhaps directly related it is connected to the

question. I noticed in the answer that the Honourable Minister mentioned "provision of full or partial payments of fees to The Pines if and when applicable or where realisable." I wonder if he could, 1) let me know whether or not the Social Service Department has any sort of supervised controls in connection with the management of The Pines; and 2) whether or not there are any vacancies at the Hillside House in George Town for the elderly that may be in need of that facility.

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

**Hon. Anthony S. Eden:** Mr. Speaker, there are no vacancies at this time at the Hillside Home. And, in regards to The Pines, the adult special needs supervisor sits on the Board, but we do not have any direct input into the management.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I wonder if the Honourable Minister could say if any seminars are conducted on the development of self-esteem and the improvement of self-concept; and if at the end of that seminar any stipulation is made to the young women that they have to improve themselves.

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

**Hon. Anthony S. Eden:** Mr. Speaker when Social Services assists with seminars, specifically in regard to domestic violence, also through the Young Parents Programme (YPP) and other avenues, we stress the importance of this.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. I can hear that the Honourable Minister's hands are tied in that he does not have sufficient funds, and I don't think his Social Services Department has enough staff to cover all the problems that are developing.

The Honourable Minister mentioned monitoring the young women whom become pregnant, monitoring them through the delivery. I think the Government has a policy now of accepting those young girls back in school. I am aware of a few young ladies that have returned to high school. But it is my understanding that they are not allowed to graduate. I wonder why?

Since the Minister monitors these young ladies, does he have any idea why they are not allowed to graduate? To me, that is a lowering of their self-esteem. They are working to graduate along with their friends, and at the end of the day you are going to tell them that they do not have good grades? They have made a mistake in their lives and are prepared to pay that debt to society, but you are going to tell them that they cannot graduate? I wonder why.

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

**Hon. Anthony S. Eden:** Mr. Speaker, that has recently been brought to our attention. I will undertake to discuss a resolution to this with the Minister of Education because I can see where the Honourable Member is coming from. It doesn't make sense.

**The Speaker:** The Fourth Elected Member for George Town?

The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I would like to thank my colleague for waiving his right and letting me have his turn.

Mr. Speaker, I would like to ask the Minister with this responsibility to tell the House whether any consideration has been given to effecting credible strategies with a joint effort between his Ministry (that is, the Ministry of Social Welfare), the Ministry of Community Affairs, and the Education Department. From what I glean, it seems that his Ministry is bearing the brunt of these attempts. Have any attempts been made for co-ordinating efforts? Cursorily, at least, it would seem to yield better results.

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

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. Yes, we are now working in collaboration with the other two Ministries—Community Development and Education. As a matter of fact, this very week we are doing a seminar at the Marriott Hotel in regard to parenting. The people that are within the schools, within the community development, are people that are participating and who will now go into the communities and share this expert knowledge with the parents.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Minister tell the House whether this collaboration is strictly on an informal basis, or is there a formality to it in which parameters are clearly laid out with the interconnection of the three ministries, and with common ground covered adequately, and with understanding of the responsibilities and obligations of each ministry clearly drawn out?

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

**Hon. Anthony S. Eden:** Mr. Speaker, seeing the number of areas that the three different ministries cross in providing services to those that need it, recently it has become more formal. I think he has raised a good point. It has to be more formalised. It has to be specific where

the responsibility lies, with all of us working toward solving or helping to solve this difficult problem we have.

**The Speaker:** We have to limit it to two additional supplementaries. The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I wonder if the Minister would be willing to give an undertaking to place more emphasis on trying to deal with the early elderly—which means the age between 65 and, say, 75 (which is a ten year period)—to see that creative activities are involved that might also help to improve their income and to improve their self worth and self image.

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

**Hon. Anthony S. Eden:** Mr. Speaker, once again this is a good observation. We will be concentrating on this area because the better we can make this age group of people, the less difficulty we see for them down the line.

**The Speaker:** No further supplementaries? Moving on to question 207, standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 207

**No. 207: Dr. Frank McField** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to describe the present morale and image of the staff of the Department of Social Services.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker.

Staff morale and the image within the Department of Social Services is presently fairly good. There have been a number of positive changes undertaken within the department within the last few years, both prior to and as a result of the various organisational changes recommended in the Family Study.

One of the major accomplishments during 1997 was the creation of a grading scale for Social Workers. This grading scale encompasses six levels of Social Worker: from Social Worker Assistant, Social Worker Graduate, Social Worker, Senior Social Worker, Social Work Supervisor, to Social Work Manager.

Prior to that, all Social Workers were on the same scale, regardless of the years of experience and responsibilities. Persons who acted in a supervisory capacity were never remunerated for their work and in most instances were being paid exactly the same as the persons they supervised.

The issue of Home Care Assistants, some of whom were on a wage scale and others in established posts, was also addressed. Staff is presently being evaluated for movement from the wage scale to established positions. Additionally, staff that were acting in the capacity of programme supervisors for areas such as Foster Care,

Community Development, Residential Care and Probation/After Care, have had proper supervisory positions created, and have been formally appointed to those positions.

It must be noted that these are all changes the department had been working on for a number of years and which the findings and recommendations of the Family Study supported as being critical to staff morale.

Training has continued to be consistent on Island, and staff has access to overseas conferences and training on a regular basis. Some areas in which training has been provided include mediation, conflict resolution, adolescence, parenting, stress management and the 1995 Children Law, to name a few.

Staff expressed concerns in 1997 at the existing structure for the management of intakes. Management critically looked at (a) staff concerns; (b) how the structure of services worked, or did not work; and (c) the need to make services more available and easily accessible to clients. The decision was made to implement an intake unit.

This unit comprises four Social Workers and a Social Work supervisor who deal with all initial assessments and investigations of clients who are either seeking assistance or clients who have been referred for a service. This intake unit usually handles cases up to a maximum of three months. Matters requiring casework for a longer period of time would be assigned to a Social Worker in the long-term team who would be responsible for further casework with the client depending upon the nature of the case.

These changes have significantly improved service delivery to our clients and have also facilitated staff development and skills in assessment at the intake level and long-term teams. It has also allowed for staff in the long-term teams to have more time to do full casework, rather than being split in doing intake and long-term work.

The department continues to examine all aspects of its work in an effort to continue improving service delivery to our clients and to build on and enhance staff morale.

**Dr. Frank McField:** Mr. Speaker, I don't have a supplementary, but I would just like to thank the Minister for this very comprehensive answer.

**The Speaker:** Moving on to question number 208, standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 208

**No. 208: Dr. Frank McField** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what steps have been taken to present to the public an image of the Department of Social Services as an agency concerned with both welfare and prevention.

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

**Hon. Anthony S. Eden:** Mr. Speaker, the department continues to do public education presentations to promote public awareness on various topics, and to present an image to the public of the department as not only an agency concerned with welfare matters, but an agency committed to prevention.

A number of initiatives have been undertaken, specifically through the Community Development Unit. Programmes such as the summer play schemes, aimed at proper supervision and care of children during the month of August; community based programmes aimed at empowering people to get involved in addressing issues of concern to them, and to hopefully stem the development of further problems in their neighbourhoods. In addition, solid working partnerships have been forged with the police, education, health, the churches and other agencies on various projects.

Family life programmes for parents and members of churches have been undertaken; training programmes for after-school project workers; counselling in career planning and development for youth groups. An emphasis on building good programmes directed at high-risk youths is a major component of the Community Development Unit.

Close liaison is maintained between the Community Development Unit and the officers of the Community Liaison section of the Police Department.

Child month was launched in May 1997. During this month, special focus was placed on our children, highlighting the positive attributes of many of our children and youth. Throughout this month the emphasis is also on people having access to parenting forums which serve to enhance positive parenting and prevention of many of the familial problems.

As parenting is such a significant factor in prevention, the department has been holding ongoing workshops throughout the year, and has just embarked on a national parenting project under the auspices of Parenting Partners, which I alluded to earlier on, which is the Caribbean Parenting Group.

The staff of Parenting Partners is training the first local group of 30 trainers. From this core group other persons, both professionals and community members, will be trained. This is in an effort to develop a comprehensive training programme easily available and accessible to everyone. It is also clearly recognises the need for ordinary members of the community to join the Government in helping to address the many issues confronting our society as a result of poor or inadequate parenting skills.

Issues affecting our elderly also continue to be highlighted during the year and, in particular, during the month of October. Special emphasis will be given to the elderly over the next year as the International Year of Older Persons is recognised by the United Nations.

Just as an aside, Mr. Speaker, I do know that they have just finished working with the Savannah United

Church on their parenting seminar there. I have been made to understand that it was very impressive and very well received and accepted by the community.

**The Speaker:** Supplementaries? The Fourth Elected Member for George Town.

### SUPPLEMENTARIES

**Dr. Frank McField:** Thank you, Mr. Speaker. Before I ask my supplementary I would like to say that this is a very comprehensive answer. It goes to show how the Department of Social Services is very conscious of the work that they are doing and they are able to provide us with comprehensive answers in a very short period of time. I do appreciate that.

Mr. Speaker, I would just like to find out whether or not the community development programme and officers are under Social Services, or whether or not they are under another Ministry?

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

**Hon. Anthony S. Eden:** Mr. Speaker, first of all I would like to say that I appreciate the kind remarks by the Honourable Member. I know the difficult times that Social Services goes through at times, and I know this will mean a lot for them. Most of the time there is constant criticism. I really appreciate that.

In regard to the community development workers, they are under the supervision of Social Services.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say how their pay and qualifications relate to those of trained social workers?

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

**Hon. Anthony S. Eden:** Mr. Speaker, as this is a new initiative, the community development workers were hired. What we are trying to do is in-house training. All four of them have recently been to courses in Jamaica. In regard to their pay scale, I would prefer to make sure, but I don't think they are paid as much as the Social Worker.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say whether or not he has information to suggest that the workload of a community officer might perhaps be more like the workload of a politician? It is not just from 9.00 to 5.00, but it could be evenings and nights as well. Can he say whether or not in considering their contribution they con-

sider the fact that they have the additional skill of a motivator and are willing to give particular sacrifice? Although they might not have the college education, is their community-based experiences counted in the valuation of their jobs?

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

**Hon. Anthony S. Eden:** Mr. Speaker, the Member is quite correct in saying that the tasks undertaken by these community development workers result in some unusual hours. The actual assessment of what goes into their salaries is done by Personnel. But I feel that it should be looked at at some stage towards improving the grading of it.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Would the Honourable Member be able to say if the pay scale for a community development officer is provided with difficulties or, by reason of the civil servants pay hierarchy, is there any flexibility for the persons who do not possess the typical university qualifications to be rewarded according to performance rather than according to certification?

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

**Hon. Anthony S. Eden:** Mr. Speaker, I have an understanding of what he is saying, but I don't think I am in a position . . . I would prefer to get this information for him from Personnel through the Honourable Acting First Official Member.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, perhaps the Minister might then be able to say at what scale the community worker is presently graded?

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

**Hon. Anthony S. Eden:** Mr. Speaker, at this moment I don't have that. But I would undertake to pass it to the Honourable Member.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. This supplementary is for my personal enlightenment. The Honourable Minister more or less gave us a breakdown of the services provided by the Department of Social Services, which is not always respected for the high services it gives to the general public. Can he tell me how many of the social workers or members of staff are women?

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

**Hon. Anthony S. Eden:** Mr. Speaker, I would also acknowledge the kind remarks by the Member. All but five of approximately 30 are females.

**The Speaker:** Are there any further supplementaries? If there are no further supplementaries that concludes Question Time for this morning. We shall now suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11.40 AM

#### PROCEEDINGS RESUMED AT 12.25 PM

**The Speaker:** Please be seated.

Proceedings are resumed. Item number 4 on today's Order Paper, Government Business. Continuation of the second reading debate on The Appropriation (1999) Bill, 1998. The Third Elected Member for West Bay continuing.

### GOVERNMENT BUSINESS

#### BILLS

#### THE APPROPRIATION (1999) BILL, 1998

#### DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998

*(Continuation of debate thereon)*

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

When we adjourned yesterday, I had started to offer some comments in the area of education. One of things that I did mention with regard to education was that the feedback I had gotten from my people is that they are very upset. People who have children in our Government schools are very upset with regard to the new school fees that are proposed to come into effect. The problem is that we have some parents who are not earning a whole lot of money and they have three or four children. It has become extremely difficult to find the funds to make sure that these fees are paid.

I also fear that if the new fees are introduced then we will probably find parents unable to pay some of these fees keeping their children at home rather than attempting to send them to school. That would be a tragedy as far as I am concerned, because of the progress we have made in this country ensuring that every child in this country has an opportunity to get a first class education.

I also mentioned briefly the recent findings regarding learning and young children. What was interesting was that research has proven that we have to start at an

earlier age to ensure that we take advantage of opportunities for our young children to maximise their learning experience. Mr. Speaker, when I went home I did some research. I would like to share some excerpts from a publication that I came across, and some of the facts with regard to this new research.

In a book entitled *Rethinking the Brain*, by Rima Shore, it says in the executive summary: **"Brain research has been stimulated in part by growing concern about the status of children in America . . ."** This is an American book, Mr Speaker, but I am quite sure that some of the same findings apply here. . . . **"not only their academic achievement but also their health, safety and overall well being. There is growing consensus among decision makers in many fields that efforts to recast policy and reconsider the best use of public resources must begin at the beginning with clear-headed thinking about young children's brains."**

He said, **"What have we learned? Human development hinges on the interplay between nature and nurture."** It says here, **"Much of our thinking about the brain has been dominated by old assumptions that the genes we are born with determine how our brains develop, and in turn how our brains develop and in turn how our brain development determines how we interact with the world. Recent brain research challenges these assumptions."**

**"Neuroscientists have found that throughout the entire process of development—beginning even before birth—the brain is affected by environmental conditions including the kind of nourishment, care, surroundings and stimulation an individual receives. The impact of the environment is dramatic and specific: Not merely influencing the general direction of development but actually affecting how the intricate circuitry of the brain is wired."**

It continues by saying, **"It is during the first three years of life that the vast majority of synapses are produced."** What this is referring to is the connections in the brain between the neurones. It says, **"The number of synapses increase with astonishing rapidity until about age three and then hold steady throughout the first decade of life. A child's brain becomes super dense with twice as many synapses as it will eventually need. Brain development is then a process of pruning. That is why early experience is so crucial."**

Mr. Speaker, we have seen here in the Cayman Islands where children who were exposed to a pre-school experience showed dramatic advancement when they entered primary school as compared to those who did not have that experience. I think it is important for us to be aware of how important this early experience is to the development of our children.

It says here, **"In this way, early experiences—positive or negative—have a decisive impact on how the brain is wired. A great deal of new research leads to this conclusion. How humans develop and learn depends critically and continually on the interplay between nature, that is, an individual's genetic endowment and nurturing, the nutrition, surroundings, care, stimulation and teaching that is provided or withheld. It says "both are crucial."**

And under the heading of "Early care has a decisive and long lasting impact on how people develop their ability to learn and their capacity to regulate their own emotions" it says, **"The way that parents, families and other care-givers relate and respond to young children and the ways that they mediate children's contact with environment directly affects the formation on neuro-pathways."**

**Neuroscientists are finding that a strong secure attachment to a nurturing caregiver can have a protective, biological function helping a growing child withstand what is indeed learned from the ordinary stresses of life."**

And it continues by saying, **"Because the brain has the capacity to change there are ample opportunities to promote and support children's healthy growth and development."** But timing, Mr. Speaker, is crucial. **"While learning continues throughout the life cycle, there are optimal periods of opportunity, prime times, that is, during which the brain is particularly efficient at specific types of learning."**

It says here, **"Today, fully a quarter of American children under the age of six are growing up in poverty. The same figure holds for children under the age of three. Economic deprivation affects their nutrition, access to medical care, the safety and predictability of their physical environment, the level of family stress and a quality and continuity of their day to daycare."**

Mr. Speaker, that is not as serious a problem here in the Cayman Islands because I must say that our children are entitled to free medical and free dental. If a mother finds herself in a position where she has a lack of finances, she is able to gather assistance through the Social Services Department by way of free lunches and other things that the children have need of. So, we are not too bad off in these areas.

I am aware that the philosophy of the Social Services Department with regard to children is that they don't see any colour or nationality. If a child needs, a child needs. And some of us would argue that maybe only Caymanian children should be assisted. That is not the policy of the Social Services Department: If a child needs, that need is addressed.

It says, **"Study after study shows that intensive well-designed timely intervention can improve the prospects and the quality of life of many children who are considered to be at risk of cognitive social or emotional impairment. In some cases, effective intervention efforts can even ameliorate conditions once thought to be virtually untreatable such as autism or mental retardation."**

**"The efficacy of early invention has been demonstrated and replicated in diverse communities across the nation. Children from families with the least formal education appear to derive the greatest cognitive benefits from intervention programs. Moreover, the impact of early intervention appears to be long lasting, particularly when there is follow-up during the elementary school years."**

So, we see how important it is for the young child to be in the right atmosphere and his physical and emotional needs addressed.

It says, **"Promote the healthy development and learning of every child. If we miss early opportunities to promote healthy development and learning, later remediation will be more difficult and expensive and be less effective given the knowledge, methods and studies that are currently available."**

Mr. Speaker, basically this is saying that prevention is better than cure. It is better for you to address the needs of the young child when he is young rather than dealing with those issues as a result of that child's needs not being addressed.

It says, **"As we move into the next century, our children need and deserve policies and practices that reflect the importance of the early years, and that embody the**

principles that emerged from the Brain Conference. In particular, new knowledge about early development adds weight and urgency to the following policy goals.”

“Researchers have found that most childcare settings are of mediocre to poor quality and the nation’s youngest children are the most likely to be in unsafe, sub-standard childcare.”

We do have quite a few childcare centres here in the Cayman Islands, and I know an effort has been made to make sure that these are all properly licensed, and that the right atmosphere and environment are created for the care of the young child. But I think one of the problems we have—and this is why we have to learn from research and experience—is that we need to ensure that the basic requirement for anybody opening a early childhood centre is that they have a qualified member of staff responsible for the training of that young child. Not just a qualified teacher, but a qualified teacher in the early years as far as education is concerned.

And, Mr. Speaker, the other caregivers should be exposed to some type of training with regard to the young child. Issues like health and safety . . . there are a number of issues that have to be addressed. If there is a problem then the caregivers are in a position where they can address the issue in a very satisfactory manner.

Here we have a tendency to believe that when a child is very young, that is, between one and four (because the public schools do not admit young children until they are four years nine months) any facility that takes care of that child is basically offering a babysitting service. That should not be the position. The recent research has proven that in these critical first two or three years, with the right experience the child is well set for the rest of his life as far as stimulation and learning what he should be learning.

It says, “In short, new insights into early brain development suggest that as we care for our youngest child, as we institute policies or practices that affect their day-to-day experiences, the stakes are very high. But we can take comfort in a knowledge that there are many ways that we, as parents, as caregivers, as citizens, and as policymakers can raise healthy, happy, smart children.”

**The Speaker:** Could I interrupt the Member for a minute? I fully appreciate that everything considering our children is very important, but in accordance with Standing Order 63(2), which says, “**On the motion for the Second Reading of an Appropriation Bill, debate shall be confined to the financial and economic state of the Islands and the general principles of Government policy and administration as indicated by the Bill and estimates.**” It is very important, but I think you have elaborated quite at length. So, if you would bring this to a conclusion I would appreciate it.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker, I am glad you interrupted me at this stage because I am just about finished. But we are dealing with education and I am trying to emphasise the importance of us as policymakers being aware of the importance of our investment in our youth at an early age.

It says, “**We can take heart in the knowledge that there are many things that we as a nation can do—starting now—to brighten the future of our children.**”

So, Mr. Speaker, I fully support what I have said in this area. I believe that the emphasis now more than ever before has to be on ensuring that the facilities and the opportunities are made available to our children so that they can start at an earlier age.

Continuing with education . . . and I don’t know where to proceed, Mr. Speaker, because the ruling that you just made sort of handcuffed me. I was going to deal with the administration. I don’t know if I can deal with the administration since that does not have anything to do with finances. I think it is very important that somebody addresses the issues with regard to the administration as it exists in the Education Department.

**The Speaker:** You can carry on. I will stop you if you go too far.

**Mr. John D. Jefferson, Jr.:** Thank you, sir. I will watch your eye.

Mr. Speaker, I feel strongly about the education of our youth, and I believe that we need to do whatever is necessary to ensure that we are in the best position to get the job done with regard to education. I have been told that we have a problem in the administration at the Education Department.

I recall that sometime ago the position was that we had a Chief Education Officer, and then we had a Deputy or two Deputies, and then we had a number of additional officers that specialised in certain areas. I got the impression that that system was abolished, and what we have now is a Chief Education Officer and a number of Education Officers with specific responsibilities in specific areas. Now, my experience has been that when the Chief Education Officer is away or busy, there are very few others you can call to ask how to deal with a particular issue, or bring an issue to somebody’s attention.

It appears that the only person who has any authority in the Education Department is the Chief Education Officer. In any organisation you must have a plan of hierarchy. By that I mean if I am the president, I must have a vice-president who in my absence can continue to go forward.

I am aware that every member of staff in the Education Department is a Caymanian. They are all qualified Caymanians. Most of them were former teachers. Now, I think one of the mistakes that we have made is that whenever there is a vacancy to be filled in the Education Department with an administrative function or responsibility, what we do is go to the classrooms. We look around to see which teachers are the most efficient and we pull from that pool and say, ‘*Okay, you are promoted to Education Officer*’ or whatever.

Mr. Speaker, we are all different. Some of us have the ability to be good teachers, but very, very lousy administrators. I don’t know if that’s the case, but let me put it this way: Right now I believe . . . and I did mention yesterday that I think the Minister for Education is a good



man. I think he has a genuine interest in ensuring that the children of this country have the opportunity to achieve a first class education. I honestly believe that, Mr. Speaker. But with the situation that now exists with regard to administration, something has to be done.

You only have two choices as far as I am concerned: The first choice is to say, *'Okay, we don't believe what we hear, that everybody in the Education Department is incompetent'* and we set up a proper hierarchy and give them specific responsibilities and see what they are capable of doing. Make them accountable. Make them produce results—measurable results.

It is unfortunate that once you are in the civil service, and it appears that you are not doing the job . . . the politician has nothing to do with civil servants. Let me make that plain: The Minister doesn't have the authority to go in and fire whoever is not doing his or her job. He doesn't have that ability or responsibility. In the civil service, if you have a problem in a specific department, rather than doing what is done in the private sector by saying, *'Okay, George, I am sorry, man, you are not pulling your weight, here's two weeks' notice.'* He would get a cheque and move on. What happens now, is that that "problem" in Education is then transferred to Customs, Immigration, or somewhere else. We don't address the issue!

Because of the importance of education, we cannot afford to tolerate that type of situation. I know the present Chief Education Officer. Either he does not have the support or he has a problem in delegation. It appears that he is doing everything. And regardless of who we think we are, one person is not capable of doing everything. Something suffers as a result.

Mr. Speaker, I hope that His Excellency the Governor is aware of the comments I am making because I am aware that he is ultimately responsible for the civil service. I have found him to be a very efficient, very conscientious and concerned individual. He takes his responsibilities extremely seriously. Now, if we have a problem in the administration of Education, I am asking that some action be taken.

I am aware that the Minister has, on his own, requested certain actions. To give him the subject and the responsibility for Education but not provide him with the personnel necessary to do the job is very unfair—extremely unfair.

One of things that I don't agree with . . . and, like I said, the Minister was not responsible for that . . . and I have heard the feedback. When the current Chief Education Officer was appointed I heard a lot of negative feedback: "We have regressed twenty five, thirty, forty years." "We have always had a Caymanian as the Chief Education Officer." The excuse that I was given was that there was nobody in the Education Department whom they felt was capable of doing the job. Now, are you only talking about an administrative position? Why is it you couldn't bring somebody from finance and put him as Chief Education Officer? It's an administrative position, that's all it is.

What you do then is surround yourself with people who are briefed in the area of education. It has to do with administration. And I think that's the fallacy we have been following all along, that the only person we can promote in Education is somebody who has an educational background. In most cases it is a teacher.

Mr. Speaker, I just got a very good example: The Minister of Health is not a doctor, but he does a fantastic job in the area of health.

The only message that I have for the present Minister for Education is this: You have the responsibility for ensuring that our children get the very best in education and don't allow anyone or anything to stand in your way. That's the message I would like to leave.

I have a couple of businesses and I employ probably close to sixty or seventy people. I have a very strange philosophy. That philosophy is this, and I have reminded my management and staff over, and over again: Do not be deceived by my niceness; if you are not doing your job, I will fire you. It's as simple as that. As long as you do what you are supposed to do, you and I are the best of friends. But don't take advantage of my friendship and believe I am going to let you slide on my job. I think that's the same philosophy that the Minister needs to take with regard to education.

It appears that the only real concern to most officers is a pay cheque at the end of the month. We need a real revolution in education. We really need a revolution. I am not talking about any military one either. But we need a serious shake-up in education.

The other thing that I have mentioned to the Minister before, and I know that he is very receptive to the idea, I am aware that on the primary levels our young people are exposed to daily devotions. When they hit middle school and high school, it changes. Because the school is so big I am told the Head of Year basically conducts the daily activities or devotions. A lot of time it has nothing to do with religious matters. They are briefed on what is coming up with regard to the school calendar of events and other issues. It is extremely important at all levels for our children to be constantly reminded of the importance of God in their lives on a daily basis. It is extremely important. I know when I was in high school and the school was not as big, every morning Reverend Gray conducted daily devotions.

I am hoping that we here in the Cayman Islands never adopt some of the policies I see in other countries. Here in the Cayman Islands we have a certain culture, certain customs, and our motto is *"He hath founded it upon the seas."* Who is "He?" God. So we have a very strong religious foundation here. Now, we have Muslims here, and I don't know what else. But, Mr. Speaker, if they come here to live and go to school among us then I don't care what religious persuasion they come from, they must be exposed to daily devotions.

I know that it is one o'clock, it is really a good time for us to....

**The Speaker:** We shall suspend proceedings until 2:30.

**PROCEEDINGS SUSPENDED AT 1.02 PM****PROCEEDINGS RESUMED AT 2.59 PM**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continues on the Appropriation (1999) Bill, 1998. The Third Elected Member for West Bay, continuing.

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

When we took the lunch break I was finishing up my comments regarding education. The last issue I was dealing with was consideration of appointing Chaplains for the middle and high schools to ensure that the young people are exposed to religious devotions on a daily basis.

The other issue I would like to just touch on (and I know my good friend from North Side is going to go into more detail) is the issue of the establishment of the office or desk for Women's Affairs. I recall when the motion was brought by the two lady members there was a lot of enthusiasm, a lot of excitement. I think the members here as well as the members of the general public were excited that something was finally going to be done with regard to domestic violence in this country.

We have a tendency to ignore the reality of certain situations, and I'm glad to see that we have finally acknowledged that we have a problem in this country with regard to spousal abuse or domestic violence. When we talk about domestic violence we automatically think of a man taking advantage of his wife or his girlfriend. But I have seen the reverse where the woman takes advantage of the husband or boyfriend.

Since that motion was passed, the former Minister for Community Development put in place certain things with regard to that office. There was an office rented in the Elizabethan Square, and it appears that very little has been done to address this very important issue. My concept of one of the main objectives of the office was that it would have been a shelter, or refuge, for spouses—be they male or female—who had suffered some abuse. They would at least be able to go in there maybe sit with a counsellor, even be offered some physical protection at the time even it was on a temporary basis.

I am aware—and this is hard to admit—that there are people in this country who for some reason or the other, including domestic violence and spousal abuse, are sleeping on the streets of this country. I was talking to someone recently who found herself in this position. She said, "Mr Jefferson, if you come out to the Port Authority docks between 1.00 and 6.00 in the morning, you will see exactly what I am talking about." I was exposed to that type of experience in places like Washington D.C. where I saw homeless people. I never expected to experience that here in the Cayman Islands. But it does exist.

The office of Women's Affairs has to play a very vital role in ensuring that especially those people who are subjected to physical abuse who are using the streets or the docks of this country as a getaway, that that issue be

addressed immediately. There is definitely a need for some type of shelter for persons who are exposed to domestic violence or physical abuse.

I would like to go on to the issue of the environment, which is one of my pet subjects. Many of the people of this country share my concern. I was visiting an office the other day, and I happened to look through the window and what caught my eye was a mountain. I soon realised that the mountain that I had seen was actually the dump. When we are talking about a recycling program of any nature in this country, it is very expensive indeed, Mr. Speaker. I was told that in the last year Government has made one shipment of used oil out of this country. One shipment, at a cost in the region of \$3 per gallon is very expensive indeed.

The alternative, if we can't afford to get these by-products off the island, would be to simply say let's act as if they don't exist, and let's throw them on the ground or let's bury them. That is what has happened in the past, Mr. Speaker.

Several questions have been raised recently in this House with regard to our recycling program. I remember a young lady coming down here in shorts, trying to impress the Members with regard to what was being done in this area. Very little has been done. I am waiting on the request to come to this House for funds to buy additional property for the extension of the dump in this country.

All members are aware that we had a gentleman in this country that was very interested in assisting Government with regard to this problem. Not only would he be responsible for ensuring that what had to be shipped out was shipped out by way of recycling, but in the process pay Government so much per pound, or gallon, or whatever, for what was shipped out of the country. The gentleman experienced no end of frustration. Why? Because of egos.

I tried to assist as much as I could with very little effect, because of egos. I made a comment in one of the meetings I arranged that the persons in charge were not from here, and if they allowed our environment to be damaged because of inability, or egos, they had an option to go somewhere else. I don't have that option.

The other thing to keep in mind is that the issue of the environment is so important to our tourism industry. In this country we brag of some of the best dive sites, some of the cleanest and most pristine waters of any place in the world. But it doesn't take much to damage that if we are not careful with what we do in regard to the environment. I am waiting to see what happens in this area.

To give an example of what I am talking about, it took this gentleman something like three years just to get an appointment with the Ministry. And the only reason why that happened was because I arranged it on a personal basis. I was at my office the other day in West Bay, and one of my West Bay constituents came in. It was his pet concern. He asked, "John, what are we doing about the garbage and the by-products we are creating in this county?" I told him what efforts I have made on a per-

sonal basis and the results, but many people in this country share my concern.

It doesn't matter to me who gets credit for what is done. It really doesn't—if, at the end of the day, the job is done. But it appears that in some people's minds unless they came up with the idea or the concept and they moved on and had it done so they could get complete credit, they are not prepared to do anything. I learned a long time ago that if you keep your mouth shut and you listen it is amazing what you can learn from others.

I also don't have the attitude that I know everything. I am not an expert in every field. But there are some people who believe that they are experts in every field. As a result, we run into the kind of situations I am talking about.

Mr. Speaker, yesterday I mentioned briefly the feedback that I am getting that it is becoming extremely difficult to do business in this country. That is, Mr. Speaker, dealing with the Planning Department for approval, dealing with Immigration Board with regard to work permits, dealing with the Trade and Business Licensing Board with regard to licences. I was invited recently to appear before the Trade and Business Licensing Board to express my concerns in this area. That Board was established with the objective to streamline and put Government in a position where it could deal with applications for licenses in a very expeditious manner. Mr. Speaker, that has not been the reality.

It is not uncommon for one to sit for three or four months, waiting on a trade and business license to be approved. It's not unusual. I have spoken to many people who have expressed their concern in this area. I have had personal experience myself. I said to the Board, "You know who I am. I have quite a few trade and business licenses in this country. You know who I am. I am not fronting for anybody." It took me four months to get a trade and business license. The only thing that I didn't have to do was provide the Board with a sample of what I was going to be selling in order for them to make a decision. Ridiculous!

The message I am trying to get across to them is that people in this country are generally very honest people; they want to do things correctly. But if it is going to take them four months to get a trade and business license, you are going to force people to go underground and do things illegally.

The other disease that I see creeping back into this country is things being done based on who you are. The policy should be, regardless of who is involved, whatever political persuasion they may have, if they apply legitimately for permission and everything is in order, they should have no problem getting approval.

The other thing that exists is that . . . and I am aware of this because someone told me that this had been his experience. There are certain members of certain Boards who are using their positions—or they are abusing their position—for personal advantage. I was told recently that on the Immigration Board there are certain members who get permits granted with the understanding that you pay for your permit yourself, and you

work for free for a period of time; and if you ever step out of line, they go back and have your permit cancelled. In other words, they are holding desperate people who need employment hostage for personal gain.

That's wrong and I trust that those who are responsible will investigate and determine whether such abuse exists in these Boards.

On a lighter note, let me say that I appreciate some of the services and programmes that have been established for dealing with children who are deemed to be at risk, that is, programmes within the Social Services Department. I am particularly referring to the foster parent programme in this country. There are children in this country whose parents, for one reason or another, are unable to care for them properly. As a result, they come into the custody of the Social Services Department. The Social Services Department then attempts to find good homes for those children.

I am aware of the programme because my wife and I recently were approved as foster parents for a young Caymanian boy. Every Thursday evening, on a faithful and consistent basis, we attend a class that teaches how to better cope by first of all addressing the needs of these children, and also enhancing your parental skills. Like I said before, I am a person who feels that you can learn from anybody if you have the right attitude.

I must say that this is money well spent and the Social Services Department is doing a fantastic job dealing with kids in this country who find themselves at risk.

With regard to the needs of my district, that is, the district of West Bay, I am continuing to push for our new hurricane shelter/civic centre. I am going to continue to push for the multi-purpose hall and new primary school for the district. The other thing that I want to see established . . . and it is all tied in with the construction of the hurricane centre or shelter, is a district public library.

You know, it does not speak well for a country that boasts of such prosperity, where, for example, only recently we put one in North Side and I think one in East End and all we had was the one in George Town. One of the essential facilities in any district is a public library, a place where our young people can do their homework, have an opportunity to do whatever research they may have as an assignment. Adults go in there to casually read and spend time in a very productive manner.

The plan is that the West Bay Town Hall be converted into our district library. We cannot get that far because the district town hall is the only public facility in West Bay that can house any significant amount of people. So we can't turn that into a public library until we have a facility for that purpose.

I think we have done well with regard to roads at the district level. There are not a lot of roads left in our district that need to be done. I am aware that many of the other districts that had a problem in this area. Those needs are now being addressed, for example, in Bodden Town. So I think we have done well with regard to roads.

I opened my remarks by expressing concern with regard to the extent of Government borrowings over the last five or six years. According to my information, the

total borrowing so far is in the region of \$92 million. And this includes projected borrowings for 1999, it doesn't take into consideration the recommendation of the Minister for Tourism who is now in charge of Works with effect from the 1<sup>st</sup> January.

If it was wrong for the last government, that is the 1988 to 1992 government, to borrow excessively, it's wrong for this government to do the same. It doesn't depend on who is doing the borrowing, the evil is still there, the danger is still there. I think that we have to be extremely careful with regard to public borrowings and how we run up our public debt in this country. Like I mentioned before, things are good now. You can run to any bank and get any amount of money you want. But I believe that we have to be conscious of the fact that around us the world is experiencing financial crisis and chaos. Anything that affects the world will eventually affect us here in the Cayman Islands financially.

I am aware that there are needs that have to be addressed; needs with regard to additional educational facilities, new schools, new halls, etc. But I believe that in our enthusiasm to address these needs we have to be very careful how we go about doing that.

I also mentioned the need for Government to properly identify the cost of its services, so that services can be realistically priced. I know that everyone does not agree with my philosophy. If the general public knew the real cost and we were in a position where we provided a first class service, I believe that the general public is prepared to pay for the cost of those services.

I do not agree with the way that some of the new revenue measures have been arrived at, especially in the area of book rentals and school fees. Who went through and determined what the costs of those services are? And what do we have to get, to get it all in one go? We have had fees increased ten times the existing amounts, we have had fees doubling. When you take into consideration the fact that we have some parents who have three or four children in public school, it becomes extremely expensive.

What we in here have to keep in mind is that not everybody in this country makes four, five or six thousand dollars a month. There are many people in my district—and that's who I take my cue from—who are making \$152 a week from which they now have to pay pension and health insurance; they have to feed themselves, they have to clothe their families; and in most cases they also pay rent. You and I are both aware of the ridiculous prices that people are now paying in this country for rent just because of the demand. People are expecting to get rich overnight at the expense of those persons who need such a service.

I believe that our elected ministers, most of them anyway, are doing a fairly good job with regard to carrying out their responsibilities. But, Mr. Speaker, there is a definite void, and a definite lack of proper leadership overall offered by Government at the present time. With the pace of development, with the pace of growth in this country, if ever there was a time when we needed vigilant and visionary leadership, it is today. I mentioned be-

fore that when you are in a position of leadership there are times when you are going to have to make decisions that are very unpopular. You cannot please everybody at all times.

It appears that one of the attempts of the present Government is to please everybody. And you know where that leaves us. It reminds me of the little story I mentioned before. When you try to please everybody what happens? Everybody falls in the river. It is impossible for you to please everyone.

My concern is that we ensure that the good ship Cayman continues to sail on the right course. Not only for those of us who are hitting our twilight years, looking forward to maybe soon being able to retire, but for the next generation coming up behind us who may not be as tolerant as we are in a lot of areas. We must ensure that we are able to pass on to our offspring a healthy comfortable environment where they can continue to earn an honest, decent living and where they can live in peace for many years to come.

Mr. Speaker, we really don't appreciate what we have in this country until we go somewhere else. When my eldest son was a student at Wesleyan Christian Academy, he was fortunate enough to visit Zimbabwe in Africa. You know he is a very quiet, very responsible young man, and he said to me, "Dad, we really don't appreciate how good we have it in this country." He said, "For a snack we think nothing of going to Fosters and picking up a Snickers or something like that, which we feel is very healthy." He said, "For a snack those kids chewed the husk of the corn." There are no roads, their schools are basically made of mud, but that was the best that they could do.

I think there was some controversy recently with regard to a letter written by some young lady basically saying we felt that we were special in this country, or blessed. And the message was that that was not necessarily the case. I am convinced that we are a blessed people. This didn't just happen; it is as a result of the fact that our history and our culture has always emphasised and acknowledged the need and the existence of Almighty God.

Mr. Speaker, I wish the Government well in carrying out its responsibilities for the next two years. But I would only caution that I am hoping in the next Budget—the Budget for the year 2000—that we are not faced with the same dilemma that we are faced with in the 1999 Budget where we have to constantly . . . and this has been the practise now over the last six years as far as this Government is concerned, where you borrow funds to basically balance the Budget.

Thank you, Mr. Speaker, for your time.

**The Speaker:** The floor is open to debate, does any other Member wish to speak. The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker.

As is my normal tactic in speaking on the Budget Address and the Throne Speech, I will not waste the time

of the Members of this House by repeating what has been said before. Yet one has to be very careful, because maybe there are some items that should be repeated by each politician standing to speak in Parliament. I think my colleagues on the Backbench have covered those items very well. But there are one or two areas that no one has touched on as yet.

The first one that I will say few words on is on the introduction of the Financial Secretary's Budget Address. I think every Honourable Member who spoke before me touched on it, and that was his remarks on Hurricane Mitch. We must give God thanks that he spared us from the most dangerous hurricane in the history of hurricanes in our area. I had the opportunity to visit La Ceiba, having a brother who lives in Roatan. Thank God, nothing happened to his home or to him, other than running short of food—which his good sister jumped on the airline and took to him.

But La Ceiba made me think twice about the Cayman Islands. The situation is not nice. There are kids without food, there are kids without clothes, there are kids without shoes; there are kids without a roof over their heads. Some are living in tents. Some are living on the bare ground. I mention that because as a Caymanian, and a person who lives on an island in the hurricane's path, and looking at the disaster preparedness in my Budget for 1999 I can only find \$100,300. Should a hurricane the force of Hurricane Mitch stay within the Cayman Islands area as long as it did in the Honduras and Nicaragua areas, sad will be the day for these islands.

I don't think we would have had the major damage to the houses, other than along the seashore, because I do think that our houses are built better. But it would have been severe damage. I am going to throw a challenge to the Financial Secretary and the Ministers of Executive Council that a National Disaster Fund be set up immediately for the Cayman Islands.

I do remember that my colleagues, the Third Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman, some time back brought such a motion. If it is not within the heart of the Government to start this National Disaster Fund, . . . I am not asking just for a hurricane. This disaster fund must include the loss of a home due to fire. It must include the loss of a home due to flooding.

I listened to the Social Services giving this Parliament a brief insight into the jobs that they have to carry out. It is unfair to expect them to manage disasters along the lines of the loss of homes because of fire, flooding or any other disaster.

I will go further and throw that challenge to the people of the Cayman Islands, that the Government start such a fund, and that each and every one of us donate maybe \$5 per month, if that's all we can afford, \$1 per week, whatever we can afford into that fund. Let us build that fund to be prepared for a disaster of the nature of Hurricane Mitch. God has been good to us. Hurricane Gilbert passed us by; Hurricane Mitch passed us by, and we pray to Him that we will be as lucky in the next hurricane season. But only God can say what will happen.

When I look at the vote for official travel, . . . I know we have to travel. I know the Government has to travel. I have no problem with that. But I see this vote increasing from \$1.4 million in 1998, to \$1,585,511 in 1999. Which is more

important to us representatives of the people's needs—official travel, or preparedness in case of a disaster?

I know there are certain departments that must travel to bring in new business. I am quite aware of that. But I am certain that if each department decided to cut back its budget by \$10,000 or \$15,000, we could put those funds towards a disaster fund.

Today I am saddened to be standing in this Parliament, speaking to the people of my constituency, North Side, and to the people of the Cayman Islands. I am saddened because when I campaigned as a National Team Member in 1992, and in 1996, we were constantly out on the platform crying there would be no more tax increases, no more loan bills. We said we would cut the suit according to the cloth. Today, I am standing here with a tax package put before me, a loan bill put before me. When we sat there and said that the last Government had taxed the people more than any other Government, . . . we should take time and add the tax increases and the loan bills that the National Team Government—of which I was a part—has brought. I think it beats the Government we campaigned against by far.

The Bible says, 'Blessed are the children for they shall inherit the earth.' You know, I will say, *'blessed are the children of the Cayman Islands for they shall inherit the public debt.'*

We are bringing another increase in the cost of alcohol and cigarettes. Let me make it very clear. I am not encouraging any person to drink or to smoke. I am not going to come to this Parliament to legislate the morals of the general public. They must do that for themselves. But the danger in the constant increase on cigarettes and alcohol . . . and it is unfortunate to say it, but the people that indulge are the people at the lower end of the income brackets.

You know, our increasing a package of cigarettes—that very quickly went from \$2.50 to \$3.50—and a glass of wine—that went from \$3.00 to \$4.50, in some places \$5.00—is not going to stop the person that drinks or the person that smokes. My concern, being one who has always fought for the women of these islands is whether or not the wife at the end of the week will have less money to buy milk for the baby? Is the Government going to increase its financial assistance to those mothers who cannot meet the costs for the week because the man is still smoking his cigarettes and having his glass of wine?

If the increase on cigarettes and alcohol is to try and curb those persons who indulge, I think we should be big enough men and women, if this is what we want to achieve, to bring back prohibition. I don't think any of us are that big.

Another favourite subject of mine, having been the daughter of a farmer, is agriculture. I remember in the 1998 Budget Address it was said that these islands are now self-sufficient in bananas. I would have thought that in the 1999 Budget we would have been self-sufficient in another crop for the cost of agriculture to the Government. We have heard the entire world blame everything on El Niño. Why doesn't the Cayman Islands also blame it on El Niño? I hasten to add that there has been a little improvement. And a little improvement in my opinion is better than none.

When I look at the D-Plans, and I see that the department hosted a conference on the Convention of International Trade and Endangered Species of Wild Flora and Fauna. To me it would have been much better for that

money to have been spent on holding a conference with other people in the agriculture section in the region to study the crop diseases seeing that we were told that El Niño, and various crop diseases, caused the setback in agriculture. But being a woman, and daring to step into the realms of a man with agriculture, I am only offering suggestions and my opinion. If I remember correctly (and I do not claim to have a photographic memory) a ten year agriculture plan was laid on the Table of this Honourable House by the present Third Elected Member for George Town, who was then the Minister of Agriculture. I am told that this plan was adopted by the present Government.

I have only had the opportunity to leaf through this plan very briefly, but one recommendation that caught my eye immediately was the recommendation that new farm roads continue to be built to open up new land for farming. I have searched the Budget document. I have searched the D-Plan. I assume the new Budget document that the Honourable Minister for Tourism spoke about when he debated . . . and I found in one, Mr. Speaker. Ten thousand dollars for farm roads in your district—which I have no problem with if they are needed. But I do not find one penny for farm roads in Grand Cayman. I find in the new budget document, \$40,000 for farm roads in your district, Mr. Speaker, and if it is needed I have no problem. But I do not find one cent for farm roads in Grand Cayman.

There has to be something wrong. Whether the Minister responsible put the funds in the Budget, and in the cutting the farmers of these islands were not thought enough of to leave at least \$25,000 to help them get new farmland develop their farms. Something is wrong. We cannot continue to expect the farmers to plant on the same piece of land, year after year, and have the same yield every year.

Mr. Speaker, I hope you do not gather from my referring to your district, which I know is very dear to your heart . . . maybe it is running through your mind, *'I hope the Elected Member for North Side does not intend to take the money from my district.'* I assure you, I have no such intention. I do not look at your island as another country, I look at it as a district of the Cayman Islands.

A farm road was started in my district with \$25,000 that I got the Finance Committee to earmark in 1998. I call upon the Government to provide sufficient funds in the 1999 Budget to complete that farm road. I call upon them because my Honourable colleague from Bodden Town on my right also got \$25,000 for farm roads in Bodden Town. I call upon them that this road also be completed. If we are going to encourage farmers we must assist them, particularly with farm roads.

I will touch briefly on environment. Mr. Speaker, this affects members of my constituency. I see in the D-Plan that it is hoped to be able to declare Little Sound under the Ramsar Convention (or whatever it is) as wetlands. I wonder if prior to putting this in the Budget persons owning that property were notified. You know it is all well and good . . . and I support the environment and I support the environmentalist, to a point. But we must remember the one thing that the Caymanian father had to give his children was land. He had no riches; he had land. I believe that if we are going to declare this . . . and if it is necessary, I feel the people should be contacted. Proper discussions should be carried out and some form of payment given to those people.

Mr. Speaker, the 911 Emergency: I do not think any Member of this Parliament would disagree with a proper emergency system. It is necessary. But I do not think that any Member of this Parliament expected that 911 system to cost this country over \$2,000,000. The question begs to be answered, Did the Cayman Islands get value for money? We have spent over \$2,000,000, and they are still begging for money in the 1999 Budget to continue to build on the 911 system. I think it is time that someone—whether it is the Financial Secretary . . . because in my humble opinion, this may not be anyone else's. I feel with the finances of this country the buck stops with him.

We must take stock of how our money is being spent. We cannot continue the way that we are going. We are having problems balancing the Budget in 1999. God spare this country if the United States goes into a recession in the year 2000, because we will have serious, serious problems.

I do not have very much time left to stand here but I could not sit down without touching on a subject that stands very close to my heart—Women's Affairs. I brought a motion to this Parliament, I think it was Motion No. 1/95, to set up a Women's Affairs Office. Today problems affecting women in these islands have gone nowhere. We see in the Budget some \$66,570. I have no idea what that \$66,000 is going to achieve for women. When we look at the D-Plan under "Non-achievements of the Ministry for 1998," those non-achievements listed cost \$191,458. I am certain it is the intention of the Ministry of Women to try to fulfil some of these non-achievements in 1999. But I would like someone to tell me how these will be achieved with \$66,500 in the Budget when those non-achievements will cost \$191,458.

Mr. Speaker, a shelter for victims of domestic violence in the Cayman Islands is now a priority. We can no longer leave these women in a situation where they are being abused day after day and expect them to perform or do otherwise. The biggest victims of domestic violence in these islands are the children. They are the ones that have seen grandfather beat grandmother, they have seen daddy beat mommy and therefore they think it is the correct way of life. If this present Government has the interest of the women in these islands . . . and I will remind them, they are the majority of voters in the Cayman Islands except for the district of North Side. I have more men, so I am not pushing it for the women to put me back in Parliament. I am saying, if the Government has the concerns of women at heart, give us a shelter and give it to us in 1999!

This morning the Honourable Minister for Social Services gave us some very interesting answers on his Social Services Department. But how much more can we expect that Department to take on? I am certain that if we go through the Budget the Social Service workers are probably in the lower salary scale. Is this because they are women? It makes me think so. We must put in place programs for the women in these islands. I am certain there are women in the Cayman Islands probably working as hotel maids who have the potential to get a high school diploma or even to go on to get an Associate's Degree which would allow them to make a better living for themselves.

We must put adult training in place for our Caymanians. We cannot continue every year to increase the uniform allowance, the school lunch allowance, the financial assistance allowance, the needy allowance . . . we must start to get our people educated and get them off the dole. In the

United States, some states have put in place programmes. And the results are surprising. If this can happen in a country the size of the United States, why can't it happen in the Cayman Islands? I cannot forget—

**The Speaker:** Would you like us to take the break to give you a few moments, or are you ready to continue?

**Mrs. Edna Moyle:** That will be fine, sir.

**The Speaker:** We shall suspend for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 4.05 PM

#### PROCEEDINGS RESUMED AT 4.25 PM

**The Speaker:** Proceedings are resumed. Debate continues, the Elected Member for North Side continuing.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker.

When we took the break I was dealing with Women's Affairs, a subject extremely dear to my heart. I would like to read from the manifesto of the National Team. My picture appears on the cover, so I had quite a bit of input into what the National Team would try to achieve for women 1997-2000.

The first one was to "**Establish a Women's Council to co-ordinate and support the Women's Affairs Office.**" In the D-Plans I see where they are going to continue trying to set up an advisory committee to deal with Women's Affairs.

Before I go on to read these out and deal with them, I need to register my upset over the fact that I brought a motion to this Parliament to set up a Women's Affairs Office . . . and I am not laying the blame at the lady Member now responsible. I guess I cannot lay the blame at the Ministers. That motion asked for a Women's Affairs Office. I see in the change of the name the word "Affairs" was not even considered to be put back in the title of the present Ministry. It now just refers to "Women."

Mr. Speaker, I leave on Saturday morning for a conference in South Africa. There is one subject to be discussed at that conference and it is "What is the role of the Legislative Assembly?" I am looking forward to that particular subject so bad that I cannot wait to get on the aircraft to leave. If a motion is passed and accepted by this Parliament to set up a Women's Affairs Office, that is what the title in that portfolio should be. I would ask the Governor to make every consideration to put back the word "Affairs," because it leaves us out there floating, "Women."

Number two, "**Arrange specialised courses in non-traditional, vocational skills at the Community College.**"

Number three, "**Continue to observe International Women's Day in March 1997.**" That is being continued Mr. Speaker. But I was a little bit dismayed when the Governor proclaimed November 25<sup>th</sup> as "The International Day Against Violence Against Women in the Cayman Islands" and I did not even as much as see an article in the local press concerning that day. And these are the things that make me concerned. Are we really interested in the problems of women?

Our problems do differ from men. And I have to say that women in the Cayman Islands are a lot luckier than women in a lot of other countries.

Number four, "**Continue seminars and awareness programmes affecting women,**" some of this has happened.

Number five, "**Develop a place of safety and increase counselling for women.**" I spoke on this place of safety before. But I have been told by reliable sources that there is a couple in the Cayman Islands who has offered to build a place of shelter for abused women, but the Government would have to staff it. I am saying to the Financial Secretary this afternoon, and to the Ministers of Executive Council, grasp this offer. If they will build this facility and if the Government staffs it, I think the women of the Cayman Islands in abusive situations will be thankful to you all for the rest of their lives.

I know when I brought that motion I did say that I wanted all this to be done in partnership. I still do. But we cannot continue to focus on gender. The Honourable Minister responsible for Social Services just laid the Family Study Report on the Table of this House, and that deals with all of us. What I am asking is for the specialist field to deal with women's problems.

There are NGOs out there who I am certain will come to the Government's assistance. As a matter of fact, I think the sixteen days of activism against gender violence kicked off today. If we can get the people from the community in, and we all get together, we can offer the women and children of domestic violence some shelter, some counselling. And I will go as far as to say I would love to see anger management offered to those people who abuse people.

#### SUSPENSION OF STANDING ORDER 10(2)

**The Speaker:** May I interrupt you for a moment? Can I ask that you move a motion for the suspension of Standing Order 10(2), in order that we continue beyond the hour of 4.30?

The Honourable Minister for Education, Aviation, and Planning.

**Hon. Truman M. Boddin:** Mr Speaker, I move the suspension of the Standing Order to allow the House to go beyond 4.30.

**The Speaker:** I put the question Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

#### AGREED: STANDING ORDER 10(2) SUSPENDED.

**The Speaker:** Continuing, the Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker.

**The Speaker:** I apologise for the interruption.

**Mrs. Edna Moyle:** I would like to thank the Honourable Minister of Education for jumping to his feet so quickly to get an extension for me to go on beyond 4.30.

Number 8 in this manifesto was "**Joint ministerial initiative to include segments on domestic violence, its**

**causes and effects in the Family Life Education programme subject to recommendations of the relevant action team."**

Number 9, "Liase with the Police to establish and train a Domestic Violent Unit."

I could go on and on, Mr. Speaker, but I can see that you are about to tell me that I must deal with the Budget and estimates. I could not pass up the opportunity to deal with matters that affect the women of the Cayman Islands.

Back in 1995, the Government brought a Ms. Magnapard to these islands to do a study on women. It is my understanding (and if I am incorrect I apologise to Executive Council) that this report has either not gone to Executive Council, or Executive Council did not accept it. I have tried to locate a copy. But, because it has not gone to Council and has not been approved to be laid on the Table of this Honourable House—and I will say I did not ask the Minister responsible, I asked other people who had access to the report—I could not get a copy. But it is my understanding that one of her first recommendations was a needs analysis of the women of the Cayman Islands. Have we had such an analysis done?

In suggesting and recommending the tax increases that we are doing here today in this Parliament we would have known . . . because there are some of these increases I cannot support. We have single mothers out there who make maybe \$2000 a month, have four children—we can stand here and say she shouldn't have had four children; but she has four children we must accept that. For her to absorb the book fees of the schools is going to be particularly hard.

I have to make it clear, Mr. Speaker, I know my colleagues on this side do not support book fees. But, as the Honourable Third Elected Member for George Town said, when we speak we each speak as we feel. I support book fees. I understand that it cost this country \$108 per student, just for grade one, to provide books for all subjects; and we are collecting \$5.00. I would be the first person to say let us give everything free, but we cannot.

I took the opportunity to discuss in particular the primary schoolbook fee with my daughter who has a five-year-old in the Savannah Primary School. Even before this increase came to Parliament, she kept saying to me, "Mommy, why is it only \$5.00 for books?" And yesterday I was discussing with her the people who may have four or five children. Her words were "Mommy, \$50 a year is \$1.00 per week." I have to agree with her, but we are going to have to assist those people out there who have a bigger burden than the salary they are earning. I am certain the Honourable Minister for Education will look at that very carefully.

I will now go back to women. On my trip to New Zealand I had the opportunity to meet with the women's group which the Commonwealth Parliamentary Association has of all the commonwealth women. I picked up this book *Status of Women in New Zealand, 1998*. It is going to be money well spent for the Cayman Islands Government to carry out such a study. It covers everything that affects women. It covers women in combat (which does not apply to us), it covers maternity leave with pay . . . and one good thing about that is that it covers both the father and mother. Whichever one wants take the leave to stay with the baby after six weeks, it could be either paternity or maternity. It covers the Government's response to the Beijing Platform

for Action, which I understand Executive Council has not accepted as yet.

It covers:

- Definition of discrimination against women
- Anti discrimination measures
- Human Rights Act
- Domestic violence
- Health and disability
- Identifying and addressing the remaining barriers to equality
- Development and advancement of women
- Women's disabilities
- Acceleration of equality between men and women
- Sex roles and stereotyping
- Censorship
- Suppression of the exploitation of women
- Political and public life

It goes on and on. It has some sixteen articles all to do with women. I am prepared to give this to the Honourable Lady Minister responsible for Women's Affairs, and I am going to suggest and that this be one of the first projects carried out. Then we will know what we are dealing with in regard to women.

I would like to say thank you to the Tropical Gardens Lion's Club. Shortly after I brought the motion here to set up the Women's Affairs they invited me to their changeover, I think it was in 1996. In addressing the club, I gave them a challenge. I know that Government cannot do everything, and my challenge to them was to take up a health issue that affects women. Thank God they took up the issue of breast cancer. They are doing an excellent job. I would say to the entire public of the Cayman Islands, whatever assistance you can give to this club, whether financially, or of your time, it is a worthwhile project.

I will touch briefly on the Dr. Hortor Memorial Hospital. I supported the building of a new hospital, and I will not shirk my duty to try and say otherwise. But I must commend the Minister. He has done a good job, and I am sure he will continue to do a good job. I know that we all say things, but I know health is important to every one of us sitting in this Chamber. I think if the Government could collect the outstanding medical fees—I think it is somewhere in the area of \$27 million—we could have paid cash for our hospital.

We have to realise that we have to pay for services. I think it was the Member for West Bay that said he went to the United States and went to the doctor and the doctor said \$100. He could not leave without paying it. If we want the services, they are going to cost. We cannot continue to dwell in the past on the Dr. Hortor Memorial Hospital; we must deal with the present and look to the future for this country to move on. It is a dead subject, let's bury it.

I will touch briefly on the increase to civil servants. Having been a civil servant myself for some ten years, I know the joy in the heart of every civil servant when they hear of a salary increase. But are we giving them an increase with the right hand and taking it from them with the left hand by way of increases? This is my concern.

The other problem that I would like to speak on briefly—and maybe I will get shot down for this, but be that as it may. We have a situation in our civil service that needs to be dealt with and dealt with quickly. We have top management on a fixed salary who does not get one penny increase unless there is a salary review. We have the lower



and middle groups with an increment every year so they are coming up. We have the civil servant who gets to the top of his salary scale and stays there for five, six, ten years. That is no incentive for a person to perform.

We must look at the situation, particularly with our top managers, sir. We have given the authorities in this island the right to fix their own salaries. We cannot leave top management who manages those authorities at a lower rate. Can you image what would happen to a bank if the bank manager made less money than his manager did down here? It is a matter that must be looked at, and looked at quickly. We have the ministers responsible for authorities and the directors make more money than the minister. I don't understand the rational.

If we did not have dedicated civil servants at the top brackets we would have lost every one of them. I am certain that the majority of them can go into the private sector and make much more money and get the same benefits. I implore the Ministers and the Financial Secretary, let us look at this problem before it is too late. We cannot continue with a system where this happens.

I will now turn to the other subject that is dear to my heart, and that is the little sleepy district of North Side. I have been saying in this Parliament for quite some time now—and nobody seems to want to listen to me—that the district of North Side is dying. When I say that, we have a lot of elderly. The Minister of Social Services will bear me out. We have the greatest number of elderly people. Our young people are leaving to come to George Town, it is closer to work, and it is nearer to this facility.

We do not have the traffic congestion; we do not have to drive for an hour. I will refer again to that helicopter ride that I took. I thought at least something such as a design for a road to make the travelling distance a bit shorter for my people. Today I implore the Government to assist us; put us in a position so that our young people can come back home and enjoy their district. Many of them don't want to leave, but I can understand when the mother has a child in school in George Town, and she has to pick the child up and drive to North Side to take the child home on her lunch hour, and then come back into George Town. Maybe at 5.00 when she goes home the child has a birthday party. These are the kind of things that are making that district die.

On the increase in trade and business licenses, there are two grocery businesses in the district of North Side. I think I speak here for the Honourable Third Elected Member for Bodden Town too, as there are some in that district. We cannot continue to expect them to pay the increases that you put in George Town. We need to go along the lines of the situation with Cayman Brac.

**Mr. Roy Bodden:** True!

**Mrs. Edna M. Moyle:** We do not have the volume of people. When you have a simple grocery store just throwing out cardboard boxes which are collected by people who are going to send stuff overseas and we are charging them almost \$900 a year for garbage. . . it is not fair.

I have come to the end of my contribution to the Budget. But, as I said before, I leave on Saturday for South Africa for a conference. I am going to leave the projects that are in the Budget for the district of North Side because they are not projects to get Edna re-elected. I do not expect the

people of the Cayman Islands to pay to re-elect me. There are needs in the district—roads. According to reply to a question that I asked North Side got \$15,000 work in 1998, yet \$100,000 was in the Budget for the district. That \$15,000 was cutting the side of the roads. It is not fair to my people—they pay the same car license, and they pay more gasoline tax because they have to use more gas. And we are going to increase that gas on them again by increasing the bulk fuel license. They bear the burden of any tax increase, so they must get their fair share. They are not begging for it, they have paid for it.

The senior citizens centre.... I would like to thank the Honourable Minister and Executive Council for accepting that project because it is needed. As I said before we have more elderly people in our district than any other district—and they are women, according to the Family Study.

So, Mr. Speaker, I will leave and hope to get back to catch the Finance Committee because I am certain the First Elected Member for George Town will probably ask someone to give him their time to speak on the Budget. If I do not get back, I implore the Government and my friends on the Backbench to see that the projects that have been included for my district are not cut to save money because they are needs—not wants.

Thank you.

**The Speaker:** The floor is open to debate. Does any other Member wish to speak? The Honourable Minister for Tourism, Commerce and Transport.

**Hon. Thomas C. Jefferson:** Mr. Speaker I rise to speak, and suggest that we adjourn until tomorrow morning at 10.00.

**The Speaker:** If that is the wish of the House. If you will move a motion, we shall so do. Is that the wish of the House? Please move a motion.

## ADJOURNMENT

**Hon. Thomas C. Jefferson:** I move that the House now adjourn until tomorrow morning at 10.00.

**The Speaker:** The question is that the House do now adjourn until 10.00 AM tomorrow. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House will stand adjourned until 10.00 AM tomorrow.

**AT 4.50 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 27 NOVEMBER 1998.**

**EDITED  
FRIDAY  
27 NOVEMBER 1998  
10.20 AM**

*[Prayers read by the Third Elected Member for West Bay]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper: Reading by the Speaker of Messages and announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Third Official Member who will be arriving later this morning. The Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture is off the island, also, the First Elected Member for West Bay.

Item 3 on today's Order Paper: Questions to Honourable Members/Ministers. Question No. 209 is standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION NO. 209**

**No. 209: Mr. D Kurt Tibbetts** asked the Honourable Minister responsible for Education, Aviation and Planning to give a breakdown on capital expenditure for new public educational facilities from January 1993 to date.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The following is a breakdown of capital expenditure for new public education facilities from January 1993 to date. *(See Appendix)*

**SUPPLEMENTARIES**

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Minister say if, based on the approved phased project for the Red Bay Primary School, the list of capital works completed from 1993 to 1996 follows the original plan? If so, what remains of the original plan to complete the school?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** What remains is the administration block, and as the Member knows that is now under construction, and the hall. As the Honourable Member knows too, money has been provided for that this year and applied for next year to finish. As I understand it, that should then complete phases for Red Bay School.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** The Minister answered a part of the question. The first part was if these works were in conjunction with the approved plan or have there been variations of what was approved in all phases of the project originally?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** I can't answer that question definitely. I understand that this was approved in 1991 and to the best of the knowledge of the staff from the Ministry and Education Department that I have here, these two remain. Obviously, the hall would have been shown separately in the plans for building. In fact, I think the hall was to be built where the Admin. Building is going. But, as you know, the Admin. Building was shifted to allow, among other things, for a children's playing field and for increased parking.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Honourable Minister then say whether or not the plans were followed, what method was used to complete these works, or was each phase of the works just picked up out of the clear blue sky and done?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The planning on this is obviously done between the architects and engineers at Public Works and the Department. From what I can remember, for example, the Administration block is considerably larger now than what it was originally, because I understand that there will be other rooms in the block. As to whether it differs from 1991, I could give an under-

taking to get a copy of whatever the plan then was and just see what they were looking at eight years ago compared to what is there now, and I am happy to do that.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Just to finish this part of the supplementaries, and so that the Minister will understand. What I am trying to determine by the line of questioning is: We know there was a plan originally. And while only a certain phase was completed by 1992, there was an overall plan that was approved. I am not questioning whether or not, as time went on, it was decided to make changes—appropriate changes—to the plans. The question is: Having had these plans, can we understand exactly what process has taken place in order to arrive at what works were completed? Where is the thought process? If the original master plan was not followed, what developed into another master plan? I am trying to determine exactly where the school is at. We cannot simply say we are going to do this now, and then do this next year. There has to be some master plan being followed. I am trying to determine if the master plan has changed or whether it is the original plan that is being followed.

Secondly, the Admin. Block is under construction now and the Minister referred to the hall. Can he clear up exactly where the location of that hall is going to be?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** To the first question, I can't answer as to what the 1991 plan was here now. I just did not come prepared for that, and the most I can do is call for it and we could compare it. As to the second question, the hall is being put in the Cayman Foods Building on land adjoining the Red Bay School.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** I think there were funds in the 1998 Budget for a school bus shelter for the district of North Side. I see no reference to the North Side Primary School at all on this list of schools that had capital projects since 1993, but there is a bus shelter for Bodden Town Primary that was in the same 1998 Budget as the North Side bus shelter. Can the Honourable Minister say what point the North Side bus shelter has reached?

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The money is in there and what was to be done was an alteration of the area where the ambulance used to use. They were going to fill in the back and the sides. As far as I know, money is in there for it. I doubt if anything has been done. I didn't get there in this quarter, and I would have to find that out because

the staff I have here do not know. But I understand that extra funds have to be vired from another source because there weren't enough.

But what I can tell you is that I have a lot more detail here and if I could just give this, if the Member would like, on the North Side School: In 1993 we upgraded the toilet facilities \$8,167 and screened the hall. In 1995 we constructed storage facilities \$18,150. In 1996 we re-roofed walkways, \$8,316. In 1997 we installed fire exit doors, landscaping and fencing was \$49,981. We installed security lights \$925, new light fixtures, \$1,913. We re-roofed walkways in 1998, \$2,613. I think probably the last thing that remains is the bus shelter there, and I would undertake to find the funds to vire (in the supplementary) to try to get that done because she has asked for it, pressed for it I would say, for quite some time. In fact, we went there jointly when visiting the school and looked at the area.

**The Speaker:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Thank you, Mr. Speaker. The Honourable Minister said that funds would be vired. That undertaking was given in Finance Committee in 1998. I want to know how the Education Department chooses which project, out of two which are the same for district schools, to complete and which one to leave? Seeing that Bodden Town was the same year and has been completed, but North Side is still looking for funds.

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** We try to complete all the projects. At least from my point of view, I try to be as fair and equitable as I can. There are times when we have to wait for Public Works to slot in these works. I know the estimate that was originally given seemed to have been fairly high and they really haven't come back for a Finance Committee supplementary in quite a while now. But, naturally there has to be one, or probably two, before the end of the year—at least one. I can assure the Member, she's gotten everything else that she has asked for on the North Side School with no exceptions. I will get this one sorted out. Today I will check with Public Works to see what can be done to get this both speeded up and completed.

**The Speaker:** If there are no further supplementaries the next question is No. 210 standing in the name of the Third Elected Member for Bodden Town.

#### WITHDRAWAL OF QUESTION NO. 210

**Mr. Roy Bodden:** I crave the indulgence of the House to withdraw this question, seeing that this Ministry is about to change hands early in the new year. It would be rather awkward and inconsiderate to ask the Minister now with responsibility to talk about what is going to happen in 1999 because his priorities might not neces-

sarily be the priorities of his successor. That being the case, sir, I would be much obliged if you would allow me to withdraw the question.

**The Speaker:** I will put the question that this question be withdrawn. But before that, I need a seconder. The Fourth Elected Member for George Town.

**The Speaker:** I put the question again. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The Motion has been withdrawn.

**AGREED. QUESTION NO. 210 WITHDRAWN.**

**The Speaker:** That concludes Question Time for this morning. Moving on to item 4 on today's Order Paper: Government Business, Bills, continuation of the debate on the Appropriation (1999) Bill, 1998. The second reading. The floor is open to debate. The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

## **GOVERNMENT BUSINESS**

### **BILLS**

#### **SECOND READING**

##### **THE APPROPRIATION (1999) BILL, 1998**

##### **DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON MONDAY, 16TH NOVEMBER, 1998**

*(Continuation of debate thereon)*

**Hon. Anthony Eden:** Thank you, Mr. Speaker. I rise to offer my contribution to the Budget Address delivered by the Hon. Financial Secretary on November 16.

In beginning my debate on this most important occasion, I would first of all like to say how wonderful I feel this morning. I had the opportunity to take part in a Heritage assembly of the George Hicks High School at the Chapel on Walkers Road. The scripture text on the front of their programme says, "**If my people, that are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land. II Chronicles 7:14**"

Mr. Speaker, in the recent past people have wondered why and how the Cayman Islands have been spared the wrath of much devastation. When I went to the Assembly this morning, there were over 400 children at the first meeting, which is only half of the school; the other half would come later. I feel good about the future

of our youth in these islands under the able leadership of the Principal, Ms. Adora Bodden. She has been successful in instilling into the students the sense of discipline. At times you could literally hear a pin drop in that church. That is not easy, Mr. Speaker, when you have that many children in an assembly.

But it bodes well for these islands--when I see what has happened, and is continuing to happen in the great United States where in certain circumstances they are not allowed to pray; they are not allowed to read from the Bible and refer to the Ten Commandments. Just this week we had the Ministers' Association meet with us here in this Honourable House--and once again I say it bodes well for these islands, if we can stay on this track.

Moving back to the Budget Address, some criticisms have been levelled at what has been put here. Mr. Speaker, as the Hon. Financial Secretary said, "**As we look back over the past decade and take stock of our present situation, there is so much for which we have to be proud. Our achievements have been truly outstanding.**" Later on I will indicate some of those achievements that we as a government since 1992 have been able to accomplish over the last six years.

Last week these Islands had the honour of hosting the Caribbean Financial Action Task Force Council of Ministers and it made me feel so proud attending the official opening of that session when our own Financial Secretary took over as Chairman of that organisation. There are many plans for the CFATF. And when you see the international dignitaries that were there and the respect that the Cayman Islands have now achieved, it truly indicates the stature at which we are held in this region.

I was a bit disappointed in the Press coverage. I felt that something of this magnitude should have received more extensive coverage. Anywhere else in the world you go, something of this magnitude would have been blasted all over the papers: details, pictures, everything, because this contributes to the future well-being of these Islands as we go forward and deal with the constant barrage levelled at us. But I know, that under the leadership of the Hon. Financial Secretary and his faith in God... Let me tell you at all times he exhibits this faith wherever the meetings are. This is why I feel we have the degree of success we have. It is not by accident.

He also indicates in his Budget Address that in September 1999 the Commonwealth Finance Ministers' meeting will be held here in Grand Cayman--once again, for the first time. It will be chaired jointly by the United Kingdom and the Cayman Islands. Some 300 delegates from 53 countries throughout the world will be in attendance. Once again this will provide phenomenal exposure for little islands in the Caribbean with approximately 36,000 population.

It will provide a forum for the rich exchange of views and issues facing the world economy. Both Government and private sector are expected to benefit tremendously from this meeting of minds on a global scale. Once again Cayman will have a golden opportunity to showcase its

significant sophistication and accomplishments as a leader in the international finance centre of the world.

Mr. Speaker, I continue to welcome the public sector performance reforms that we are now dealing with, with the assistance of a consulting firm from New Zealand. And if nothing else, I truly look forward to the day when the process we go through in preparing these budgets will be sorted out. The thousands of man/woman hours that go into the preparation are almost overbearing at times. But we have many dedicated people who never complain. They just keep going forward assisting and trying to cater to the many changes that we as Members of Parliament continue to make in budget preparation day after day, hour after hour, sometimes minute after minute. I truly look forward, Mr. Speaker, to when this process will be changed.

The other thing that is now being looked at significantly is the year 2000 problem with computers. As he said, it is quite a serious one. But we have formed a committee to look into this and everyone involved is now looking at this in much deeper detail and I would encourage both the public and the private sector to adequately address what can be done to resolve this major problem. I do know that the commitment by the Health Services department which is one of the more serious areas—we are literally working at it now fulltime and I have asked the Chairman of the committee to lend assistance wherever possible to make sure that when that hour arrives and we turn over to the year 2000 that there will not be any adverse problems.

I now turn to what in recent months has been one of the most serious situations these Islands have had to deal with and that is the OECD, G7 and EU countries and the effect of tax competition on the global economy. As the Honourable Financial Secretary said, **“It is indeed, unfortunate, that the OECD, G7 and EU countries are seeking to take action on this issue. The term “harmful tax competition” has not been clearly defined; the arguments in support of the allegation appear to be quite tenuous; and the criteria for identifying alleged offending countries are not clear-cut nor are they being uniformly applied.”** Mr. Speaker, this has been borne out, and with your permission I would like to quote a few paragraphs from a letter in the October Offshore Investment titled **“Time to Question the Sanity of the OECD”** by Dennis A. Kleinfeld, The Kleinfeld Law Firm, Miami, Fla., U.S.A.

**“The OECD has announced a campaign against “harmful tax competition”. It calls for “severe countermeasures” which it intends to apply against tax havens that it feels are being used by people attempting to reduce their tax costs. The industrialised nations are urging that collection of local taxes should be enforced internationally by other nations with all the ferocity that they, collectively, apply to prohibiting the laundering of drug proceeds.”**

He says, **“Have these people gone nuts? I agree drugs are not good. But, how can competition, especially in taxes, be harmful? Competition to reduce cost is economically good. Tax is a major economic cost factor. Therefore, tax competition is good.”**

**“The tax burden is a substantial factor in every business decision. In the US alone, federal income taxes eat up 20% of the economy. Economists are now worried that the**

**tax burden is stunting the growth of the US economy. Post-world war II, the federal tax burden has never been higher. As a result, businesses are voting with their feet and moving, if not their operations, at least their capital internationally. This is similarly happening in Europe where the tax burden has even more dramatic economic anti-competitive effect. Capital is flowing to where it can best be used and invested where the least burden of taxation. Just as it should be.”**

Continuing, Mr. Speaker, **“Now the US and EU members using the OECD as a front want to burden the offshore jurisdictions with the tax enforcement problems created by their own errant fiscal policies. Their call for cooperation on tax matters is a facade. What they really want is to have an agreement to keep taxes high and competition low.”**

**“The laundering of money is not created nor caused [and this is very important, Mr. Speaker] by the offshore financial centres and tax havens. They are caused strictly by activities within the industrialised countries themselves. Mostly, the OECD member states. Drug sales and the laundering of money starts in the industrialised countries and stops in the industrialised countries. At worst, the offshore jurisdictions are merely conduits for cash flowing between New York and London. Trying to tie international tax reduction by legitimate businesses with money-laundering from the illegal drug trade is a governmental scam.”**

Continuing Mr. Clinefeld's article: **“This international tax enforcement exercise is occurring at the same time that in the US members of Congress, presidential candidates, prominent economists and even newspaper reporters are all publicly proclaiming that the tax system in the US must be ended and replaced. “Put a stake through its heart”, one publisher has said. How can it be that on the one hand Government is seeking draconian international measures to enforce its tax law externally while on the other hand the tax law is roundly recognised internally as being a complete and utter disaster?”** He terms this schizophrenic.

The last couple paragraphs by Mr. Kleinfeld: **“While the governments of the industrialised nations act out their political insanity, perhaps the offshore financial centres can proceed with logic and reason. If not, they should at least proceed with an attempt towards self-preservation. After all, the OECD is not proposing tax harmonisation so as to benefit the offshore financial industry. They're trying to destroy it.”**

**“For any democratic society to continue in existence, the law must be just [and I emphasise] must be just and give equal treatment to everyone. The founding fathers of the United States knew this when they required taxes to be uniform. As any government is allowed to discriminate in taxation and abandon the rules of equality, that government inevitably becomes increasingly abusive. We see that happening in the US and the EU. Without a mechanism to check this demented governmental behaviour eventually freedom can be lost for everyone.”**

**“If the world has any chance to maintain some rational balance in the economic sense, then the offshore centres must stand up for the principle of equality. They must be the mechanism to maintain international sensibility. It is the logical action they must take for their own economic survival and, likely, for us all.”**

I am very pleased, Mr. Speaker, with the proactive stance that the Honourable Financial Secretary and his

group are taking on this and I feel that as we go forward, with the help of God we can address this very serious problem.

Continuing on the Budget Speech: It was very uplifting to see the advances put forward by this Government, especially now in the creation of the Cayman Islands Stock Exchange. It now has well over 122 listed issuers and has earned the status as one of the world's fastest growing exchanges. We look forward to gaining international recognition in due course which will make it much more effective and respected.

In the area of Tourism, I know that some Members feel that the investment at Pedro Castle may have been a bit extensive--but this, Mr. Speaker, is near and dear to my heart. What are we to do when we look at such a world class facility that preserves much of our heritage? It is well-known that this was the birthplace of democracy in these islands. When the Members who came to the CFATF meeting gathered there a few nights ago, everything was so very positive when they saw the wonderful job that has been done on the restoration.

Also, Mr. Speaker, the Botanic Park, no matter how down one might feel, if you go up there and walk through the grounds and just sit and relax, it is a very, very uplifting feeling.

Local Banking: It was interesting to note that there was a decrease of approximately 3% in loans. On the other hand, there was almost 13% increase in demand deposits and 7% on fixed deposits and savings accounts. Despite the 'prophets of doom' this indicates that residents are becoming much more liquid and are now more able to finance projects with their own funds and still put some money in C/D's and Savings' Deposits.

Mr. Speaker, when we come to the Construction industry, it is indicated that these two sectors surpassed expectations in 1998, as construction activity expanded throughout the year and the sale and transfer of property continued on a large scale. I vividly remember when I first sought office in 1992, things were down significantly. I will continue to remind this country of those days when construction was at a literal standstill; there were over 1,000 people without jobs.

Mr. Speaker, we have had our difficulties, and at times we have probably made wrong decisions, but we have come a long way since 1992. I thank God for where we have come and I know with the combination now of what I see in this Honourable House--the coming of minds together to make these islands a better place--to make future plans--we can still keep this going with the right and correct leadership.

The investor continues to have full confidence in the Cayman economy. What was pleasing to me, Mr. Speaker, was a 35% increase in development in Cayman Brac. This is really great news. I knew all along that if the Brackers were given a chance they could turn things around. And I must say to them, Very, very well done!

Mr. Speaker, despite some 'prophets of doom' we were still able to contribute part of our recurrent revenue to capital expenditure in the tune of an extra \$11.7 mil-

lion. This has not been as high as it was in the past few years, but it certainly helps and it reduces some of the borrowings that we will have to make this year.

If we need this infrastructure we cannot sit idly by and let the situation fall down around our ears-- roads that can become impassable, school system where (God forbid) the children may have to be taught under the trees--while we talk about affluence here and the billions of dollars that pass through these Islands. We need to put it right and address this problem. A couple weekends ago when the First Elected Member for George Town came in to a meeting with us, he spoke some very thought-provoking ideas and I think that this has now been planted in all of the Members of this Honourable House.

It is good to see that in 1999 we plan to put an additional \$3.2 million contributions toward the 'past service liability' of the Public Service Pension Fund, which is expected to reach approximately \$36,000 at the end of this year. We have made significant improvement in this area of Government's liability and I look forward to the day when we can have this well-funded and we will no longer have to take funds from recurrent revenue to pay for it.

It is the mature way to go about and I think by what we are doing here, we can set an example again for the world that we have taken the responsibility seriously to reduce this daunting figure which at one time was close to \$100 million. It cannot come to the stage, Mr. Speaker, where Social Security was in the States some-time ago--on the verge of bankruptcy--when people who have given most of their lives to the Civil Service come to the stage when they should draw that money, that its not available. We must make sure it does not happen here.

Mr. Speaker, I welcome (very much) what was inserted in regards to the Civil Service in the Review of Salaries and Allowances which has not been done since 1989. It is good to know that we plan to give it this year, and it will be retroactive if, and when, we get time to hold a finance committee for ratification that 2.7% in Consumer Price Index adjustment, and also an increase next year.

I am concerned about the last two items the Committee reported on. That was an extensive review of allowances and other non-salary benefits. I look forward to the results of the job evaluation exercise combined with a comparison of salaries in the private and quasi-government sectors. If we do not do something about the major inequity between the public and private sector wages we cannot continue to attract quality personnel to the Civil Service especially at the middle and upper scales. How can we continue to have some heads of authorities and sections making significantly more than the Chief Secretary who is the head of the Civil Service? I urge that this is looked at and that this Honourable House assess what has been happening over the years and take the necessary corrective action. I understand that it will probably be less than an additional \$2 million to initiate the first step of this correction of inequity.

Mr. Speaker, one item most welcome in the Budget, is the provision for funds to obtain health insurance for the public service and entitled cases. This will go a long way in reducing the major amount of money that Government has to put forward each year for health care. And we all know that it is just a pittance that we collect for services rendered at the hospital.

Mr. Speaker, at this time I would like to turn to my Health Services Department section and for the final time, Mr. Speaker, I would like to put to rest certain comments that I have heard recently.

I understand that there is a gentleman going around in my district of Bodden Town still passing out misinformation on the cost of the new hospital. Only God knows how many more times I can put those figures--and if they doubt me they can go to the Honourable Financial Secretary and have him verify. There is no reason for me to give inaccurate information. The Auditor General at some time will catch up, if I mislead this Honourable House. I heard that this gentleman is saying that this hospital is going to cost \$50 million to build. This is bloody ridiculous! What I would like to one more time record in this Honourable House is the comparison between the Hortor Memorial and what we are doing at the Hospital--the present site.

Mr. Speaker, the Hortor construction contract called for \$11,445,691; plus site-filling \$1,615,109; plus furniture, fittings, equipment \$2,788,622; plus contingency \$150,000; plus professional fees \$1,245,693. These figures did not include expenses and disbursements for the post contract stage which totalled \$17,245,693; plus it did not include for access roads. Mr. Speaker, when we take this amount [\$17,245,693] and add it to the \$10,631,000 which was accepted by the then Chief Medical Officer, Dr. Martin Smith (now deceased), to be spent on the existing George Town site, the grand total becomes \$27,876,693. This was approximately six years ago.

What I have quoted, Mr. Speaker, was in the area of \$28+ million for a complete hospital one-site facility supported by the medical technicians and those who provide health care to these islands.

So how can some people continue to talk about this \$16 million hospital? It was only an in-patient facility, Mr. Speaker, and I will give you an example. The materials management building which was designed for that site was 4,000 sq. ft. The first building we built in the new complex was 10,000 sq. ft. A year or two later, that is almost filled to capacity. I suggest that in very short order the Hortor proposal would now be undergoing extensions if the people of these Islands had not decided to stop it. Mr. Speaker, as I said, I have no intention of going over this again. It's history and the voters in 1992 were the ones who overwhelmingly consigned it to history.

Mr. Speaker, I would now like to touch on areas of the new hospital. On behalf of Government, we are pleased to see Dr. Tomlinson venture into a private hospital and wish him every success. When his hospital comes on stream, we will make any adjustment that is

necessary to maintain cost effectiveness in the government sector.

But Government is not the same as private health operators. I do not want to, but I will compare it slightly with the situation we find ourselves in with Cayman Airways where at times we wonder why we have to keep this Airline flying. But we know in times of need, the importance of having this. Mr. Speaker, the Government has national obligations and one of these will be to provide those areas of health care that a private hospital will not cover.

Another [obligation] will be to provide health care for those, who for one reason, or another, cannot afford the services of the private hospital. For example, if we need to cut services, staff, or close beds, it can, and will be done. We are already working on these approaches if necessary with a U.K. firm District Audit, but Government must be ready for all eventualities. It is easier for a private hospital to decide not to offer these services which are not revenue generating. I am very aware of possible impact of a private hospital and as I said, we are using the services of the District Audit of U.K. who are experts at this sort of projection.

Mr. Speaker, despite response to a question earlier on, we do have significant statistics and very soon we will capture everything we need to know to manage the Health Services Department as cost effectively as possible. District Audit will take our figures, existing and projected, and match them with best practice elsewhere, plus factoring in the likely impact of the private hospital. No one can predict the future with 100% accuracy.

As I said, we now have in our possession over 88 pages of statistics we have collected which demonstrates that we do know a lot, and therefore can make projections, however, carefully. Cost effectiveness, Mr. Speaker, is one of the reasons the people asked the National Team in 1992 to stop the expensive reduplication in services and inconvenience that would have been brought about by the split-site system favoured by Mr. Ezzard Miller in 1992.

My Ministry and the Health Services Department are very conscious of the large sums of money incurred by the provision of health services in recent years. But, we are only making up for many years of neglect compounded by a mismanaged attempt to force something on a public which quite simply did not want it and said so in November 1992 in no uncertain terms.

Mr. Speaker, we know a lot more details now regarding the Hospital revenue: 63% of the users of the Hospital are exempt patients, 37% are paying. How can we effectively run a facility that has cost us [approximately] \$29 million when we only collect approximately a third of the revenue that is due us? And this is why, Mr. Speaker, I so very much welcome the beginning of the approach to look at taking care of the entitled cases where my Health Services Department will not continue to look like a lackey by not collecting funds that we cannot collect.

Arrears of revenue at the 31st March this year were local receivables, \$7,591,870.09; overseas receivables,

\$17,934,451.15; Faith Hospital, \$249,841.13 which bring a total of over \$25 million.

Mr. Speaker, we would not have had to borrow one red cent--one penny--if we had been able to collect these funds. This is a ridiculous situation. Some genuinely cannot pay and we understand that; but the majority can, and do not want to. Hence, taking out liens on property which some Members of this Honourable House do not like. But I do sense and appreciate that change and look forward to it. And just to indicate: In recent times, we have charges on 50 people's properties: 49 out of the 50 are paying off their bills now.

Mr. Speaker, Government does not want anybody's property. It wants to be paid for its services and everyone who has a charge on his property is making payment on his health bill. We do not want to refer people to the debt-collecting unit, but as I said, people who can afford to pay their bills must do so. We know that there are some out there who cannot. We will always have them, but provision is now being made to assist them.

In 1999, we aim to increase our revenue collection by increased collection through the Health Insurance scheme revising certain fees and adding others, and a more aggressive debt-collecting campaign. Eventually, a more comprehensive revision of the Health Fees Law will have to take place to reflect the true cost of providing health care services. Perhaps, too, the time has come for Government to give careful consideration to its policy on providing free medical care to so many people. At this time, Mr. Speaker, it stands at over 11,000. But as I said, this is now starting to be addressed in the 1999 budget.

*Mr. Roy Bodden: [inaudible comment]*

**Hon. Anthony Eden:** I will be asking that this be looked at. Possibly, it is a good point, Mr. Speaker. The Third Elected Member from Bodden Town said that when we do the census next year, this could be one of the areas we try to pick up on. I am not sure if it can be done, but this is what has been said to me.

Mr. Speaker, I am very pleased to say that since the enactment of the health insurance, over 20,000 people have been covered by health insurance as at the end of August. This is quite significant in a very short period of time; something we all can be pleased about. Health insurance to some extent spreads the burden of carrying the cost of health care, but Government cannot avoid its responsibilities and traditionally, in Cayman, never has. People who need health care and cannot afford it, as I said, still get it and this will continue.

Mr. Speaker, we continue to improve our services at the district health centres and it is significant to note that just over the first six months of this year, there has been increase of over 38% in visits to the health centres. If additional funds are approved, Mr. Speaker, we will renovate the old West Bay Health Clinic as a day care for the mental health.

To continue on Health Insurance...And I do know some Members of this Honourable House sometimes sound as if they think health insurance is a bad thing. It

cannot be. We protect our new cars by taking out comprehensive insurance; we protect ourselves and others when we cause a traffic accident by taking out third party insurance; we protect our property against the threat of fires, theft, hurricanes by taking out insurance; many of us protect our families financial security by taking out life insurance so that they can get something if we die suddenly. Surely, Mr. Speaker, it is a matter of common sense that we should try to protect ourselves against ill health by taking out health insurance.

Mr. Speaker, the Fourth Elected Member from George Town is right to worry about cost of the premium eventually going up. Unfortunately, that is a fact of life. Just watch what will happen to property insurance in this region after hurricanes, Georges and Mitch. We cannot control these things, but it does not mean that we should not have insurance. We must all prioritise our needs and protecting ourselves against the financial calamities that can come about from illness should be right at the top of our list.

I have said more than once that I am as concerned as anyone about Government's increasing recurrent expenditure and of course health in the recent years has been a major player. We are planning on getting increased revenue in 1999 from more aggressive and creative recovery of monies owed, receipts from health insurance including the segregated fund which is for the indigent uninsurables, and the indigent partial uninsurables. This figure approaches \$600,000 to \$700,000 at this time which we will be able to tap into next year, reducing one of the burdens that we now experience. We hope to get more revenue as I indicated earlier, from revising some of our fees in a way that will not impact on the standard health insurance contract.

Mr. Speaker, I agree with my colleague, the Minister of Tourism, that Government must not only get paid for services, but the cost must be realistic. We will need to phase fee hikes over a period of years to keep abreast of real costs as happens anywhere else in the world.

**The Speaker:** May I interrupt you just one moment? When you reach a point where we can take the morning break ...

**Hon. Anthony Eden:** This will be fine, Mr. Speaker.

**The Speaker:** You can do it now? Okay, we shall suspend for 15 minutes.

**PROCEEDINGS SUSPENDED AT 11.40 AM**

**PROCEEDINGS RESUMED AT 12.15 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues. The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, continuing.



**Hon. Anthony Eden:** Thank you, Mr. Speaker. When we took the break I was dealing with Health Services department.

In our undertaking within the Ministry and the Health Services department we will also be making sure that the department is a high quality, cost effective department. That is one of the reasons, my Ministry and the department have engaged the services of District Audit. They are experts in their field.

Mr. Speaker, when this new hospital that Government has just built was designed, the new private hospital did not even exist as a press release, or blueprints. So, of course now that it is here, we need to factor it in—which I alluded to earlier in my debate. But I am confident that between District Audit and ourselves, we will be able to make some adjustments, perhaps in staffing, programs, proposed services, so that the Health Services department and the new private hospital will complement each other rather than duplicate services.

Mr. Speaker, there will always be those who for one reason or another, will come to the Government Hospital, rather than to a private one. And Government has heavy and enduring responsibility to provide health care to all its citizens who need it.

Government must continue to collaborate with the private health sector. But this does not mean that Government gives its services away to the private health sector. If our facilities are to be used, then they must pay us the true cost in the same way that they charge us when we use their facilities. At present this is not happening and this situation cannot and must not continue.

Mr. Speaker, I am proud of what we have achieved in health services over the last few years, and I believe that most Caymanians would agree that there has been, and will continue to be, significant improvement. But we will not be sitting on our laurels. There is still much to be done. I have said that we will be focusing on quality and cost-effectiveness. Whatever it takes to achieve these I am willing to take the lead and see it through. We will work together—Ministry and Health Services—in a partnership to achieve our common goal—i.e. a first class health care system that is patient-oriented and delivers to the people of these islands value for money.

These things do not happen overnight. Particularly when you think of the past troubles the Health Services department has had to endure. But I guarantee that as long as I am Minister we will be committing ourselves 100% to achieving that goal.

Mr. Speaker, I think this Government and these islands can be proud of the world class facility we now have on the present site with its state-of-the-art equipment. I have had comments from doctors and nurses who have trained in major university health centres, not only in United States and Canada, but also in Europe. They have said to me that what we have provided here equipment-wise and other facilities, some of them do not even have it in their own countries. This makes me feel good, Mr. Speaker.

We have come a long way in a short period of time. There has been a quantum leap in the provision of health

services in these islands. But, Mr. Speaker, I did not do it by myself and I am the first to tell you and the public that I have no medical training or background as I am often lambasted by a previous Minister. But I have had a fantastic staff to work with: a dedicated staff. Mr. Speaker, when we look back at where we have come from within the health services, what they have endured because of political maneuvering is a national disgrace. But thank God we have been able to turn that around. I have been given the opportunity over a span of six years (as we all know I did not take over until mid-stream in 1994) and with the help of my colleagues and Executive Council and this Legislative Assembly, we were able when it came to the provision of health services, to set politics aside and provide services which our Caymanian people have needed for over three decades.

Construction, Mr. Speaker, is in the final stages—mainly tidying up a bit more stuff out front—and by the end of this year that will all be finished. During the first few months of next year we will be equipping and staffing. And with the assistance of His Excellency the Governor, we look forward to an official opening in March.

*[Inaudible comment by a Member]*

**Hon. Anthony Eden:** Anything you say, sir! Whatever the people demand we will try our best to provide. But we will not be waiting until March to occupy. I have told the staff that once sections and departments are ready we will move into them. For those who have visited and seen the facilities there, I think the pride and joy is the Paediatrics [section] and of late I have been getting rave reviews on the Maternity section.

Just a few weeks ago, there were two sets of twins born there. A couple of them were very small. Traditionally, when it came to neonates, immediately they would have been air-ambulanced to a more sophisticated hospital (at this time Baptist Hospital in Miami, Pre-care). But because of the excellent equipment we now have in place here, that family was saved probably hundreds of thousands of dollars, because when it comes to intensive care for neonates [the cost] is massive.

Mr. Speaker, one area that has been asked for significantly is for the provision of training funds for the health services. We look forward to using some of this money to send and encourage...What we are trying to do, Mr. Speaker, is now to go into the schools and to share with the children—to encourage them. There are definitely increased interests in the medical professions.

One of my good friends in George Town, Mr. Steve McField, has a brilliant young man and we are trying to get assistance for him, also a couple in Jamaica in training, one in the University of Miami, and I welcome any of the young kids who wish to enter into the medical profession, because it would be a crying shame to have an excellent facility and we cannot get our own Caymanians to staff this. We must look in the long run to putting our people in there where we know they can build and continue to provide excellent services to our people.

Mr. Speaker, I would like to take this opportunity to thank the Director of Health Services, the Chief Nursing Officer, all the senior managers and all the staff for their hard work and dedication, especially over the last three years when we had to build around an existing site. Mr. Speaker, thank God there was never a complaint from those staff. It is hard to believe that you could add another 125,000 sq. ft. to an existing facility and to have the minimum—very, very minimal interruption while the building was going on.

Once again it was a team approach with project management and the senior managers of the hospital, where, whenever they needed to do something that would impact the services, they talked about it and crossed that bridge to deal with it so that there was very minimal disruption.

Mr. Speaker, I want to touch briefly now on Social Services. A lot of questions I answered over the last few days gives this Honourable House a better understanding of services that are provided there. The proactive approach that is now being taken by Social Services where they no longer sit and wait; no longer providing a service that says that we are on the dole. We are trying, Mr. Speaker, through seminars and meetings and whatever it takes, to educate the people in ways that will make them better prepared for providing for themselves.

Mr. Speaker, it is not an enviable department to have to deal with. The Director and her staff have done a superb job at times under very difficult circumstances and at times with insufficient funds. We look forward to extending our programmes for the elderly to North Side, East End, and Cayman Brac. The Honourable Member from North Side has said (as was revealed in the study done), that the district of North Side has the largest percentage of the elderly and also the fastest growing. We need to put in place whatever is necessary to make sure that those people who have committed so much to the development of this country will be taken care of properly in their golden years.

Further utilisation of the community development officers—and I must give the First Elected Member from West Bay his credit because this programme was instituted under his leadership. We look forward to having one in North Side, and I know there is a need to have an extra one in George Town and one in West Bay and it is a real blessing to have Mr. Tony Scott in Bodden Town. He is very proactive. He gets out there, gets the people out, provides the service not only for the elderly, Mr. Speaker, but he has done a marvellous job in assisting with the Bodden Town Youth Band which is a wonderful sound to the ears when you hear their performances—a very, very high standard! Programmes are provided at Christmas time and at Easter with the involvement of the community.

Mr. Speaker, this is the message we try to put forward at all times: If there are those who need help, Government will help, but Government cannot do it alone. We ask, and expect families and whoever is in the position, to make a firm contribution wherever possible: if it is

no more than to sit and keep company with these elderly people in their twilight days.

One of the main emphases this coming year is the enactment of The Children's Law. There are significant ramifications for this, and I see this is going toward placing more responsibility on parents and families in the caring of the young. Mr. Speaker, this is where it has to start: at home. And I preach this and I will continue to advocate. Once that young child gets out there, after two, three, or four years of age, the formative stage in their minds...we cannot wait until these children go into the schools. We must start at home. We must know where our children are at—who they are keeping company with.

Mr. Speaker, it pains me sometimes when I go home from functions at some late hours of the night, and see young—sometimes toddlers walking on the street. How in God's world—how can parents allow this to happen? I know, and we all know that there are difficult times. There are difficult times, but those children the time that we spend with them is the greatest investment that we can make. And if we need to continue to educate and assist those families who are having difficulties for whatever reason—and a lot of times they are experiencing financial difficulties. But, Mr. Speaker, it is a God-given order that we take care of our children and they are not neglected.

And there is no excuse as far as I am concerned when you see young children walking the streets at all hours of the day and night; children walking up and down in George Town after school. I do know that the principals of the two major high schools have done their utmost to curb this and it has improved significantly. Once again I beseech the parents to get involved. Please know where those children are. Because when it comes to the stage that police and the courts are involved, it is a very, very expensive route to go. We have seen in figures here that to keep an inmate at Northward [Prison] is costing these islands approximately \$20,000 per year. We cannot continue this.

Mr. Speaker, as I said, one of the areas that will be addressed under The Children's Law is the proposed Secure Remand Centre for these young people, in attempt to assist them. It went before the Public Sector Committee in August and it has had their blessings and has been passed on to Exco. It has been approved and it will be coming to the Legislative Assembly. I ask for the support of this Honourable House—that this is something we look at...

At present where these children are located in the West Bay lock-up—it is almost inhumane. We must address these areas. This is one of the projects that the Honourable Minister for Tourism has talked about when we go for some additional borrowings. This will not only be [used] as a secure remand; we also see a wing of this as a drug rehabilitation programme for juveniles which at the present is not being addressed. The one at Canaan Land and the one that Government has, both start at a more senior age, but with the help of God we hope to assist these young people.

At this time I would also like to thank the Director and all of her staff for the many hours—as we have heard about some of the ungodly hours—they have to put in, similar to us, politicians. They have done it gladly.

Mr. Speaker, I am moving on now to Cayman Counselling Centre and the services it provides. One of our significant accomplishments this year was to get formal planning approval for the Breakers Rehab. I know there have been some concerns, but I am pleased to tell this Honourable House that under the last application which was filed, there was not one single objection. I pledge to the people of Breakers that we will monitor this, which will prove immensely helpful to those people in our community who at this time we are sending overseas for help.

Mr. Speaker, the drug problem knows no respecter of persons. It doesn't matter what colour you are, where you come from, or what financial standing you have; we all have this problem. And it has certainly been proven that sending them to Northward does not produce the best results. We have to provide rehabilitation and a follow-up—not only when they come out from this rehab place. We must stay with them; I do know that this is a part of the plans and programmes that will be implemented.

Mr. Speaker, I must say that over the past few months we have been able to establish a much better rapport with Canaan Land. They now understand what we expect from them and how we can work in collaboration with other NGOs in this island to address the drug problem. With approval of this Honourable House, we will be asking for a grant of approximately \$50,000 and looking forward as things improve, to increase that.

You see, Mr. Speaker, when the experts from the Addiction Research Foundation in Canada came down and talked with us, they said not only the general way—the traditional way of dealing with rehabilitation—but the religious approach is another area that some people will certainly benefit from. It was pleasing to see —

*[Inaudible interjection]*

**Hon. Anthony Eden:** Absolutely. Absolutely, Mr. Speaker. It was pleasing to see that Mr. Peguero and others from Canaan Land were down at our recent update on our national strategic plan, and the involvement and support that we now get. What was very uplifting to me was the recent study undertaken by the National Drug Council on the student drug-use survey.

The National Drug Council, Mr. Speaker, as you know, came into being just recently, and this was their first undertaking. We needed a yardstick by which we could base our progress/no progress as we went forward. There was no statistical data on which we could say that what we were doing was the right thing, or the wrong thing. It was pleasing to see that 86% of children in the middle schools—private, and public, took part in this with the permission of their parents. Some of the areas highlighted by the press were—I think it was about 45% of the children who were doing drugs. But, Mr.

Speaker, the most uplifting thing...the message that came through to me was when we compared regionally, also Canada and the United States, our Caymanian children's use of abusive drugs was lower compared to most of these developed countries.

But, we must not rest on this. We must continue to make sure that programmes are in place; that intervention starts at an earlier stage. From primary schools, Education programmes must be put in place. And I must say with the creation of the National Drug Council, which has some extremely dedicated people who give freely of their time, this is now being addressed. They plan to do another survey—prison prevalence—and eventually a community needs assessment.

Mr. Speaker, it made me feel good last week when one of the visiting persons at the CFATF meeting—one of the gentlemen from United Nations Drug Control Programme, from the regional office in Barbados, said to me that the Cayman Islands National Drug Strategic Plan is now being circulated as an example in the region for a well thought-out community-based programme. They have also said to me that they now have a file—our National Drug Strategic Plan filed at the headquarters in Vienna. Mr. Speaker, we have come a long way, but still there is much more to be done. It can only be done through the community involvement, the concern of caring parents—parents going to the PTAs. I think it is very important, because this can be one of the primary and/or first indicators when a child starts to have difficulties. If there are problems within the school—when their grades start to drop—it can easily be picked up there; or other areas. But it is so important that parents attend the home, school, or PTAs.

Mr. Speaker, I am pleased to say to the Honourable Fourth Elected Member for George Town, regarding what he mentioned in his debate (which was on a motion moved by him), that the technicians have just completed the actuarial study for the establishment of a public-owned health insurance corporation. It will be taken to Executive Council and then the next sitting of the House, God willing, it will be shared with the Legislative Assembly.

Mr. Speaker, mention was made about the National Team, and I do know that some have strayed from the fold, but I would gladly welcome them back—those who would wish.

Mr. Speaker, when I look back over the past six years (four of them have been on Executive Council) and see some of the accomplishments, I think we have done a decent job. A rough estimate of capital expenditure over development and capital acquisitions total, nigh on to \$200 million. We have spent money on the infrastructure and every one in these islands can see where this money went.

Just to name a handful of them, Mr. Speaker: The Botanic Park, Pedro St. James Historic Site, George Town Hospital, Bodden Town district Health Centre, East End district Health Centre, North Side Health Centre, West Bay Health Centre, Ed Bush Sports Complex (where for the first time in history, Mr. Speaker, I think we

all as Caymanians were proud when Cayman was able to advance in the Shell Cup at the Ed Bush Sports Field a few years back), the Truman Bodden Sports Complex, East End Playing Field and finally in the final stage of the Bodden Town Playing Field. Mail-sorting facility, Department of the Environment Building, North Side Civic Centre, The Heritage Village in West Bay, Scholars Park in West Bay, Public Beaches in West Bay, Bodden Town, Spotts, Colliers, Gunbay (jetty and ramp in some of these areas).

Mr. Speaker, the Agricultural Pavilion where for many years there was no place for the farmers to exhibit their produce. Recently the Agriculture Department building, construction of the Harquail Bypass, sewage treatment plant at the George Town Hospital, at least \$20 million spent on road works, air-conditioned civic centre at Bodden Town (and this morning we heard the Honourable Minister for Education saying that approximately \$6.5 million have been spent on Education).

Mr. Speaker, there remains much to be done, but with a better understanding of the Government Bench and the Back Bench—and I have a feeling that its coming forward—we can do much, much more. And the ultimate beneficiaries of this, will be our Caymanian people.

Mr. Speaker, Who will pay for it? I was told—not being around in the olden days—when the determination was needed for certain improvement in the infrastructure, to build this building, the Courts building and one other one, we had to borrow. We have to look at it seriously; do we wait until everything is worn and gone and then try to borrow? We are at a stage in our development—and I do know that the Third Elected Member from West Bay did mention about borrowings. But, at this time, we are in a position to fund the borrowings and it is no use of us waiting until the roads are so deteriorated that we have to rip the whole thing up and redo everything. We cannot neglect our children, Mr. Speaker. Areas such as George Town and West Bay there is not a civic centre or hurricane shelter.

Mr. Speaker, we must make a decision where the ultimate benefit of what we do must be for the people of this Country. We can have a meeting of minds and look at this in the proper light. I am sure that we can arrive at a happy medium for the benefit of these islands.

Mr. Speaker, in closing, I look forward to the increase of funding, which was mentioned earlier in this meeting with the Honourable Minister of Tourism, to help pay for air conditioning the Breakers community hall, a decent post office in Bodden Town, a proper launching ramp at Spotts and above all right now our roads. We all know that Bodden Town, prior to 1992, our road infrastructure received little, very, very little attention. Until now, we are trying to catch up with the other districts.

And this is why, Mr. Speaker, you may hear me in the background whenever anyone speaks on Roads, I plead with Members. At one time my good friend the Elected Member for North Side and also my colleagues from West Bay assisted by giving Bodden Town a little share of their money. There are so many roads within the district of Bodden Town and we all know that it is the

fastest growing district in the Island. Some of these roads have never been brought up to a decent standard. I beg for your support in helping us get better roads.

Phase I of the Crewe Road Bypass will significantly improve our rush hour traffic jams in the mornings and the evenings. Yes, West Bay has a problem, but the distance from North Side and East End is almost twice as long. And as the Honourable Member from North Side said, When you look at the consumption of gasoline while just waiting there, it's difficult, Mr. Speaker, to put this on our people.

Mr. Speaker, after witnessing the extensive flooding from the Savannah gully, I was able to have Executive Council go out and tour the area and see first-hand what had occurred. Also with us on that visit were the Second and Third Elected Members for Bodden Town, and (I think) the First Elected Member from George Town. Government has given the commitment to provide up to \$50,000 for an engineering study of the area, and as I said, I do know my other two colleagues, the Second and Third Elected Members for Bodden Town also share the community's concern about future flooding.

Mr. Speaker, there is more that I could say, but at this time I would like to close. I ask the continued support of this Honourable House as we go forward to make these islands a better place.

And, finally, I would like to thank my extremely competent Permanent Secretary, Senior Assistant Secretary, Assistant Secretary and all the other staff in my Ministry; especially the Health Services Department, the Social Services Department, Cayman Counselling Centre, National Drug Council. And, Mr. Speaker, I cannot leave out the trying times and the assistance provided by the Honourable Financial Secretary and his Deputy (who is a brilliant young man). Also, head of Budget Management, Mr. Peter Gough, his staff, and I see Dr. Parsans and her staff are still with us. We thank you for all your support. As I said earlier, Mr. Speaker, God sparing life, when we go through this Budget session I am looking forward to not experiencing the trauma that I have encountered over the last three years since I became a Minister of Executive Council.

Thank you.

**The Speaker:** We shall suspend proceedings until 2.30 PM.

#### PROCEEDINGS SUSPENDED AT 1.00 PM

#### PROCEEDINGS RESUMED AT 2.45 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on the Second Reading of the Appropriation (1999) Bill, 1998. Does any other Member wish to speak?

The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you.

I am glad that one of the other Ministers finally decided to speak. If that had not happened, then perhaps

we would have spent all afternoon talking to the Government about that. Fortunately, we have been able to avoid that. Nevertheless, my contribution this afternoon, as pointed as it may seem to be, will be dealing with, to the best of my knowledge, the facts.

This Budget for 1999, with all its inherent problems, is a culminating result, in my opinion, of the blatant mismanagement of the country's financial resources by the National Team Government, and not just now but, as I hope to prove before I am through, for the past six years. It shows a total lack of foresight and forward thinking on the part of the Government. And in my view it certainly reflects failure—total failure!—on the part of the policy-makers to lead us in any direction whatsoever, much less the right one.

It is an indictment. And if there were laws in the land dealing with fiscal incompetence, surely the Government would be convicted, prosecuted and sentenced to the maximum term possible. Worst of all, and very sad to say, it is stamped all over with the trademark of their leader, the trademark of the great Band-Aid Practitioner! *[Members' laughter]*

For a while I thought it was only those of us on the Backbench who saw through his disguise. But it is obvious to us that we are not the only ones who have finally seen it. As the Minister for Tourism quite appropriately put it in his delivery, and I quote from the unedited transcripts, **"It's not that we don't know what to do, it's that we kid ourselves by saying that we can use a Band-Aid approach and solve this situation. Then, after the Band-Aid approach is used, the problem is still with us."** [23 November, page 1157]

For years, as long as I have been here (which has not been that long, but if Memory serves me right this will be my seventh Budget Session), there have been those among us who have been preaching and imploring and begging for the Band-Aid practices to stop. Six years later the only slight bit of comfort we have is that [finally] one of their own has admitted it. That's a start.

It almost leads me to believe that the Government's view of the economy is this: If it moves, tax it. If it keeps moving, then regulate it. And, of course, if it stops moving then, by God, let's subsidise it! *[Members' laughter.]* I notice from the few addresses we have had, and in previous times, there is a lot of scripture quoted; I have a new slogan for them. Because when we look at the tax measures being put forward and when we look at the mismanagement of the country's financial resources and when we look at the continuous spate of borrowing, this must be their slogan, and that is, 'Blessed are the young, for they shall inherit the increasing national debt.'

As the Members who spoke before me mentioned, and those of us who, from time to time, read several of the international publications that keep tabs on the world's economy, we see where a lot of them are beginning to predict global financial meltdown. That's the fancy word they call it. Some of them go as far as to say that the second great depression of the 20<sup>th</sup> Century has begun. Bearing that in mind some of us on the Backbench—who are a lot smarter than I am—figured out a

new slogan when it comes to the financial side of things. So this one is not mine originally, but I have been given the onerous task to say it (because it is so difficult for me to say things like this): *"Depression is when you are out of work; a recession is when your neighbour is out of work; but recovery for all of us is when the National Team is out of work."* So, hopefully, we will recover.

It is not really a pleasure to be, as they term it, "pounding-up" on the Government. The truth is, many of us don't really have very absolute aspirations in this thing that we call politics. There are those of us who take it seriously, but who are quite content to do what we have to do once the country continues to move forward. But when we see times like these, then the truth is, aspirations can easily be put aside because it is so obvious what is happening. Personally, beside all the fun and jokes we may have between each other— it frightens me! It really does.

If you have a friend, and time and time again you take that friend and you continually warn him 'Do not climb that fence, there is a dog over there and he is going to eat you'... It is bad enough if you are in a position where 'they' simply don't want to listen to you, and you let them climb that fence and whatever happens to them happens.

But our position is different because we are tied on to them, and if they climb the fence and the dog eats them, the dog is going to eat us too! As far as I am concerned, because that is the position, then no matter what it takes we have to stop them from climbing the fence. Whether it ends up in a fistfight, or whether it ends up with sensible dialogue it's up to them. But I know that I am not going over any fence to get eaten with them. That is where we are at today.

Before I go into any of the details regarding the Budget Address and the Budget, let me just make it very clear that we understand how the system works. And, lest anyone misunderstand our intention, I want to satisfy myself by saying it once. I don't want anyone to misunderstand. I remember last year we were having some problems with the Budget and we were talking about prioritisation and the whole spiel, and we were in the Committee Room. A slight little confrontation, nothing serious, but a little back-and-forth with some words went on between me and the Minister for Education. And when I asked him a pointed question about the Budget...he's come with his books, thank God, Mr. Speaker...about the situation regarding some part of the Budget, the goodly gentleman, without a blink of his eye or a stutter of one word said, "Don't ask me, it's not my Budget. It's their Budget." And he pointed at the Hon. Financial Secretary and his Deputy.

Thank God we had that little exercise so we won't hear that one again. But I brought that example up to make it clearly understood by one and all that we know that the Hon. Third Official Member delivers the Budget Address. We know that his professional staff put the document together. We know that their job is to make sure that all of the information there is correct; that all of

the additions are correct; that there is nothing in the document that is given to us that can mislead us.

They also serve in an advisory capacity because they are professionals. But, Mr. Speaker, they don't have to tell me anything. My dealings alone with certain people make me understand clearly that as free as that advice is, it is rarely taken. So, whatever I am dealing with in regard to the Budget is totally linked and totally equated to the Government's policy and the policy that I am talking about is the policy of the Elected Government.

There might be, I don't know, out of the Elected Government someone who may also differ personally with what has been dealt to us. But I am not there with them. I do not know what their thoughts are. So, as of this point in time, when I am dealing with it, I have to say the Government, because I also know that they deal with something we call "collective responsibility." So, for ease of [reference], when I am talking, those who need to take it personally please feel free to do so; those who understand where I am coming from can do so also. I have made my point as clear as I can. From here on in, when I talk about the Government, it's the Government. End of story.

I would like to show the Government how concerned people are. I am not going to start off the way that might be expected, but with your permission, sir, I would like to read a letter that was passed on to me by a Caymanian professional, which he received from a foreigner who does business on this island and who visits this island fairly regularly. Obviously, the gentleman, while not being a Caymanian, is genuinely concerned. I would just like to read it because I believe it will begin to open our eyes as to how some people feel.

It is entitled and it reads: "**Cayman Development—past, present, and future,**"

**"Grand Cayman is its own ecosystem in a fragile balance that has been tipping one direction, namely, toward complete physical development for far too long. Everyone, from the residents to returning visitors, comment on the obvious negative trends that are degrading Cayman. Yet, it seems that no one is taking the issue seriously because profit and money are driving the process, rather than rational, balanced dialogue.**

**"As Cayman nears the foreseeable end of its development cycle, good decisions become even more critical because of the resulting effects of those decisions. All decisions concerning present and future development need to balance the needs, requirements and interests of native Caymanians, local business, foreign business, tourism and infrastructure, including roads, parking, telephone, water, sewage and garbage disposal. In other words, Cayman as a whole.**

**"If we now question how well the process has worked lately by giving it a report card, serious questions become obvious. Development decisions, especially those of late, appear to be pushed through without weighing many aspects detailed above. Such decisions were not critical thirty years ago when the island still had dirt roads. But because of the degree of present development today's decisions have a far more dramatic impact than decisions of earlier times."**

Continuing, Mr. Speaker: "**An analogy can be made to whaling as pertains to commercial developers. [obviously**

the gentleman is drawing a parallel here] **Cayman beaches, just like more whales, cannot just simply be created to accommodate the endless whalers/developers and their business interests in profit. The whalers approached the resource recklessly without thought to the future by claiming virtually all of the resource until it was virtually all gone. So too is it today with Cayman property."**

I just want to pause for a second there to make sure we are with what the gentleman is saying. He is talking about the whalers, especially in Europe in the early 20<sup>th</sup> Century where it was a very lucrative business for quite some time. But, as usual, they ransacked the resources and very soon there were no whales to be caught because it was not done in a sensible and sustainable fashion where they could keep the stock replenished and they would keep having whales. They simply would not stop until there were none left. He is saying "**So too is it today with Cayman property."**

**"Sensible development ought not mean that every inch of beach is filled to capacity with brick and mortar in the form of hotels, condominiums or even retail shops. Sensible development also does not mean bulldozing the mangrove, our island's natural wetlands. Sensible development requires an examination of the bigger picture, to fairly question and evaluate the impacts on Cayman as a whole with more than just a wink and a nod [that's funny, he mentioned a wink and a nod] to the negative impacts to the island and a frequent, ultimate financial windfall to a few."**

**"What is the purpose, and who benefits from continued development of any kind that only results in more traffic on roads already filled to capacity, with more pollution from the increase in even more vehicles? What is the effect of more traffic on roads we are having difficulty repairing today? What is the purpose, and who benefits from continued development requiring more imported labour for service positions resulting in more unfulfilled housing needs of those immigrants and more demand on water and sewage from the increased guests and staff?"**

He clears the point up, because in reading it thus far, in that very last paragraph, one could begin to get nervous, but he goes on. He says: "**This issue is not about being anti-development. The issue is about being pro-Cayman which is our home. Development demands balance and that balance has been sadly lacking as of late. By beginning today by committing to retain Cayman stature as the jewel of the Caribbean we have a chance, and only a chance, to safeguard the future.**

**"There are but few guarantees. One guarantee, and not a positive one at that, is the fact that if we continue to allow profit-driven developers to control and dominate the future of Cayman's scarce remaining property resources, then Cayman is doomed, much like the whales, to become an endangered, diminished, overdeveloped, overcrowded, cramped island with decreased quality of life for all."**

Very profound.

It closes off by saying, "**That is hardly the place tourists and business people are going to rush to. Additionally, as the overcrowding increased pressure reaches maximum density a larger disparity . . ."** And this is very interesting, Mr. Speaker, because I have never laid eyes on the man; I have never spoken to him; I have never even heard of him. But someone who is not from these shores, who simply only visits, can have the foresight. I

am going to read what he said because it is important. He says:

**“Additionally, as the overcrowding increased, pressure reaches maximum density a larger disparity between the haves and the have-nots with the inevitable antagonism between those who live here and those who simply come to vacation and do business will further result in turning those away who seek a pleasurable experience be it on vacation, to do business, or both.”**

He says, **“Cayman’s very future is at stake. We need to balance all the needs fairly. We need to learn from similar situations in different places. The Cayman situation is certainly not completely unique. The available property is finite and will reach the developmental saturation point at some point. I only ask that the dialogues and decisions be on balance, fair and public long before that point is reached.”**

I did not wish to bore the House by reading that letter, but it struck me as very important. Here we are, the bunch of us in here who claim to be the very pious representatives of the people of this country, and if someone who can certainly go somewhere else, but must see some good in us, and who is only a visitor, shows concern of this nature... And as I read what he says just about every line that I read I think, here we are, the country is facing all of these problems, and it looks like a fair amount of us who claim to be the people’s pious representatives really don’t care. Do you know what, Mr. Speaker? I wish I were somewhere else where I could aptly express myself, but I’ll be alright.

When I say that it seems like we truly don’t care, some of us, it is because the very same points that I am talking about, here are some of us chiming about these situations and we find that our words are falling on deaf ears.

Let me explain what I think. I do not believe that extremities on either side of the fence will work for this country. I am a realist. I understand the difficulties that we have. I know that we need to continue to attract development. I know that we need to continue to attract investments. I know that. But that is why it calls for more than it used to be in a position to make decisions because it is not like it used to be. There was a time when because nothing had hardly been touched that you could kind of go at it hoggishly and you didn’t notice much of it, so nobody was worried. That is the windfall the gentleman is talking about.

But we must understand and realise that we have passed that point now and are at the point where if we don’t stop and take stock, then sooner or later it will be all gone and we will have a mess on our hands. I don’t want to spend the rest of my life (if it is even what the good Lord promised us) saying “I told you so.” Or saying, “that old so-and-so should have known better.” I don’t want that to happen. That ain’t gonna help me.

So, Mr. Speaker, the words that the so-called Opposition are preaching are taking on a different light because we are in crisis. It is not going to be the ordinary situation where we know that they know better and they still won’t do anything about it and then we are going to simply sit down and just wait it out. The situation is much more perilous than that.

We talk about how much we care, how much we want to see things right. Every one of us [says], ‘Oh, yeah, man, yeah.’ But when it comes down to doing what is right, it’s a shame. It is a downright shame the way national decisions are made about the future of this country. I have no apologies to make. I don’t care who doesn’t like it, but what the gentleman says in the letter is true. So many decisions are being made purely driven by money, and how much can be made. And it is becoming much more frequent.

The word on the street is not, ‘I wonder if someone will hear my plight’ anymore. Do you know what the word is? It’s ‘Who do you know?’ because if you know the right people you can get through. That is not us! And I am not making that up. I am told that. People come to me wanting certain things done not knowing me well enough, and asking me if I know. I ask, know what? ‘Well, if you know so-and-so, you can lead me in the right direction because so-and-so got such-and-such and so done.’

Mr. Speaker, I am not casting aspersions. And I am not pointing fingers, but if my country is being thought of as another Banana Republic, I am not going to sit down, stand up, or lie down and leave it alone. I don’t care who it is and who doesn’t like it.

I know it is the Budget Address, Mr. Speaker. I accept that, and I won’t stray too far out. I get short-winded quickly, so don’t worry about that.

What we have to understand and accept is that the very future, the life’s blood of this country is at stake right now. In this letter the man mentioned the disparity of wealth distribution. Three years ago, I distinctly remember standing right where I am today, talking about it. I remember going on the political platform talking about it. I remember hearing every single soul that I talked to agreeing with me. But we are still turning around in here and we are making it worse, and worse and worse everyday. And then, when it all blows up in our face, we’re going to talk about how bad the people are?

When those people become how I am talking about, we will have created them. And let no man or woman inside this place ever believe for one second that he/she doesn’t share the responsibility. It won’t happen like that. We are the ones who say we want to represent the people. We go out there and beg them to vote for us because we will be such good servants.

Mr. Speaker, what is happening today is an injustice. We are making decisions; we are painting pretty pictures and there is total disregard for the majority of people in this country—not even partial disregard, total! They don’t exist!

Do you know when they are going to exist? When they are riled up and somebody needs to go talk to them to try and quiet them down. I hope it’s not me they ask!

When I am through I will hear people saying that I get up and preach gloom and doom. Hm! There is no more time. It is not such a thing where you can rest and look at it next year. It is happening to the point where the only thing that has saved us so far is our size. If we were a country or a nation with two or three times the population we have now, God help us. Right now that is how we

would have been, given the fact that everything that has happened so far in this country will have happened. God help us if we had three or four times the population we have now.

We get up and make these pretty speeches about how much we care. About how much we want to see our people educated, how we want to see them trained, how we want to see them fill their rightful place in society and be all that they can be, and we sit flat and do nothing about it except preach. Yeah! but thank God, right now I have an excuse. That is all I can do now. But I guarantee you, had I been in a different position, I am not telling you that it would have been perfect, but I would have had, by now, many sleepless nights. Most of us really care, you know. But for the love of me--those who can actually do something about it--why can't we see it? And I don't want to hear any more about how difficult it is. I know it's difficult. If it's too difficult, go! If you can't deal with it, fine! I can't help that. But we can't continue to just talk about it.

This document which contains nigh on to \$300 million of expenditure for this country for the year 1999, and the other attachments which include loans and what is nicely termed "revenue enhancement measures" to make sure the country has enough money to spend what this document calls for to be spent. Because of the way it has gone on, it is no longer how much money you have to spend, which used to be the big cry. The big question is, How well are you going to use the money that you have available to you? It is obvious from the position Government has taken that this is exactly what has happened.

Let me tell you what has happened, because it is not the first time—it's the second time this has happened in two years. Since the 1996 election, since they went around telling everybody "Give us four more years to finish what we started" . . . I heard them say that myself. Sure, give them four more years to finish us off!

But after they got through with that, in two years they have brought tax measures. Do you know how it works? They piddle about all over the place, totally disorganised, no forward planning, and they sit down and it's like you can see the fear building up in them—'Oh, when we get those requests from the various departments and they all add up, what are we going to do?' And they look at it...I am going to give them the benefit of the doubt.

After the whole business happens, if the policy-makers look at it two weeks before the date that you, sir, set the Budget session to begin, it's more than I know. Then they start to 'um, um, um', and go all over the place [*Members' laughter*] to try to make it work. And then, when they get to where they have done everything possible and they find that there is still a gap between recurrent revenue and projected recurrent expenditure, then it's 'Okay, what can we tax? Where can we get it from?' [*Laughter*] And they pull all the same old dead horses out of the cupboard, and they say, 'Well, we haven't touched this one in a little while. I wonder if we can get away with this.' I know.

But, Mr. Speaker, listen now, this is not to ridicule them, you know. They will see it that way, but this is not to ridicule them. I am coming to the real point. So they go through the spiel, and they do a little bit of test, and feel out to see how bad the damage is going to be—'cause they know there's going to be damage; they know that the public is going to raise a little hell with them. So they work along those lines. Finally, when they figure that they haven't pushed it too far—that it's really going to sink them: 'That's okay. Let's go with that.' The point that I am making is that I honestly believe that this is the way it has been for almost forever.

Where I take issue with the present Government is the fact that they have been here with all of us, they have been in better positions than us, they have been in better informed positions than us, and they have seen the trends within the country, but they sit down and do it the same way. I will venture to say that's why some of them haven't spoken before me. I know that. But that's cool. It will be like that for awhile. But if they didn't have some of us on the Backbench (called the Opposition) being thorns in their sides, it can be called an opinion or whatever, but until they are removed from there they will do it the same way. They wouldn't even think to do it differently. So any movement you see to do it in a different way is not by their volition. And that's what disappoints me.

I have to make that assumption because they didn't do it before.

**Mr. Roy Bodden:** True! True!

**Mr. D. Kurt Tibbetts:** When we were hollering all the time before . . . 'Ah, don't pay them no mind, man. They were radical, old idiots.'

**Mr. Roy Bodden:** Defunct!

**Mr. D. Kurt Tibbetts:** Yeah!

But now, the public is becoming more informed, so they get a little more fearful. Two years' time from now they want to go back and say, 'Give us four more years to finish what we are doing.' Yeah! They want to try to balance themselves out through.

Mr. Speaker, do you know the difference with me? I am going to do the best that I know how, that I can understand how, that I can try and learn how, as long as I am here. And if that is not good enough, or if that causes me to lose face in the eyes of the public, I'll go home. But I will tell you a few things that are not going to happen to me. I will never be part and parcel of a decision-making process in this place when I know better when it comes to how it is going to affect my country either because of pressure from somebody, or somebody I think I owe a favour to, or somebody who I think I can work out a deal with. It can't happen!

Mr. Speaker, I am going to tell you something else. Any man, woman or child who tells me that those things I just said are not happening, is telling a lie. I know they are happening. Those things have nothing to do with



systems. Those things have to do with people. It has to do with the very integrity of this country. And there is no one person, or any one group that has a total grip on that. This is my country too! This is the country of the Fourth Elected Member for George Town, and the Third Elected Member for Bodden Town, and the Second Elected Member for Bodden Town. That is just to show you that it has nothing to do with sides.

**Mr. Roy Bodden:** Yeah, but that last one isn't in our group though!

**Mr. D. Kurt Tibbetts:** That doesn't matter. It has nothing to do with sides! That's the point.

Let me tell you that this is a different time. There actually was a time when . . . and I am not ashamed of it because that's how life is. I remember sitting here knowing better, and trying to figure for hours how I was going to deal with it because I was afraid . . . I am not ashamed to say that. I was afraid because I didn't know how to deal with it, because I didn't want to upset this one, or hurt that one's feelings. Mr. Speaker, it is very possible that my thoughts were appropriate at those times because it is very possible that those times were not as crucial as now. But those days are gone.

This country, this land, these people have the potential to hold on to what no where else in this world has. But it is my job, along with others, to ensure that if that's what is going to happen, it's not going to be two people holding on this side and soon everybody else falling off. Uh, uh. Every man jack is going to be holding on all around. That's where the problem is. That's why everybody can get up and agree with what I am saying today. Sure. They don't want anything to happen to the country. But where the equation differs is that in not wanting anything to happen to this country they are thinking but of a few.

**Mr. Roy Bodden:** True!

**Mr. D. Kurt Tibbetts:** There lies the fatal mistake for my country. Anytime that thought-process allows itself to fester, we've got plenty trouble. And I am not bothering to go into a pile of details this afternoon. We understand how that is.

So, where we are right now, Mr. Speaker, is: We have a budget. . . . And that's another thing, Mr. Speaker. I really don't want you to answer me, but which one are we talking about? Are we talking about the first one, or should we talk about the \$54 million package? I mean, we have seen two different presentations, but. . . anyway. We'll deal with both. How's that? Maybe we can get down to it.

Okay, so right now, we have had a Budget Address by the Hon. Third Official Member. Basically it talks about a budget of close to \$280 million. It talks about a loan of just under \$20 million. It talks about revenue measures—or taxation to the people of this country—of just under \$12 million. And it talks about capital expenditure (if memory serves me right without searching the docu-

ment) of either \$27 million or \$29 million. In a little while I am going to get down to the figures because I am not fancy with them. But I know how to make them work. Right now what we are going at here is what the Fourth Elected Member for George Town and the Third Elected Member for Bodden Town talk about: the philosophy of the existence of this whole thing.

When we look across at Government and we look at the subjects they are responsible for . . . before I get into the details of the thing, let us just look at the scenario. We had one presentation, which came as it should have from the Third Official Member. Then, shortly thereafter, by the time the first Member from the elected side of Government got up to speak he painted a whole different picture for us. He talked about several things that weren't right (I quoted one of them earlier on). I am a truthful person, and I want you to know that when the Minister for Tourism delivered his address, I was forced to listen very carefully because there were a lot of things that he was saying that made a lot of sense.

As he kept speaking I remembered standing here so many times myself saying these same things, '*You can't do it like this, you need to do this, you need to do that.*' I even thought to myself at one point that he must have gone and picked up all those *Hansards* and read them over again.

But the big difference in all of that is this: If we look at the make-up of the Government, we have the five elected Officials, and the three Official Members who form Executive Council. On most occasions the subjects falling under the Official Members are fixed. It's only once in a blue moon that something is switched. Most of the time it's fixed. But we know that the subjects assigned to the Elected Members are changed at some point in time.

Also, whenever there is a new election it is very possible that the combination of the subjects will vary depending upon who the elected Executive Council Members are, where their strengths lie, and they could well get together amongst themselves and find that after one election and then another election, the names of the Ministries might vary. Sometimes certain things stay together, but not always.

In painting that picture, there is also the principle of collective responsibility. So, anyone can answer this for me. Here is what happened with what was presented to us. And, by the way, I am not going to look to destroy the credibility of that presentation. But from where I sit certain things have to be explained. I will deal with it as best I can in its entirety.

**The Speaker:** When you get to a convenient spot, we can take the afternoon break.

**Mr. D. Kurt Tibbetts:** I can do so now, sir.

**The Speaker:** We shall suspend proceedings for 15 minutes. I am asking Hon. Members to try to be back in 15 minutes.

**PROCEEDINGS SUSPENDED AT 3.45 PM****PROCEEDINGS RESUMED AT 4.08 PM**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues. The First Elected Member for George Town, continuing.

**Mr. D. Kurt Tibbetts:** When we took the break I was coming to the delivery made by the Minister for Tourism. I was saying that we had one Budget Address delivered by the Hon. Third Official Member, which included a certain amount of capital projects, and a certain amount of borrowing.

Now, when the Minister for Tourism delivered his Address, he set the pace by basically addressing the issue of medium-term planning. He talked about a change in the way we do the business of this country—something some of us have been preaching about for many years. And then, he delivered his ‘big change’ I would call it, to the original capital development programme that was presented to us.

He said, and I quote, **“I believe that there is a time when we should look at capital development over a period of two years and I am going to speak to that.”** He also said, **“I believe that the Government must come with a proper programme to resurface the major roads in this country, otherwise your patchy roadwork is going to cause you to end up spending twice to three times as much as we need to spend to correct it.”**

We all know that it was announced very recently that there was to be some shifting of subjects within the Ministries, and the Governor made the announcement that the subject of Public Works and the Department of Vehicle and Equipment Services were shifting from where they were to the Ministry of Tourism, Commerce and Transport. Let us assume the bright picture. Let us assume that since there was always a hitching between the subject of transport and the subject of Public Works, which is Roads, and Vehicle and Equipment Services, that it was simply a matter of continuity to put it all together. Okay. So that is done.

Now, in his delivery the Minister went on to say, **“If I am going to be responsible for roads in 1999”**... (I forgot to say that that switch becomes effective 1 January 1999). So he said, **“If I am going to be responsible for roads in 1999 I want to be proactive not reactive.”** And then he spoke to a revised capital development programme of \$54 million which involves a tremendous amount of capital works on roads throughout the islands. He also went on to say that, and I am not quoting him now, I don’t want to waste time to really look at it. But the gist of what he was saying was that if he couldn’t get proper funding to do what he knows has to be done for roads in this country, then they could leave it where it was.

Here lies the big question mark in my mind and in the minds of many other people. Executive Council, the policy-makers, get together and decide on their policies—which means between them, they decide on the capital projects. If I am wrong, I will gladly give way for one of

them to correct me. But that is the way I understand it. And that is the way it has always been. I will wait until Monday, unless time allows to get into the Medium-Term Financial Strategy which we have been preaching about, and the Public Sector Investment Programme. But for right now let me leave the whole line of argument to do with Executive Council and the way the policies are made and the way it is delivered to the country and I will pick up on Monday with that.

So, Executive Council has to get together and each Minister who is responsible for the various subjects has to put forward his plans, or what he considers to be national needs. And then they look at the funds they will have readily available and they take into consideration what type of borrowing (or what level of borrowing) is prudent. Then, when they figure out how much money they will have available to them, they decide, *‘Okay, we’ll do this, and we’ll do that out of the funds available.’* I am saying it pretty simply, but I think that is basically how it is.

Now, this I know. Every single bit of roadwork that is on this list presented by the Minister for Tourism was talked about before by the other Minister. The Department responsible for that has continually put forward what they know as professionals is needed. They know the final decision rests with the Government as to what they are going to put forward for capital projects. But each department has to put forward what, in their view, the country needs. So this is nothing new. But my question, sir, is this: If Executive Council is working together, as they should; if they share collective responsibility, as they should; if they understand the national needs and deal with the priorities in the right manner, then why, Mr. Speaker . . . I want someone to tell me: Why was it that all the time the requests were in, they were not dealt with because it was another Minister? But the moment the subject changes a wonderful programme is put to us. Somebody tell me why! They really don’t want me to venture why. Perhaps I will.

Mr. Speaker, what is politics? Is politics supposed to be a decision-making process done by a democratic process to do what is best, and in the best interest of the people you represent? There are other definitions, but I think that is pretty close to what I want to hear now. So there is one of two or three scenarios we are dealing with: It is either that the Minister who was responsible for it before and who kept bringing it to the Table didn’t holler loud enough, or ‘they’ didn’t care about his Ministry that much, or some of the rest of them had other priorities ‘they’ wanted to get out of the way first, or they didn’t know what they were doing. I could find a couple of others, but let me not bother with that any more.

Either way it goes, it shows that the decisions for this country that need to be made are not being made on the right basis by the Government. It shows that. But you see, it’s 1998. We are going into 1999. And, of course, we want to show that we are going to start the plan now. So while we are talking about 1999, we are talking about 2000 too. Once we can get this through, fellows—smooth sailing! Do you know why? Because we have committed

ourselves straight in to the next general election. Clever move!

**Mr. Roy Bodden:** That's not good enough!

**Mr. D. Kurt Tibbetts:** Clever! I don't have a problem with that, Mr. Speaker. My question then is, between 1993 and 1998 there will have been...Hear me, Mr. Speaker, and I am using approximate figures... But there will have been in excess of \$190 million worth of capital project done by the National Team Government. As I said, I am using approximate figures, but for my purposes they will suffice.

Out of all of those capital projects, to the tune of \$190 million, in 1993 the Minister for Education in his [debate on the] Budget Address talked about knowing that for the last ten years they never had any roadwork programme, no sensible road maintenance programme. I won't bother to look it up, but that is what he said. Later on, if I really want to get down to it... Is someone suggesting that he didn't say it?

Mr. Speaker, the Minister for Education seemingly doubts me. I don't take chances. He should know that by now.

**Mr. Roy Bodden:** Put on your glasses now... [*Members' laughter.*]

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on page 191 of the *Official Hansard Report* 1993, Vol. I, Government Business, Debate on the Throne Speech and the Appropriation Bill, 1993, continuation of the debate thereon, the Hon. Truman Murray Bodden said, "I know he has a difficult task because we all come to him with our requests for the roads which we know have not had a proper maintenance schedule in the last 10 years." If he wants me to table that, I will table that too, in case he doesn't have a copy of the *Hansard*—1993, I said that four times.

Mr. Speaker, it is just by chance that I mentioned that. But the point that I am making is that the Minister for Education in 1993 talked about no proper road maintenance programme. I am not going to bother this evening, but he had better read on the weekend because he said much more about roads. And because of what he just did, I am going to really read them on Monday morning for him. I am not finished with roads yet.

The point I am making is that politically every single Member of Government, at some point in time, has preached about the infrastructure, the need for roads. My question is: Why would it take six years to start talking about some type of mid-range planning for new road networks and resurfacing of roads? One hundred and ninety million dollars later—just in capital expenditure alone—and, all of a sudden, when the subject changes hands . . . What it almost looks like—and I beg not to be misunderstood by this statement. Do not misunderstand this statement. But from where I sit, it almost looks like a set-up. Thank God it wasn't me. But I will not go so far as to say it was so, because in all fairness I don't know that. But it comes to mind. It surely comes to mind.

Okay, assuming that it had nothing to do with that, let's not look at anything sinister, let's not even think about that. Mr. Speaker, all I am saying is that if there was a genuine feeling for these things to have been done, why has nothing come forward in the plans? If at least the other Minister, whose subject it becomes on 1<sup>st</sup> January, was thinking along these lines all along, where was his support for the one who had it?

**Mr. Roy Bodden:** Point! Point!

**Mr. D. Kurt Tibbetts:** Of course. You see, Mr. Speaker, all I am trying to show by this... and as I said, by the time I am finished it will be obvious that the intention is not to kill the credibility of the proposal. But I have my job to do too. And, Mr. Speaker, if people like me don't say anything, they will continue to do as they please when they please, how they please and why they please, and it's not working like that any more!

So, we have this proposal in front of us. This is how I believe they figured it out (because I was not among them). Mr. Speaker, hear me now. They said to themselves, 'Yes, if we do it like this, we have them fellas on the Backbench cornered because they can't say no. Because this is what they have been saying all along. So now we're doing it, so we got them in a spot. They can't say "no" because they know it makes sense. And then it puts us right through to the next time around and we are on a roll. Yeah!' And if none of them ever said it out loud, some of them were thinking it! Do you hear what I'm tellin' ya? Believe you me!

#### MOMENT OF INTERRUPTION—4.30 PM

**The Speaker:** We have reached the hour of interruption—the hour of 4.30 PM I will entertain a motion for the adjournment of this Honourable House.

#### ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until Monday at 10.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Monday. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House do now stand adjourned until 10.00 AM Monday.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 30TH NOVEMBER, 1998.**

**EDITED  
MONDAY  
30 NOVEMBER 1998  
10.00 AM**

*[Prayers read by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies from the Honourable Minister responsible for Education, Aviation and Planning. He is having car problems and will be arriving here shortly.

**HOURS OF SITTING**

**The Speaker:** Honourable Members, I would like to say this morning that punctuality is very important to the good and proper operation of the Legislative Assembly. From henceforth, this Legislature shall convene at 10.00 AM each morning for each sitting. We shall suspend for the morning break as close as possible to 11.15 AM, returning within fifteen minutes—and I wish to emphasise fifteen minutes—and we shall break for lunch at 12.45 PM, returning at 2.15 PM. The adjournment will be at 4.30 unless Standing Order 10(2) is suspended to continue beyond that time.

Our duties here are important for the future development of this nation and our responsibilities are great, and I ask for your cooperation.

Item 3 on today's Order Paper, Presentation of Papers and Reports. Report on the Work and Activities of the Cayman Islands Prison Service for the Year Ended 31<sup>st</sup> December 1997.

The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**PRESENTATION OF  
PAPERS AND REPORTS**

**REPORT ON THE WORK AND ACTIVITIES OF THE  
CAYMAN ISLANDS PRISON SERVICE FOR THE  
YEAR ENDED 31<sup>ST</sup> DECEMBER 1997**

**Hon. Donovan Ebanks:** Thank you.

I beg to table the Report on the Work and Activities of the Cayman Islands Prison Service for the Year Ended 31<sup>st</sup> December 1997.

**The Speaker:** So ordered. Do you wish to speak to it?

**Hon. Donovan Ebanks:** Just briefly to say that Members and the public will find the report of value in terms of providing insight into the activities and programmes at Northward Prison. If, after having looked at the Report, there are areas of additional information that Members feel would be of benefit for inclusion, I would certainly invite Members to convey that to the Portfolio of Internal and External Affairs, and we will certainly be happy to attempt to oblige.

I would also like to draw Members' attention to page 19 of the report that provides a budgetary cost analysis, and shows that in 1997 the unit cost per prisoner (based on the average population) was some \$54.29. While that represents a slight reduction, I expect it was largely gained by the unfortunate increase in population and related economies of scale.

I think it provides an alternative and, I would argue, a more informative way of looking at the cost of incarceration. I look forward, perhaps in the not-too-distant future as we convert to a service or output based appropriation and accounting, to when that \$54 could perhaps be appropriated on the basis of \$40 per prisoner for, say, custody and care, and \$14 per prisoner for rehabilitative services, and the actual appropriation would be linked to the number of prisoners. I think Members would find it much more valuable to look at the changes in those unit costs rather than what we currently do, look at 18 or 20 items in the current format.

As I said, I welcome any comments that Members might wish to offer for the next report. Thank you, sir.

**The Speaker:** Housing Development Corporation—Report for the Year Ended 30<sup>th</sup> June 1997. The Honourable Minister for Agriculture, Environment, Communications and Works.

**HOUSING DEVELOPMENT CORPORATION  
REPORT FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 1997**

**Hon. John B. McLean:** Thank you.

I beg to lay upon the Table of this honourable House the Housing Development Corporation—Report for the Year Ended 30<sup>th</sup> June 1997.

**The Speaker:** So ordered. Do you wish to speak to it?

Moving on to item 4 on today's Order Paper, Questions to Honourable Members/Ministers. Question 211 is standing in the name of the Third Elected Member for George Town.

## QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

**Mr. Linford A. Pierson:** Mr. Speaker, I am glad to see a question for me this morning. I was concerned that in keeping with our Parliamentary process and our Constitutional and political responsibility that more attention was not being given to Parliamentary Questions. This is the first one since we started on the 16<sup>th</sup> of this month, and, indeed, some go as far back as June of this year—some five months ago.

### QUESTION 211

**No. 211: Mr. Linford A. Pierson** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state: (a) what contingency plans are in place to assist the poor and needy with the supply of plywood, manpower, and other essentials to secure their homes during the hurricane season or other natural disasters; and (b) what evacuation plans are in place to assist the victims of flooding and other natural disasters.

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

**Hon. Anthony S. Eden:** (a) There is no contingency plan in place to assist the poor and needy with the supply of plywood, manpower, and other essentials to secure homes during the hurricane season. (b) If someone is affected by flooding, the first point of contact is usually 911, which normally contacts the Fire Service and Social Services Department. Fire Service assists with the evacuation of the individuals and the Department of Social Services sorts out interim shelter arrangements and any other immediate needs the affected persons may have.

In the case of hurricanes and tropical storms, the National Hurricane Committee is activated and any decision in regard to emergency provisions would be made by the Committee with the relevant sub-committee then directed to act.

Additionally, the Health Services compiles on an annual basis a special needs list of persons in the community who may require assistance in evacuation or who have special medical needs. This list is circulated to Fire Services, Social Services and within Health Services as well as the evacuation sub-committee of the National Hurricane Committee. This is done so that in the event of a hurricane the evacuation sub-committee would be aware of persons who would require assistance to get to shelters. For those requiring special medical assistance, each district has designated medical shelters.

### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wish to thank the Honourable Minister for his comprehensive answer.

In view of the fact that the Social Services Department is well aware of the list of indigent and poor people, would it not be expected that the Social Services Department would be readily available to assist these individuals in case of natural disaster? It should be obvious that these same people would be in need of the assistance.

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

**Hon. Anthony S. Eden:** I think the Member has an excellent point. At some stage we need to make a policy decision on this, as was brought out in one of the Members' debate, in regard to establishing a fund to deal especially with those people he mentioned in his question.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Perhaps this question is straying a bit, but I think it is worth raising. There are certain areas prone to flooding at present. In fact, just speaking for my District of George Town, I can think of three or four specific areas where flooding occurs whenever there is extended rainfall. There are some physical reasons why this is the case, and in most instances it has to do with development on the periphery of these areas.

While this might not necessarily fall under the ambit of his Ministry, is it possible for the Minister to see if some of these areas can be cordoned off with walls? I am not an engineer so I don't know exactly what the answers are. But I am sure there are reasonable answers.

Perhaps this is something that can be looked at. I wonder if the Minister would comment on it or lead the question to the right person.

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

**Hon. Anthony S. Eden:** With your kind permission, Mr. Speaker, I know my colleague, the Minister for Agriculture, is now dealing with this. I would ask him to give an overview of what is going on.

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

**Hon. John B. McLean:** To answer the question, we realise that we have a problem in certain areas, as the Member mentioned. We have already created certain accesses for water to flow out into South Sound from the areas I believe he is talking about. We are also going to open up a dyke that used to be there before. We feel that with this we will have no build-up of water and the place will be drained at all times.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** That deals with a portion of my question. And I recognise the area the Minister is referring to, but there are other areas where I don't think it is possible to employ the same method. I believe the only solution is to put forward some type of barrier and lead the water that gathers in another direction. It's not a question of dealing with it on the floor of this House, but as one of the representatives I am certainly quite willing to show exactly where I am talking about. Perhaps the professionals will seek some type of solution.

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

**Hon. John B. McLean:** We are looking at all areas and all angles to curtail the problem we have. We realise that we do have problems in other areas and we are definitely looking at them. We have been putting in deep wells and we will continue to try to facilitate the persons in the area as much as possible.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister to whom the substantive question was addressed say whether or not he is prepared to encourage the Government to set aside special resources to be made available when such problems occur?

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

**Hon. Anthony S. Eden:** Yes, Mr. Speaker. I would certainly support this policy.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** We appreciate the difficulties of the Social Services Department if they do not have available funds to assist with the needs we are here discussing, but in order to leave those in need with some degree of their dignity, I wonder if the Honourable Minister would undertake to have a survey, if this has not already been done, to determine those individuals in need so that the necessary funds can be provided in this year's Budget?

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

**Hon. Anthony S. Eden:** This would be a significant undertaking, but with the involvement of Public Works and my Colleague the Minister, Environmental Health, and Social Services, I think it is a good point put forward and we need to establish this.

**The Speaker:** If there are no further supplementaries the next question is 212, standing in the name of the First Elected Member for George Town.

## QUESTION 212

**No. 212: Mr. D Kurt Tibbetts** asked the Honourable Minister for Agriculture, Environment, Communications and Works to give an update on the proposed National Roads Plan.

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

**Hon. John B. McLean:** The Public Works and Planning Departments' long-range unit have recently completed the exercise of identifying road corridors to be reserved for future construction. These corridors have been accepted by the Central Planning Authority and are included in the Proposed Revisions to the Development Plan 1998.

The next phase of the plan, which is currently underway, is to develop an access management scheme for the proposed road corridors.

## SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wonder if the Honourable Minister could state whether this proposed National Roads Plan will be incorporating the corridors in the composite maps and whether there is a costing for the land that these corridors will go through, etc.?

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

**Hon. John B. McLean:** The first part of the question, yes, it will be included in the map, but the cost has not been fully determined as yet.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Does this mean that the plans, the composite maps, will be gazetted and that the public will be made aware of the various corridors and the overall outlay of the Roads Plan?

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

**Hon. John B. McLean:** That is correct. Whatever is done has to be gazetted before it can be official.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if this exercise of identifying road corridors was an exercise that was done throughout all three islands?

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

**Hon. John B. McLean:** It is a National Plan, and it is my understanding that they did look at all three islands.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** In view of the fact that this National Roads Plan has been prepared by the Public Works Department and Planning in a similar matter to the Master Ground Transportation Plan (MGTP), and the Grand Cayman Roads Improvement Plan Study (GRIPS), I wonder if the Honourable Minister could give an indication of the cost in comparison with those two other plans?

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

**Hon. John B. McLean:** I mentioned a while ago that we did not have the costs, so I cannot give a comparison on it. Some of it has not been finished.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister say if, when this exercise was being done, the information that was on hand regarding the Master Ground Transportation Plan and the GRIPS Study was used as a base to work with, or was it done from scratch?

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

**Hon. John B. McLean:** I cannot say that the technical people did not utilise the plans the Member just mentioned. Of course, I was not really there to know exactly. So I really cannot give an answer to that.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** In view of the fact that it appears that most of the corridors now being used are similar to those that were recommended by Public Works in the Master Ground Transportation Plan and the Grand Cayman Roads Improvement Study, can the Honourable Minister say whether similar road corridors are being considered, and whether it might not now cost perhaps three to four times as much to put those corridors in place particularly in view of the increased cost of land?

I know this might appear to be giving an opinion, but it is more than an opinion because the cost of the land is made available to Government.

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

**Hon. John B. McLean:** I would say that the way things happen in Cayman in regard to prices, most definitely the Member is correct. I am sure it is going to be more costly. In regard to our utilising the corridors, I am sure that some of those are going to be utilised but I would not like to comment as to which ones.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Just a further supplementary, would the Honourable Minister, my friend, agree then that the present Government—who were the Opposition when the MGTP came in place—might have made a very grave mistake by destroying that plan?

**The Speaker:** I think you are asking him for his opinion. The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Mr. Speaker, I must answer my good friend (as he called me).

As far as I am concerned, he knew my stand on that at that time, and I wouldn't say that we destroyed the plan because if we destroyed the plan we would not now be willing to utilise it. It is my understanding now that there are certain corridors that have to follow in the same area because there is no other way to go.

**The Speaker:** If there are no further supplementaries, moving on to question 213, standing in the name of the Third Elected Member for Bodden Town.

### QUESTION 213

**No. 213: Mr. Roy Bodden** asked the Honourable Temporary Acting First Official Member responsible for Internal and External Affairs to state how the Government's Reinvention/Re-engineering Programmes fit in with the Public Sector Reforms which are currently being pursued.

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** The Government's Reinvention of Public Services (ROPS) programme was launched to generate improvements in the quality and effectiveness of public services by introducing new 'corporate management' concepts and skills. They were corporate in that they were skills which services could reasonably be

expected to apply within the existing management structure of the Public Service.

The programme was developed locally and focused Government agencies on:

- What they do:           ⇒    Their services or outputs.
  - For whom they do it:   ⇒    Their customers.
  - How well do they do it: ⇒    Their performance measures.
- How they can improve their services or outputs: Re-engineering of service delivery processes.

Through a series of training initiatives catering to over 250 private and public sector individuals representing almost all Government agencies, the Reinvention programme has introduced a new stream of corporate management skills and thought processes. These are yielding improvements in the delivery of services by some agencies, for example, Broadcasting, Customs, Immigration, Planning, and Vehicle Licensing.

While Reinvention was never perceived as being the complete public sector reform package, it was felt that it could serve as a stimulus and facilitator of broader reform by making public sector agencies more comfortable with, and even eager for, broader and more fundamental reforms. In fact, from very early on some agency representatives questioned whether they could reinvent without knowing what type of Cayman we wanted to see ten to 15 years from now; or if the fiscal and human resource systems were not also 'reinvented.' These issues, of course, are the ambit of 'strategic management' rather than 'corporate management.'

The second reform initiative, Vision 2008, addresses the first of these issues. It should produce a clear perspective of what type of Cayman we should be seeking to achieve by 2008. In other words, it should provide the destination to which the public sector should contribute to reaching.

The final batch of public sector reforms involve:

- ◆ Fiscal reform
- ◆ Administrative and management reform
- ◆ Establishment of provisions to afford the public access to Government information.

The Financial Secretary, the Honourable Third Official Member, is to be commended for his enthusiastic leadership of the Fiscal Reform Initiative, and thanked for having provided an energising boost to the other two initiatives. The Chief Secretary, the Honourable First Official Member, and the Deputy Chief Secretary are heading the latter two, respectively.

As Honourable Members will recall, His Excellency the Governor has formed a Strategic Integration Group to provide oversight, coordination, and direction to all of these initiatives. The Reinvention Programme is ongoing and has been concentrating on assisting those agencies that are keen to move ahead with reengineering the delivery of some of their key services. While under the same direct leadership, the programme has been amal-

gamated into the Administrative and Management Reform initiative as part of the recent integration of the various initiatives.

The Governor Owen Award programme that will be launched in early 1999 is intended to recognise initiative and innovation in the public service. Those agencies that have invested in the application of the skills and concepts provided under the Reinvention Programme should be leading contenders for recognition.

There is certainly perceived to be a long-term need for the public service to maintain the capabilities to evaluate and enhance performance. The overall reform programme has the definite potential to yield a public service which is strategically focused and performance oriented. If it does, more agencies will seek the type of assistance that Reinvention now offers. In fact, what we have as the Reinvention Support Unit today could well become the Performance Enhancement Unit of the future.

## SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Member say whether these exercises will lead to performance-based pay, where payment is based on achieving objectives set and providing services at the most attractive cost, thereby saving the Government money?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** Certainly that is one of the potential outcomes of the overall programme. And until the administrative and management reform initiative gets a little further on, I really can't say that is the aim. But I would certainly hope that it would become so. Certainly there is a preponderance of the view that we need to move to an environment that provides the incentive for improving performance and, in turn, the opportunity for reward to those who are successful.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Just one final supplementary, can the Honourable Member say if there is going to be a corollary move so that the political directorate may be kept up to date and educated as to its responsibilities and requirements, so that the move which is bound to effect the bureaucracy can also be complemented by an aware political directorate?

**The Speaker:** The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.



**Hon. Donovan Ebanks:** Certainly the move to integrate these various initiatives and to provide an umbrella agency or organisation to oversee them all was specifically intended to not only ensure their coordination, but to ensure that all stakeholders were represented. That is why the Strategic Integration Group, specifically, has some members drawn from this Honourable House.

While by virtue of that we would expect those Members to provide some liaison to their colleagues, there is certainly the possibility for a more structured and regular briefing to take place. I would have no problem suggesting that, at the Strategic Integration Group level, if the Member feels that it would be beneficial to he and his colleagues.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** I would certainly ask the Honourable Member to give such an undertaking. The success will hinge upon its acceptance and understanding by the political directorate who has the capability of stymieing, or drowning, the achievements of the bureaucracy if it is so minded.

**The Speaker:** Do you wish to reply to that? The Honourable Temporary Acting First Official Member responsible for Internal and External Affairs.

**Hon. Donovan Ebanks:** No, Mr. Speaker, I think he was simply accepting my offer to pursue it as I had suggested I was willing to do.

**The Speaker:** If there are no further supplementaries, moving on to question 214, standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 214

**No. 214: Dr. Frank McField** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state the dates of the last five meetings between the Social Work Supervisor in Cayman Brac and the District Commissioner.

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

**Hon. Anthony S. Eden:** The information obtained from the Social Work Supervisor in Cayman Brac (on 4 November 1998), indicates that his last five meetings with the District Commissioner were held on the following dates: 22 September 1998; 6 October 1998; 16 October 1998; 20 October 1998; 3 November 1998.

#### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say if these meetings between the Social Work Supervisor and the District Administrator are the norm? Or has this been as a result of recommendations made by the Family Study Group?

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

**Hon. Anthony S. Eden:** These meetings are always held, sometimes not as frequently as this, but it is now formalised with the District Commissioner, and they are held like this.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say what have been some of the most obvious results of these meetings?

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

**Hon. Anthony S. Eden:** Better communication between the Social Services and District Administration. Whenever something is seen by either Social Services or the District Commissioner they share with each other and then they go forward and make the necessary adjustments.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** That was a very vague answer. I was hoping that the Minister would have been able to enlighten me as to the positive consequences of such a relationship, since even if regular meetings were structured before the recommendation of the Family Study it is from the point of the organisational issues which the Family Study addressed.

It was seen as important enough to be pointed out here by the persons who made the reports that this meeting between the Administrator and Social Work Supervisor was to become almost as important as the meeting between the Social Work Supervisor and the Deputy Director of the Social Services Department.

What I am trying to find out, Mr. Speaker, if you will allow me to rephrase it, is how the structural relationship is beginning to evolve as a result of this close relationship between the Administrator and the Social Work Supervisor.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** There has always been an understanding between the District Commissioner and the various Heads of sections that it would not always be necessary to meet weekly if there was nothing to report.

She is, however, available at those times if required to meet. Many of the less pressing issues are being dealt with in the regular meetings of Heads of sections. The scheduled meetings, therefore, take the form of a reporting session dealing with issues pertinent only to particular departments. The more urgent matters are usually discussed at these meetings.

Once these meetings take place, the Head of Social Services in Cayman Brac then passes on this information to Social Services over here.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** My understanding here is that perhaps what the person who made the recommendation was getting at is that the District Administrator should play a greater role in determining the priorities and determining the way in which the resources were used to affect the necessary projects or situations. So I am trying to find out whether or not the District Administrator is playing a greater role in communicating to the Social Work Supervisor and the Department of Social Services as to the ongoing need in regard to development of the Social Services Department in Cayman Brac.

We spoke previously about things like the old people's home, the community development programme, whether or not there is the need to use crafts as a way of involving older people in dealing with the whole concept of ageing. How has this attempt served to localise the concern and give it the opportunity to be channelled back to the Department of Social Services in faster manner?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The District Commissioner is involved, and in these meetings, as it is probably confidential, I am sure that there is collaboration with the District Commissioner. Ultimately, the Director of Social Services is the officer responsible for the overall programmes and any final decisions would be made by her.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** That is more in the line of where my thoughts have been going in my supplementary questions. I am trying to find out whether or not the District Administrator is in fact playing a greater role in determining the Social Services priorities in Cayman Brac.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, from the point of constantly keeping in touch with the designated person over there for Social Services. There is much more involvement. My understanding is that the problems would certainly be identified by the Social Workers in the district who would

then go to their Head. Whatever is found to be needed and addressed would be shared with the Director over there and the District Administrator.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I will use a situation in order to illustrate what it is I am trying to get at. For instance, with house repairs, a concrete example. How much of the decision depends upon the advice of the Island Administrator? Is it solely dependant upon the Supervisor or the Department of Social Services here?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The situation is that Social Services will take referrals from anyone, including the District Commissioner. But the final assessment would have to be done by the Social Worker.

**The Speaker:** If there are no further supplementaries we will move on to question 215, standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 215

**No. 215: Dr. Frank McField** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what is the present involvement of the Department of Social Services with initiatives for adult education and literacy classes.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Since this is not a direct responsibility of the Department of Social Services, it is not involved in any formalised programme geared toward adult education and literacy. However, the Department continues to support the Education Department's adult education and literacy programmes. The Department also assists that portion of its clientele attending the Young Parents Programme with continuing education and skill development. The Department has, from time to time, sponsored clients to pursue courses at the Community College of the Cayman Islands.

#### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say if he is satisfied that this is a sufficient response to the recommendation by the persons who did the Family Study in regard to the need for an increase in the formal and informal contacts with sister agencies, organisations and bodies so as to assure a good understanding of the pro-

gramme's goals? Was this a sufficient position in regard to recommendations made by the Family Study?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** We will continue to work with the Education Department in programmes as we continue to develop and go forward. As I mentioned in certain discourses this week, whatever we need to do to help especially the adults, we will support that. If they want to go to the Community College, whatever is necessary, we will work along with them to help improve them. But we must be cognisant of the fact that we have to work with what Education has in place.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I apologise for having formed those supplementaries so poorly, but I am basing my questions on recommendations that were made by way of the Family Study. What I would like to try to achieve with this supplementary is to find out if there are any initiatives that the Department of Social Services now feels it might initiate itself to encourage the adult education and literacy classes.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Social Services is now exploring the possibilities of developing skilled development in other areas. This is one of the areas we talked about last week, the Community Development Programme, where once these people are located in the districts they can make a better assessment of those people who would need this assistance.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I am not sure that I understood what the Minister said, but I would like to ask the Minister whether or not Social Services has considered using after school centres in the different districts as physical premises in a structure where they could begin a decentralised approach to adult education and literacy classes.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, in collaboration with the Education Department we could certainly utilise these facilities.

**The Speaker:** The Fourth Elected Member for George Town. Two more supplementaries.

**Dr. Frank McField:** This is a suggestion I am making, but I will try to phrase it in the form of a question. Would the Minister give an undertaking to see that the after school programmes or institutions, because of their knowledge of parents and children and their interaction, are used to identify the need and perhaps deal with creating some type of adult education and literacy programmes that would help to minimise the demand for care and support which parents find themselves having to do as a result of their lack of education?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Mr. Speaker. I would certainly speak to the Minister of Education and in collaboration with him we would do this.

**The Speaker:** If there are no further supplementaries, moving on to question 216, standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 216

**No. 216: Dr. Frank McField** asked the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation to state the result of the most recent internal evaluation of the Young Parent's Programme.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation, would you move the suspension of Standing Order 23 (7) and (8) so that Question Time can continue?

#### SUSPENSION OF STANDING ORDER 23(7) AND (8)

**Hon. Anthony S. Eden:** I so move, Mr. Speaker.

**The Speaker:** The question is that Standing Order 23(7) and (8) be suspended. Those in favour please say aye. Those against no.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 23 (7) & (8) SUSPENDED.**

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The Young Parents Programme was evaluated after two years of operation, however, its aims and objectives have constantly been reviewed and the necessary changes have been made. The two most significant findings have been the need to: (i) introduce the American College Testing Programme examination set by Princeton University which will replace the GED, no longer offered overseas; and (ii) to encourage participation by the partners of the teen

mothers in the programme in order to help them take up the responsibility of fatherhood.

The programme has recently been transferred to the Community Development Unit of the Social Services Department in an effort to develop a stronger link to the community and to pursue an expansion of the vocational programme and skills development. This expanded programme will also serve to benefit other clients of the Department.

### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** For clarification, can the Honourable Minister say if there has been any internal evaluation of the Young Parents Programme since their Family Study was presented to the Department of Social Services?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** [microphone not turned on]

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Is the Minister saying that no internal evaluation was done as suggested by the recommendations in the Family Study within three months after the study was presented to the Department of Social Services?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** As I said, the aims and objectives have constantly been reviewed and the necessary changes have been made. Wherever a problem is identified we deal with it.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** The question now is, how important was this recommendation by the Family Study group? How important was it to have an internal evaluation of the programme at the Young Parent's Programme in regard to the many proposals that were made?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The evaluation is very important. As I said, to show the emphasis we have transferred this to the Community Development Unit of Social Services who will look at this in much more detail as put forward in the Family Study.

**The Speaker:** If there are no further supplementaries that concludes Question Time for this morning.

Item 5 on today's Order Paper, Government Business, Bills, Second Reading. Continuation of Debate on the Appropriation (1999) Bill, 1998. The First Elected Member for George Town, continuing.

## GOVERNMENT BUSINESS

### BILLS

### SECOND READING

### THE APPROPRIATION (1999) BILL, 1998

#### DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998

*(Continuation of debate thereon)*

**Mr. D Kurt Tibbetts:** Thank you.

When we closed off on Friday, I was putting together what I thought the scenario was in regard to the \$54 million package. I had been discussing a little bit about roads, and I had told the Minister for Education, when he questioned certain parts of the *Hansard* I was quoting from, that I would read more things he had said about roads.

Perhaps I should change my tactic because time is flying, and I want to get into some very important areas. Suffice it to say about the roads and the infrastructure that from the time I have been here I have heard Members talking about the lack of road maintenance programmes, the lack of looking after the infrastructure. But just to quote one little area that that Minister said in 1993, . . . and the whole idea behind quoting from the *Hansard* of 1993 (just so that everyone will understand) is that it shows that even then the Government was quite aware of the situation with the roads. Here we are going into 1999, and all of a sudden somebody has some wonderful idea to try to deal with it.

I will prove later, by way of some statistics, that the Government has dealt with its priorities totally incorrectly. In fact, that has been thrown through the window and I don't believe it has exercised even the knowledge of what priority means.

On page 191 of the *Official 1993 Hansard Report*, Vol. 1, the Minister for Education said (in his debate on the Throne Speech and the Appropriation Bill), "I appreciate, and I hope the public appreciates, that the money is not very plentiful at this time but it has been a decision of this Honourable House to live within its means and there will have to be a progressive building up of money for maintenance on the roads and the upgrading of the roads. I have always believed that it has got to be a fallacy to build new roads when you cannot maintain the old. That is wrong. It leads to the problems we now face where major areas of the roads are reaching a stage where they are going to have to be completely redone."

Clearly, five years ago the position was accepted that this type of work had to be done, and it is only now that we are hearing about it since then.

If we go back to what the Minister for Tourism discussed when he brought this \$54 million, he stated clearly that Education was a very important issue to be dealt with. He stated that very clearly. I know that for many years I have been trying to deal with the Honourable Minister for Education, telling him about the lack of physical facilities and the need to be dealing with that. Of course, we always hear from him that from the time he has been responsible for Education he has been doing everything possible; he has been doing his best.

The Minister for Tourism said, **"There are other infrastructural needs that are not in the best interest of the public to leave, or not address in a proactive way. Education is one of those areas."** [Hansard 23 November, 1998] And then he went on to read about the various schools and the lack of space and he quoted some statistics. All he was doing, basically, was verifying what some of us have been trying to say for many years.

Before we get into the argument about Education, let me say that the only plus I can give them is that, thank God, finally somebody seems to be willing to do something! What really strikes me as being funny though, is that the Minister for Education—who knows my position on it—let the Minister for Tourism deal with it. Nevertheless, I won't form any opinions about that. I am just making that observation.

When we talk about Education, I would like to just take a minute here to quote a few small excerpts from a report that was passed on to us. This is the "Final Report on the Mid-Decade Meeting of the International Consultative Forum on Education for All." This was held in Amman Jordan in June 1996. The report is headed "Education for all—Achieving the Goal." We are going to use these to highlight the importance of Education to the entire world.

It begins, **"Education is empowerment. It is the key to establishing and reinforcing democracy to development which is both sustainable and humane and to peace founded upon mutual respect and social justice. Indeed, in a world in which creativity and knowledge play an ever-greater role, the right to education is nothing less than the right to participate in the life of the modern world. Aware of the power and potential of education, the international community committed itself at the World Conference on Education for All, held in Thailand in March 1990, to meet the basic learning needs of every individual."**

It addresses some continuing challenges. And one of them is, and I quote: **"The training, status and motivation of teachers continues to be at the very core of educational concerns. While we must make better and wider use of technology and media, they can complement, but never replace, the essential role of the teacher as the organiser of the instructional process and as a guide and example to the young."**

The final area that I wish to quote here is very important. Under the subheading, "Much more attention needs to be given to literacy and non-formal education for youth and adults," it says, **"Throughout the world the best predictor of the learning achievement of children is**

**the education and literacy level of their parents. Investments in adult education and literacy are thus investments in the education of entire families. During the mid-decade review virtually all countries reported that funding for basic education is inadequate. This was largely echoed at the forum meeting by participants from developing countries. And despite the mass of research illustrating the high return of investment in basic education it continues to receive a very small share of most national budgets."**

I want to read that one more time. "...it continues to receive a very small share of most national budgets."

**"Mr. Maier called on all countries to invest at least 6% of their GNP on education."** At least 6%!

He said. **"The funds exist. It is now a matter of priorities. But it is also evident that much more can be achieved by better use of existing resources. 'Too often,' said Mr. Jolly, 'many of us fail to realise that most of the resources required are already there within the education system . . .'"** and here's the big key, Mr. Speaker, **"if determined leadership, cost-consciousness, and ingenuity can be combined to achieve the reallocations and mobilise the additional effort required."**

So we see the scene being set internationally to put the case forward regarding the importance of education. If we look in the Estimates we see that teacher training for 1998 is supposed to cost \$106,000. In the 1999 Estimates that figure goes down to \$76,000. I have to admit that in the area of scholarships the Government is performing fairly well. But it doesn't end there.

In a recent question the Minister for Education was asked to give a breakdown of capital expenditure on public educational facilities from January 1993 to date. He listed them. At the end it reads, **"Total new capital, 1993 to date, \$6,483,348.50."** So let's round that off to \$6.5 million. Every one of them who has spoken (and all of us who speak) keeps touting Education. When I looked at an appendix prepared by the Budget Unit outlining recurrent revenue, recurrent and statutory expenditure, etc., and I added up from 1993 to 1998, total capital expenditure will exceed \$170 million. That's capital expenditure. We are not talking about budgets, we are not talking about the \$20-odd million that is in every Budget for the Education Department to function. That is recurrent. We are talking about capital with an ever-growing population.

In five years the country has spent \$170 million in capital projects. And of that \$170 million, only \$6.5 million has been spent on Education. Giving them the benefit of the doubt, that is 4%. So where does Education lie in our list of priorities? Where do we get our priorities as to what has to be done first with our limited resources?

Now the Minister may never have known that before now, but I guarantee you that these two documents I am using are bona fide—one he gave me, and the other one is an appendix from a government department which is public information.

You know, Mr. Speaker, I should stop right here because this tells the tale. But I actually like the responsibility I have been given because I like the challenge. I don't like to jump all over people, but because of the responsibility I have been given I must speak about this, espe-

cially after so many of us have been talking about it for so long.

But the crowning statement after looking at all of this. . . and I know that two hands and two feet couldn't count the number of times we have (in my language) "hooked-up" in this House over the argument of public educational facilities . . .but the crowning statement is this: if come September 1999 we run out of space for the children, do you know what we are going to do? We are going to import pre-fabricated classrooms for the children.

**Mr. Roy Bodden:** What? Whose idea is that?

**Mr. D Kurt Tibbetts:** All I can say is God help us.

So, here we are with the situation as I have just mentioned. But Government is calling on us now to forget all of that. Now we are ready to trod the right path, so let's not talk about that any more. Let's just move on nice and smooth.

What they have done . . .and it's purely tactical—that's the part that gets me, Mr. Speaker. They come in now, preaching on all of the things that the country needs. What are we saying? That the country didn't need them before?

That "Pious Joe" attitude doesn't work with me. All that tells me is that they find themselves boxed into a corner, and the only reason they are reacting like that is because it is the only one they can hold on to that they will survive with. And that's not what it's all about. We are here to do what is best for the people of this country.

And when I bring out a point like I just made, for someone to cry 'ignorance' doesn't hack it. For someone to come back and spend an hour talking about the size that I am, or what I do, or whatever, that still doesn't hack it, Mr. Speaker. That doesn't change what we face. And it would not have been so bad if it had come like a hurricane out of the blue, and we didn't know anything about it. But for years it has been known! The Department gives them the facts! The Ministry does projections!

The Minister may wish to say that he didn't know this was the situation, but, unfortunately, the buck stops with him. It is in his interest to find these things out. So what do we do now? Perhaps we might take a break, and when we come back I will say what we might do.

**The Speaker:** We shall suspend proceedings for 15 minutes, and I ask Honourable Members to please return in 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.25 AM

#### PROCEEDINGS RESUMED AT 11.45 AM

**The Speaker:** Please be seated. Debate continues. The First Elected Member for George Town, continuing.

**Mr. D Kurt Tibbetts:** Thank you.

When we took the break I was just concluding some facts and figures on capital expenditure in the area of

Education. In summary, what I was saying was that from 1993 to date only 4% (approximately \$6.5 million) of the approximately \$170 million worth of capital expenditure was spent on Education. I think the point is very clear: There has been a total lack of concentration in this area. Yet, all of us, for more than one reason, are talking about the importance of Education.

I just want to re-emphasise the lack of concentration by the Minister for Education when it comes to the area of Education. I want to quote from his contribution to the Budget Address for the Estimates of 1992. In the *Official 1991 Hansard Report*, Volume III, page 1243, he said: **"Can you imagine that? All the money that is in there for the Jennet L or T, whatever it is, for the hospital in the pond, and the Government is not spending the money that is necessary to renovate the fire alarm systems at the schools."**

**Mr. Roy Bodden:** That's him! That's him!

**Mr. D. Kurt Tibbetts:** It goes on to read, **"Not included \$2.2 [million], no electrical maintenance to schools outside of GT and WB areas [that's George Town and West Bay]. Can you imagine that?"** That's what he said!

**"Fires normally arise from electrical problems. So they are leaving the children in schools at risk. And it cannot be very much money to bring a fire alarm system up to date. I do not know what the Member for Education and Recreation is going to say on that, but that is appalling. Quite frankly, they had better just take the money from somewhere else, and I can tell them where they can probably get it from, and put in the few dollars necessary to possibly save the lives of our children."**

That was in 1991, Mr. Speaker. But in 1998 we had to juggle funds around to complete it!

**Mr. Roy Bodden:** True!

**Mr. D Kurt Tibbetts:** Seven years later!

According to what he said in 1991, [I guess] the children's lives weren't worth pittance to him since then. And you wonder where [his] priorities lie.

Someone said earlier on that it looks like so many things are going full circle. Well, this is one of them!

If I really wanted to I could pull more than that, but that is not the exercise. The exercise is to try to get in the minds of the people who develop the country's policies that they cannot continue to do it the way they have been doing it. I, for one, cannot stand by and hear one delivery from Government saying the same thing I am saying now—that I have been saying for the past six years—and just say, *'Okay, fine. Let's move on.'* That can't happen because the Government has not—I repeat: HAS NOT!—by any means shown us either the will or the intention to do different, even when it says so now.

That is probably enough said about Education. The one last thing that I want to say, because by now I am familiar with the Minister's style . . . I remember on several occasions in recent times when he was softening us up for the blow—because that's what it was—it suddenly dawned on him that the immediate need for physical fa-

cilities in this country for public education was \$50 million. He started to soften us up for the blow.

Here is how he did it. He kept saying that we were into this health thing. We were building this new hospital, and the country's resources were being taxed tremendously. We had to wait until we got that out of the way and then we could come and deal with this thing.

But let me remind the country that from 1993 to date we spent \$170 million on capital expenditure. Of that, without going into exact figures, I believe a very decent approximation is that 20% of that \$170 [million] has been spent on upgrading health facilities in the country. So if we are looking at \$170 million, and we are looking at somewhere between \$30 million and \$35 million being spent on health facilities (call it \$35 million), and giving him the benefit of the doubt of 4% being spent, we still have 70% of capital expenditure that has gone elsewhere.

The whole point in all of this is lack of prioritisation. They can come back and whine, and they can cry, and they can say whatever they want to say, but that will not change the fact.

Let us look at the way the country's finances have evolved over the past few years. If we look at the trend with the contribution to capital since 1993 from recurrent expenditure, I am going to show you a cycle. I need to quickly quote these figures: In 1993 the contribution from recurrent revenue to capital expenditure was \$11.2 million. In 1994 it went up to \$13.9 million. In 1995 it went up, yet again, to \$16.3 million. And in 1996, higher yet, to \$23.8 million.

But we look at 1997 and we start to come down again. The year 1997 comes down to \$20.1 million. Then 1998 comes down more yet, to \$15.7 [million]. And the projected for 1999 is \$11.1 [million]. So you see, from 1993 to 1996 we were on an upward slope. But from 1996 to 1999 we are coming back down. What that is saying is that our recurrent expenditure is increasing at a faster rate than the recurrent revenue.

**Mr. Roy Bodden:** Formula for a disaster.

**Mr. D Kurt Tibbetts:** Those little figures that I just used show us exactly what has been happening to us. It is not a good sign. Everyone will agree. No one can argue that.

Just to show you why it burns me, why it grieves my soul, Mr. Speaker, . . . we are talking from 1993 to 1999. The Government was elected in November of 1992. I am looking again at the *Official 1991 Hansard Report*. On page 1225 of Volume III, where the now Minister for Education is making his contribution to the Budget Address.

He said: **"This heavy amount of taxes has arisen because the Government has been incompetent. They have spent all of their time on spending and blaming other people for the problems of the country rather than putting in the time on trying to make some money, because there is a very clear principle in finance that any fool can spend money but it takes a wise man to make it. Here we have, as the Honourable Financial Secretary has in his professional and able way put it, the gap between expenditure and revenue widening so rapidly and so greatly that the coun-**

**try is heading in due course for further serious financial problems."**

This was 1991, Mr. Speaker. And that member—who is now the Minister for Education—was telling the Government at that time . . . and probably at that time he was correct. Probably that's what the figures showed. But what are the figures showing now? He mentioned this "heavy tax" business. I haven't even spoken about that yet. But he summed everything up in one little short paragraph.

I ask the question again, Where do we go from here?

Let us look at the other part of the country's finances. And I am going to be dealing with 1997, 14 November, where the Minister for Education . . . and, Mr. Speaker, I remember this vividly. It was during the time that I was dealing with this that I nearly got in trouble with you. And I apologised to you for that, sir. We aren't going to get into any trouble over that now, but when I am through explaining this I am going to ask the question again. If it is not misleading, then what is it?

On page 572 of *The Official 1997 Hansard Report* (Volume II), the Minister was going along his merry way . . . I don't even know what kind of dance I can call it now. But, anyway, it was one of those dances where you bend yourself out of shape because that is what was happening—he was bending everything out of shape to suit what he wanted the public to believe. He said: **"The Civil Service Pension Fund has had approximately \$33 million increase in the last five years and is now up to \$40 million. [I'm not arguing with that] That \$33 million, a large part of which pays back pensions because it was so badly under-funded."**

The Minister wanted the public to believe that the \$33 million he was referring to was being used to pay monthly pensions. This is what I am reading, Mr. Speaker. I didn't make this up. We all know that the fund was so badly under-funded (as he called it) that the contributions that are being made now to that fund are single-entry contributions because nothing is being extracted from the fund. There is nothing being extracted. The payments that are made for pensions come out of recurrent revenue.

That point is very clear. Nothing was being taken out of that money, and it is not being taken out of it this year. It just goes to show how recklessness can come back to haunt you, Mr. Speaker. That's what it shows.

**Mr. Roy Bodden:** True!

**Mr. D Kurt Tibbetts:** He went on to say: **"The position has to be looked at from a point of view of the fact that the debts, or the borrowing this year, which is at about \$19 million, which I doubt if we will really borrow that amount, the repayments of that are \$17.5 million as set out in table 2(A), so that the net borrowing is only about \$2 million . . ."**

But here is how the guy . . . and the guy's good, Mr. Speaker. Do you hear what I tell you?

**Mr. Roy Bodden:** A Christian!

**Mr. D. Kurt Tibbetts:** Here's what he says, let me just go over this again. He is saying that the borrowing for this year (which is 1998) is \$19 million. But the Government is paying back \$17.5 million. Now, I know what he is referring to with that. And I want him to listen carefully because I heard him, and I understood him. I want him to listen.

He is saying that the Government was borrowing \$19 million for 1998. But Government is paying back \$17.5 [million]. Now, we all know that what he means is that the ongoing payment on the public debt is \$17.5 [million] for 1998. He says ". . . **so that the net borrowing is only about \$2 million give or take interest** [that's no big deal, "give or take"] **on how much of the repayment of \$17.5 million is actually principal and what is interest.**"

**Mr. Roy Bodden:** In Jamaica they'd call him the *Samfie Man!*

**Mr. D Kurt Tibbetts:** So he uses the Queen's English to make the country believe that we were only borrowing \$2 million in 1998. That's what he was saying!

**Mr. Roy Bodden:** He's getting exposed now, though!

**Mr. D. Kurt Tibbetts:** Yet, the figures that we have here tell us that at year-end 1997 the public debt was \$82.4 million, and the projected year-end for 1998 was \$92.1 [million].

Accepting that while you are borrowing you are paying on your previous loans and have to start payments on the new ones, depending upon what time of year you borrow them, even with what went back on principal we are still going up by \$10 million. Big difference! It's not what you do, Mr. Speaker; it's how you do it.

Then he comes on fancier yet. He turns up the burner a little bit, and he says, "**Also, from 1993 to 1997 the borrowings, when you remove the amount for Cayman Airways, we saw that repayments over the period from 1993 to 1997 were \$45,021,900, while the total borrowings over that period amounted to approximately \$34 million or \$35 million.**"

Here's what he said, Mr. Speaker: "**So, far more has been repaid during our five years in Government than we have borrowed.**"

**Mr. Roy Bodden:** Wow!

**Mr. D Kurt Tibbetts:** A Sweeping statement!

"**So, far more has been repaid during our five years in Government than we have borrowed.**" I don't even think that I should go into the specifics. But if far more has been repaid than we have borrowed, why is the public debt climbing?

**Mr. Roy Bodden:** Ask that again. Repeat that!

**Mr. D Kurt Tibbetts:** Mr. Speaker, a very good friend of mine once told me that repetition bears emphasis. I ask

the question again: If between 1993 and 1997—as the Honourable Leader of Government Business (and I quoted him) said—"So, far more has been repaid during our five years in Government than we have borrowed." If that is the case, why is it that every single year the public debt has risen? I wonder which bank they borrowed it from.

**Mr. Roy Bodden:** Creative accounting! Single entry!

**Mr. D Kurt Tibbetts:** It's worse than that!

Mr. Speaker, in 1993 the total public debt was \$54.13 million. In 1994, the public debt was \$61.16 million. In 1995 there was some special business which the Honourable Third Official Member can explain a lot better than I can, whereby there were some loans in different currencies. That had to get straightened out, so the public debt came down to \$51.56 million. But in 1996 it went back up to \$67.6 [million], and in 1997 it jumped again to \$82.4 [million]. Yet, in five years we have repaid so much more than we have borrowed?

If we have repaid so much more than we have borrowed, there is no amount of interest in the world that could make a jump like I just stated.

Then he said, "**I see there is a bit of smiling over there.** [And I am sure he was referring to me, or perhaps the Third Elected Member for Bodden Town.] **But let me just point out, since I must give details to this, that in 1992 the repayments were \$2.5 million; in 1993 repayments made on past debts were \$9.5 million; in 1994 repayments made on past debts were \$8.7 million; in 1995 repayments on past debts were \$15.3 million; and in 1996 it was \$10.1 million; and in 1997 it is estimated to be \$13.9 million which gives a total of \$58 million paid in the past years from 1993 to 1997.**"

His first fancy use of the Queen's English in that statement was to make the public believe that all of these payments were being made because he tacked in this thing about "past" debts—and he has this thing about "past" debts prior to 1992 when they got in. So he wants the public to believe (that is the way I am reading it here) that all of these payments are going to debts before this Government took over.

In his summary, Mr. Speaker, he said, "**So, less than \$30 million was borrowed during that period** [and he's talking 1993 to 1997 now], **and \$58 million was repaid during that time.**" That is how he finished off his argument he'd built up before.

If that is not misleading, Mr. Speaker, what is it?

Now, Mr. Speaker, I chose to deal with that because it gives us a better picture as to what has been happening over the years, and how the country's finances have been dealt with. There was a time between 1992 and 1996 . . . and let me tell you now, Mr. Speaker, I am not afraid to speak the truth, even though it makes me look like an idiot. That's all right with me.

I am telling you that there was a time between 1992 and 1996 when the Government believed—especially the Leader of Government Business—that the combina-



tion of the Backbench was such that whoever was not on their side was not capable of understanding what they were doing. He believed that! And I am licensed to say he believed it because if he didn't believe it he wouldn't manifest it. And he manifested it! He tried it in 1997.

I have all of the rest before that, but I won't bother because it would get a little bit too boring. It was just a little bit different figures, but it was the same old song and dance business that I told you about, Mr. Speaker. It was the same thing all along.

He goes on—and this one is too good to pass. . . I want to prove the style and from whence it cometh. In 1991, again on page 1248 of *The Official 1991 Hansard Report*, . . . when I tell you that this is the way it has been going on, Mr. Speaker, this is the proof of the pudding. You can understand why some of us get irritated.

For the Minister's edification, it's *The Official 1991 Hansard Report*, Volume III, page 1248. He said, "**Realities are realities, and if Government knows that it has to come here for money then some estimate should have been put in the Budget to show realistically what Government's position really is.**"

Mr. Speaker, pardon me if I laugh. That was in 1991, and this is what the member (the now Minister for Education) was telling the Government. He went on to say, "**The tactic, probably brought out by the Member for Communications and Works [who is now the Third Elected Member for George Town] who claims he is the only qualified one in here to come up with figures, and I am going to deal with that a little bit later [he says], they produce a Budget and shortly after they go and get supplementary expenditure so that they do not have to include it in the Budget.**"

Mr. Speaker, do you hear what I just said? Allow me, sir, please, just the very last part. "**They produce a Budget and shortly after they go and get supplementary expenditure so that they do not have to include it in the Budget.**"

**Mr. Roy Bodden:** The Emperor has no clothes!

**Mr. D Kurt Tibbetts:** That was in 1991, Mr. Speaker.

If collective responsibility was not the order of the day, and knowing how truthful the Honourable Third Official Member (the Financial Secretary) is, if license were given to him he could talk about what I just read for hours to prove my point. But I won't go any further than that, because the same argument that was brought in 1991 is the same style that has been employed to date. So, do as I say, not as I do. I am the preacher.

But there is hope, Mr. Speaker. So if the Minister for Health thinks that I am going to spend all day preaching gloom and doom, I won't do that. There is a little bit of hope. But, it does not lie with the Government.

**Mr. Roy Bodden:** True!

**Mr. D Kurt Tibbetts:** I mean, it really amazes me sometimes when I look back in the *Hansards*.

Do you know what it proves Mr. Speaker? I am going to tell you what it proves. And as long as I am an elected representative I will stand the test of time with that. And if I fail, then they will do what they shall do with me. But it proves that people want to get their hands on power and their intentions are far from pure.

**The Speaker:** Let's not stretch that point too far.

**Mr. D Kurt Tibbetts:** Okay.

Let me say in a gentler way what it proves, Mr. Speaker.

**Mr. Roy Bodden:** You better say "speaking generally."

**Mr. D Kurt Tibbetts:** I am reminded to use a term used very often by the Minister for Education, so I will say "speaking generally."

**Mr. Roy Bodden:** Now you're on the right track.

**Mr. D Kurt Tibbetts:** What it proves, Mr. Speaker, is that people—

**Mr. Roy Bodden:** Politicians!

**Mr. D Kurt Tibbetts:** —who enter the arena of this thing called "politics" go to the public and ask the public to give them an opportunity to represent them. And when they get that opportunity they stand up when they are on this side of the fence and preach everything that is right, and the moment the shoe is on the other foot everything is forgotten. That is why I said that as long as I am here, wherever I fit I am prepared to stand that test. Do you know why? Because I have seen too much of it, and I know what is right and what is wrong. That's why.

And, Mr. Speaker, I can make a statement that is not straying too far, and I think it's a safe statement: For that attitude my country suffers! What it proves is that the national good is secondary, at best; it is not the primary focus. That's what it proves.

And now we have seen where some of the problems have come about. We have seen where mismanagement has caused us to be in the position we are in today. So a synopsis is—and I am referring to what the Minister for Education has said in the past—that Government from time to time, through lack of prioritisation, has spent the country's money on projects which, in its opinion, suited the political posturing at that time. And now it has put the country in such a situation where what was done cannot be undone; what was spent cannot be unspent. So now it comes to the country and says, '*Okay fellas, we know what to do now. Don't bother to row with us. Don't argue with us. Just hop on board because you all know that this is the right thing to do*'—after the fact!

Truly, it is not my intention to be personal. But accountability is accountability. And, in all fairness, I believe that if one sheep is leading the flock astray they should have enough sense to *dis 'im*.

**Mr. Roy Bodden:** *Dis 'im, yes!*

**Mr. D Kurt Tibbetts:** It seems while they all head in the same direction, that they all want to head that way. But, again, we know how it is.

A little bit earlier I was talking about mismanagement. I don't want that to appear like the public managers are incompetent, because that is not what I am saying. I am saying the lack of policy direction . . . in fact, the lack of policies in general, and the total absence of political leadership is what is causing the problems.

When the Minister for Tourism brought the \$54 million package (I referred to it on Friday), he said that we needed to be planning two-year programmes. And I have mentioned before—and I will not stop!—that Government shows a distinct lack of forward planning. The Minister for Tourism is finally saying that you cannot plan for just one year. That is basically what he is saying. That's nowhere good enough.

I come back once more to the Medium Term Financial Strategy and the Public Sector Investment Programme.

**Mr. Roy Bodden:** True!

**Mr. D Kurt Tibbetts:** The Honourable Third Official Member has been put on the spot by me in these Chambers on at least a half-dozen occasions, if not more, by my asking that question. Because he is bound by collective responsibility all he could do was bob and weave so as not to come out and tell it as it is. And I respect him for that.

But you see, when you are up in here for a certain length of time, plenty of times they know how to tell you. You can just see it by the reaction. But I know that the advisors of the political directorate—which are the senior public servants—have tried to sell this idea to the Government for at least the last five years. In fact, because I don't hold any brief for anybody, I know they tried to sell it to the last Government, and the last one going off. But there were a lot of problems then.

**Mr. Roy Bodden:** The recession.

**Mr. D Kurt Tibbetts:** The recession was on, things couldn't work right and the political pressure was on.

The current Minister for Education would tell them all the things they were doing wrong—which he is doing now—so it didn't go far with them. But this Government has had five wonderful and glorious years to take this idea on board. They themselves boast how the country has never been better. I am not arguing with them. But the jam we are in now is a direct result of not taking that on board.

Let me, in my own little way, try to explain to the public the benefits of the Medium Term Financial Strategy (MTFS) and the Public Sector Investment Programme (PSIP).

The Ministries and the Portfolios that make up the Government all have their individual priorities, and all

have their so-called vision for the future. What continuously happens, when it comes time for Budget and spending, is a lot of bartering. We get situations where he who hollers loudest gets the best results; we get situations where if one loses that one's loyalty he is going to be in a whole pile of trouble. And what we find is individual and parochial capital expenditure.

Again, for this my country suffers!  
[applause]

**Mr. D Kurt Tibbetts:** If they had taken on board the idea of the Medium Term Financial Strategy they would have been able to look at the country's financial resources in its entirety prior to making up a Budget—not afterwards. It's the same exact trap. Because it is done the way it is being done now, and when they find out afterwards that they can't make two ends meet, that's when they come with the taxes. And money has been spent where it need not to have been spent, because there were no priorities.

As I was saying, if they had adopted the principle that is preached by the MTFS and the PSIP they would be looking at the country's entire resources, they would have all of the priorities of the various Ministries and Portfolios. By knowing what resources are available, they would be able to put the capital projects in order of priority. At that point in time, they could be totally proactive when it comes to raising revenue for the country.

I need to side step a little bit here, since we are talking about revenue measures. I gave a brief explanation on Friday, which I believe to be the truth. It is only when they come down to where there are some things they know they have to do, and they find out that along with the recurrent—which they can't stop, they can only shave so much—there are certain basic things that have to be paid for in order for the country to run. After they shave the recurrent, after they find out what capital projects they can't wait any longer on, then the answer to the gap they have is to tax the people. And in dealing with it in such a manner, where it's last minute, you get all kind of fool-fool ideas coming out.

Let me show you where it just doesn't make sense. We boast of affluence in this country, and we talk about the earning power of individuals in this country being the highest in the Western Hemisphere and whatnot. Notwithstanding all of that, we also know that the largest percentage of the population is the smallest earners. Of course we know that. And the revenue measures that are continuously employed in this country are passed on to the same people at the end of the day.

**Mr. Roy Bodden:** True!

**Mr. D Kurt Tibbetts:** But, Mr. Speaker, you know the real bad part about that is that in doing that, . . . when you add up all of the extra payments they have to make to live—to buy their food, to buy their gas, to buy everything—their earning power will not increase accordingly. The Government knows it, obviously; because the same principle the Government has just applied to the civil servants—giving them a 2.7% increase retroactive to 1

January 1998, and as of 1999 a 3.3% increase in salaries—is only to bring the civil servants' earning power back to the level it was a few years ago.

So, in truth and in fact the raise that we are talking about is not a raise.

Don't get me wrong, when I'm talking about the Civil Service I am drawing a parallel to show that that is not what obtains in the private sector. That is not going to happen, especially in the small businesses.

**Mr. Roy Bodden:** Preach, brother, preach!

**Mr. D Kurt Tibbetts:** And when we do that, do you know what we do? We just look at the things that haven't been touched for a little while—the school fees and the book rentals.

Now, let's just hold on. I am not putting forward an argument as to exactly what these fees should be. I am not dealing with that principle now. The principle that I am dealing with is this: If the majority of the people in the country are in the lower income bracket, it means that they do not have the latitude to make too much movement with their fixed expenditures.

When you add certain direct expenditure to their budget it must throw them out of whack because they are not prepared for it. The majority of them are living on next month's salary anyhow. We know that. We don't want to expose us to things that we shouldn't be exposed to, Mr. Speaker, but it's the truth!

**Mr. Roy Bodden:** It's reality!

**Mr. D Kurt Tibbetts:** It is the truth!

And the Government gets up and says *'The country cannot continue to expect the Government to provide these services and not have to pay for it!'* Nobody is questioning that. But it is how you do it. If it were not political posturing, and they were dealing with it diligently, they would be looking at small and sensible increases more often.

**Mr. Roy Bodden:** That's right!

**Mr. D Kurt Tibbetts:** But you see, we have elections every four years. So they figure all kinds of strategies. If you are going to lick 'em, lick 'em in the first six months after you get in. Then leave them alone until the next time around. And for that, my country suffers!

Mr. Speaker, they do not understand. However many degrees, however many years in Finance, they either do not understand—

**Mr. Roy Bodden:** Now you're talking!

**Mr. D Kurt Tibbetts:** —or they worship the wrong God. That is not meant literally, Mr. Speaker. They know what I mean.

**Mr. Roy Bodden:** They're reading the wrong books too!

**Mr. D. Kurt Tibbetts:** We are left with a situation where the Government has dealt its hand. Then it comes to us with a package that we are to accept on behalf of the people because the line of argument is that these things are necessary—we *need* to do the roads, we *need* to build our educational facilities. Therefore, whatever the country has to pay for it, however we put it forward, we just simply must bite the bullet and deal with it.

I am not going to take that and just say yes. No way!

I want to bring out one more point. I want to show you how the line of argument is used to satisfy the immediate occasion, when in truth and in fact it does not paint the correct picture.

The Minister for Tourism, in his debate . . . (pause) I know what he said, and I can easily give the gist of it, but I would like to quote verbatim if I can quickly find it here. It has to do with that magical figure where the amount of debt service compared to the recurrent revenue and the percentage of recurrent revenue used to pay back on loans does not exceed 10%. In fact, he is saying with \$30 million of loans for 1999 (if that is what we go for), that the amount that is included, and the way they have put it forward, puts it at 7.1% or 7.2%.

For the love of me, I don't seem to be able to find it, but I will go on. Let me use my own words.

The Minister was saying that with the debt service that we have now, if we engaged in \$30 million worth of borrowing for 1999, . . . don't forget, now, he has brought a \$54 million package so my understanding would be \$30 million in 1999, and \$24 million in the year 2000. That is his two-year plan.

What he was saying was that by the time we finish borrowing that \$30 million during the course of 1999, and we have to pay on the interest (and he quoted some figures) during that time out of what our projected revenue is for the year 1999, our debt repayment will only be 7.1% or 7.2% of that projected revenue. Of course, the benchmark is 10%. If we are below 10% we are in a healthy financial situation.

Let me tell you what factors have not been outlined to the public. First of all (and historically this is a fact), whenever you employ revenue enhancement measures—meaning whenever you increase taxes to the people—your projected revenue for the following year is not always on target because you run the risk in certain areas of less consumption because the cost of the goods has gone up. Even in this Budget and these Estimates if you look at certain areas you will see where revenue fell short because of the previous tax measures.

So, the figure that he quoted was about 7.1%. First of all, in 1999 it might remain like that, but come the year 2000 it is possible that our projected revenue may be less. Also at that point in time we are paying on our principal too. If we have borrowed the \$30 million by then, and if our revenue falls short and we are paying on that principal, that 7.1% can go through the window.

Don't forget too that it is not over yet. By the time you prepare the Budget for 2000 you are also borrowing \$24 million more, minimum, if they don't come up with something else again. So, you will have to pay on that

too. I don't believe for a second (and I hope God spares my life to come back here next year and prove what I am saying) that the recurrent revenue for the year 2000 is going to be any more than it is for 1999. I don't believe it! Those who are open-minded and fair (without my going into details) will understand why I said that. But I say that with good reasoning.

So by the year 2000 with the proposed borrowings, I will venture to say we will be past the 10%. But the idea is: *'The country needs these things, let us get going with it. Let us get involved in what we should be doing for the country; let us move on. We are basically hoping for the best afterwards. Once we get this roll now, by the year 2000 when election comes around we won't have that kind of problem, we will worry about that the year afterwards.'*

If you want to break, Mr. Speaker, we can.

**The Speaker:** We shall suspend proceedings until 2:15 for lunch.

#### PROCEEDINGS SUSPENDED AT 12:48 PM

#### PROCEEDINGS RESUMED AT 2:20 PM

**The Speaker:** Proceedings are resumed. Debate continues. The First Elected Member for George Town continuing.

**Mr. D Kurt Tibbetts:** Thank you Mr. Speaker. In capping off the discussion about the Medium Term Financial Strategy and the Public Sector Investment Programme, with your permission sir, I would just like to read one of the answers given to a parliamentary question that was asked in 1996. It was answered in writing on the 3<sup>rd</sup> October 1996.

The question was directed to the Honourable Third Official Member responsible for Finance and Development, and it asked him **"to define the terms of reference under which the proposed medium term financial strategy is being developed."**

The answer was, **"Madam Speaker, the Medium Term Financial Strategy and Public Sector Investment Program is a medium term financial planning document which covers the initial period of 1996 to 1998 and which is intended to assist in allocating resources more efficiently among competing uses. In particular, the medium term financial strategy is expected to be a tool to aid fiscal decision making. It will address issues such as revenue generation, expenditure management, debt service capability and the level of general reserves."**

Mr. Speaker, these are exactly the topics at hand. It will address issues such revenue generation (which is the tax package that has been dropped on us) expenditure management, debt service capability, and the level of general reserves.

**"Within the context of this strategy, the public service investment programme will outline a list of capital investment projects in priority order."**

I repeat: **". . . a list of capital investment projects in priority order covering all sectors of the economy. It will be formulated at one level within the context of the overall**

**development objectives of the Cayman Islands, and at another within the objectives set for each sector."**

What I just read is a finely tuned version of what I was trying to explain earlier on. That question was asked during the September 1996 meeting, which was the last sitting before the elections.

That was not the first attempt, because as early as 1994 I distinctly remember the Honourable Third Official Member explaining to this House what it was all about. So, the public service—the adviser to the Government—has been attempting for several years now to employ this strategy. Even when the Government comes with what it calls a two-year capital development package, it still doesn't even mention this.

So if they want us to even entertain the thought, the least they can do is to come to us with a proper plan. It is ludicrous in my view to simply deal with something over two years and not deal with all of the other issues at hand. Remember, the issues that are relevant and that have to be dealt with are: revenue generation, expenditure management, debt service capability, and the level of general reserves. So, if the Government wants to make some attempt to make amends for the miscarriage that has gone on over the years, then the least it can do is go to the public managers and say, *'Gentlemen, would you please put a package together for us?'*

In essence, we have a ship-shod operation. The Government has at its disposal the expertise to deal with it properly. But, again, even when it makes vain attempts to cover itself to make it look like it is doing what it is doing right, it still leaves out the most important parts of it.

So, we have an original project with the proposed borrowing of \$20 million. We have a few subjects changing within the ministries and suddenly we have a new proposed borrowing of \$54 million over two years. Our priorities are different now. We know the right things we have to do. But, again I have to repeat, to make sure that we get the point, we are talking here of a revenue enhancement package of \$12 million. That, in my view, is totally out of whack because it goes for the wrong dead horses.

We have a proposed capital expenditure over two years of \$54 million, notwithstanding what else might be added in between, and they have not addressed the necessary ingredients to make sure that the picture is painted properly and completely.

We on the backbench are feeling for information. We have to beg and kiss-up people to get information that we should have. And these people have direct access to it and they will not use it! But do you know what is likely to happen after certain things have come to light? Just because it is not within them to admit that this is how they should really do it, they still probably won't do it even when they know it is right. Again, for that my country suffers.

Okay, let us look at the variables. What we are going to be dealing with now is a Loan Bill, which, if I understand the proposal correctly, will change from \$19.5 million to \$30 million for 1999. But the commitment that is going to be sought is for the complete package of \$54

million. When you commit one end of it, you are committing the rest of it because you know that you are going to have to follow it up.

Then we are also going to be asked to vote on the rest of the tax measures, and then we are going to go into Finance Committee with a view to approving the proposed expenditures for 1999. That's what we have in front of us.

What we have diligently tried to show, thus far, is that while the country is functioning, and while all is not lost, there are certainly some areas that need to be addressed which we have been begging for years to have addressed.

We have shown that the Government is lacking seriously in fiscal policies. If we have not proven that by now, I don't know what else we should do. There is no joy in proving that. While I might rant and rave to make the point, . . . trust me, there is no joy because when my country suffers, so do I.

I do not know what the line of argument is going to be when they come back to us. Let me say that personally I am not prepared to accept the tax package as it is because it is not well thought out, it is not innovative; and it beats the same dead horses they beat all of the time.

I want to just use, if I may Mr. Speaker, two quick little examples to show you how they arrive at this wonderful tax package. Some people might want to disagree with my line of argument, but I am going to put it forward still because I believe that it makes a lot of sense.

Look at the garbage fees: Houses and apartments are going to go from \$50 per year up to \$100 per year. But condos and houses on Seven Mile Beach (which is cemetery to cemetery) are going to go up to \$300 a year.

Now, my interpretation is that they figured, *'Well, from cemetery to cemetery—from West Bay Cemetery to Dixie—the rich people live there. So they can afford it.'* But not only the affluent live between the two cemeteries. And if that was the thought process behind it, how many other areas are there where we have the million dollar houses?

So if the intent is to really capture that level to offset the deficit, then they should have done that properly too. I am not asking them to tax anybody any more, but what happened to South Sound? What happened to West Bay, where they call The Shores? And that's not pointing fingers, that these people should be charged more, I am just showing you the lack of the process. Whenever you are going to employ tax measures, it must be seen to be fair and just to all—even if there is resistance in paying. But it does not appear like that.

Then, we have truly the classic example of bulk water distributors. If I understand the chart correctly, the current rate is \$150. It might not be the case, but I don't see any other figure for what it was previously. But, whatever the figure was, it has skyrocketed—that is, the annual fee for their Trade and Business Licence. It has gone to \$25,000!

It may be the thought that the Cayman Water Company is doing good business. They are on the stock market, so that is good to go at. They are making some

money. But there are other people who fall into this category, and it is not any personal defence of them because one might want to look and say, *'Well, they are doing all right too. They have some money.'* But that is not the way we deal with it.

There are people who distribute water to offices and there are some homes in this town who are not hooked up to either the Water Authority or the Water Company and they use this type of water because it is the only potable water they have access to. Now, if anybody believes that the jump in this trade and business licence to \$25,000 is not going to affect the price of that water, then they are sadly mistaken. But it does not end there.

The retailers today are able to import water, and what the water is contained in, duty free. So, if I am a supermarket and I import the water, the water is duty free. But if I bottle water here and sell it to the retailers, I pay 20% duty on all of the components that I have to use to deliver that water—the same components that contain the water that comes in duty free when you bring the water in. So they had best revisit that situation and look at it in the right light.

When I was talking about the importation (and I brought this up at least four years ago) . . . it cannot make sense. It cannot encourage local business. If that's the way we are dealing with it, we cannot do that. So, we see when we talk about increased duties and increased fees just by using those two little examples, it goes to show that the great minds got together in a hurry come-up fashion, and this was all they would deal with because they could not find anything else.

Other more palatable areas can raise much more revenue and will not reflect on the earning power of the people of this country.

We are not sleeping. We will deal with that when the time comes. But I am putting the Government on notice now that this package is not acceptable—not just because people don't want to pay anything more. No! But because Government's duty goes far beyond simply under a crises situation to come with a balanced budget, to shove these things out and expect it just to go like that. When in truth and in fact (as I said before) they are diminishing the earning power of the consumer. You cannot allow that to happen.

To make sure that when I say "diminishing the earning power" is clearly understood, I mean that the same money people get whether it is weekly or monthly, once these measures are approved it will buy less. Quite rightly, as I just heard my good colleague say, it affects their purchasing power. It is not about people paying for the increased services that the Government continues to provide. No one is questioning that. What we are saying is that when Government is looking to deal with revenue measures, they must be equitable, they must be fair, and they must be looked at in the best light for the people whom we serve.

And I contend today that this package does not display that. It does not! Perhaps at the appropriate time we can deal with some alternatives. We will see what Government's position is.

If I were selfish, I could easily say, *'Go ahead, let them do this. No problem. All it means is that we will have something to beat them up on the next time around when election is coming.'* But we cannot think like that because that is exactly why I made the statement "for this my country suffers." It is this exact same type of tactic that has been employed over the years.

That is what we will have to deal with when approval has been sought for those and when it comes to the Loan Bill. So that they can understand that we understand, here is what will have to be done. We will need to see what our loans are, how the payments are secured, the length or the life-span of the loans that we have so far, and which ones end when. We will have to see a true projection, which has not been proffered thus far with this package. If we go with this package, what is the year 2000 going to look like when it comes to debt repayment? But, as is usual, they would like to have us jump on the bandwagon and worry about that afterwards. It doesn't work like that, and it will not work like that anymore.

Because I know that I am so right, the numbers do not matter. If Government chooses to deal with it differently, then we will simply go to the people and see who is right, that's all. But if they are going to expect us to sensibly deal with any two-year package that they have brought . . . As I mentioned before, I read what the Honourable Third Official Member explained about the Medium Term Financial Strategy and the Public Sector Investment Programme that has to be accompanied by that. And it should not be two years, it should be three years regardless of elections or not.

And that's another thing that we need to get out of our heads. We can't plan this country between elections. That's crap! It does not work like that. So, we have to come and deal with what the Medium Term Financial Strategy called for, which is a three year rollover programme. You have three years that you plan for, you plan all of the attachments—how you are going to fund it, where the revenue is coming from, what you are going to be able to put into your general reserves to build that up—the whole works. And as you complete one year and see how far you get, you add another year to the end of it, so that you are forever planning your life, that's how we have to do it.

So that has to accompany it if we are going to be dealing with any \$54 million package. We have to understand what the loan payments are going to be, and we have to understand where we are with our public debt. And we have to see where we will be, having borrowed \$54 million.

What I didn't really mention with the Medium Term Financial Strategy, but what accompanies that immediately, is discipline when it comes to spending the country's money. We won't be dealing anymore with *'I woke up this morning and I have this wonderful idea: East End needs a second civic centre, and I don't care how you deal with it, I am going to fix it up. So give East End a second civic centre.'*

We are not going to wake up one morning where somebody who can holler the loudest figures out which road to fix, which place to build, which piece of land to buy so that we can look good.

As someone said earlier on, when it comes to politics you can't really get out of that entirely. Being a realist, I can understand to a certain point when representatives of various districts call for certain things to be done. I understand that. But, that must come after you have dealt with your national picture. That's what a Jamaican man called the *'braata.'* That's not the main package. It cannot be. And what we have had to be dealing with is completely the reverse. And it is not like some of us have not tried to say so.

Mr. Speaker, I think we now have a clear picture of what we must be dealing with. I believe that the specifics of certain arguments, when it comes to the Loan Bill and when it comes to getting the tax measures approved, can be dealt with more appropriately at that time. So I do not think that we have to get into the specifics of that in this debate.

Mr. Speaker, two things come to mind. I am no expert on the first one by any means. But I wonder, perhaps when the Honourable Third Official Member is winding up, if he could address the 'Millennium Bug' and how that might affect us in the year 2000? Not limited to Government and the functions of Government, but out in the private sector and the international financial centres with regards to the possibilities of it causing us some problems. We have to bear that in mind.

I do not have the answers, but I think the question needs to be raised, because I am certain that there are some who are much more informed than I am, and we would like to know. If it is something that takes months to clear up, in the meantime what happens with all of these functions? So we would just like to know that.

Mr. Speaker, one of the other issues that I want to raise with the Honourable Third Official Member is that in his address he mentioned the Stock Exchange. He said, **"I am proud to announce that the Cayman Islands Stock Exchange passed its one hundredth listing in July of this year, thereby earning its status as one of the world's fastest growing Exchanges."**

**"The Exchange now has a total of 122 listed issuers with a market capitalisation of approximately U.S.\$8.9 billion. There is growing interest from Latin America and the exchange is also working on the development of facilities for the domestic capital market."**

What I did not hear, Mr. Speaker (which would have been music to my ears), is that with the number of listings and the volume of capital listed, if the Exchange itself and the fees it was earning were to the point where it was not only self-sufficient, but it was making a contribution to the country's revenue. Perhaps we can get some type of explanation as to what situation obtains with the Stock Exchange. Just hearing what was said about it does not give us any idea on that side the coin.

Mr. Speaker, the Government, obviously is entwined in finding a way out. There are ways out. There is some glimmer of hope, which has come from what they are putting forward with their capital project package. But,

Mr. Speaker, there is still much left to be desired. They have the expertise and the knowledge at their disposal. Supposedly by now they know what to do. Let them put a proper package together—like they have never done before—and bring it to us and let's see how it works.

You see, Mr. Speaker, it is one thing to admit where one has erred—and when I know that that is the case with me, I am the first to do that because it takes me off the hook a lot quicker. But when people live with the thought that if they admit it then they are showing themselves up to the people so they can't admit it; it always will cause more problems. We have brought motions. We have made suggestions . . . . Not because it's us, Mr. Speaker. If they didn't even want to admit it or tell it to us, if they did it wouldn't be so bad! How are they going to organise their situation? Mr. Speaker, it's entirely up to them.

In case certain people who come to speak behind me start on another usual singsong about 'complaining about the problems but not providing any solutions', we, on the backbench, have our alternatives. And we are quite prepared to deal with them when the appropriate time comes. We can sit down and talk about it.

But, Mr. Speaker, what they must understand is that they will not be allowed to play their usual politics. I hope that they will find some other song to sing, because we can deal with alternatives! And, Mr. Speaker, had they listened to some of the ideas that have been put forward continuously for several years now, the country would not be in the situation that it finds itself in now.

To be truthful, it is not that all is lost. All that's happened to us is that we have not dealt with any forward planning. We have engaged in a lot of capital projects; we have not taken into account when those capital projects are completed what additional recurrent expenditure they are going to create, and we find ourselves with—as the Minister for Education who was opposing the government in 1991 said about them—an ever increasing gap between the recurrent revenue of the country and the recurrent expenditure. And to bridge that gap they are finding themselves in crises—because there is not one crisis. As the day goes by another one occurs for them.

They find themselves in these crises and they look without being able to think clearly and come up short with what they are supposed to be doing. I await their final picture, and to hear whether or not they are prepared to take on board some of the suggestions that have come forward.

Mr. Speaker, we know that Education is very important; we know the things that have to be done. And after we prove our point, we are not going to be the ones who stop the progress of this country. But, because of the poor track record that accompanies the Government at this time, our only way to react is to keep the pressure on to ensure that it is done right.

If transparency and accountability prevail, then there may even come the time when we will find something else to argue about besides what we have been arguing about in recent times, because they might actu-

ally start to do things right. If that situation occurs, Mr. Speaker, it will speak for itself. But I must say that there is going to have to be what those old people call a big 'right-about turn' to let me believe that the thoughts are changing.

The Honourable Third Official Member has alluded on more than one occasion to the Public Sector Reform that is getting in gear and financial reforms that are very, very necessary. And I take this opportune moment—because I know that the style of government that has prevailed is not conducive for this type of arrangement, and was not conducive to the discipline that things like the Medium Term Financial Strategy and the Public Sector Investment Program called for. But after they have gotten us in the jam we are in now, let us see if they have enough within them to allow the right things to happen. I wait patiently, Mr. Speaker, and I watch keenly.

There are other issues to be dealt with, but, as I said before, when it comes down to Finance Committee, when it comes down to the Loan Bill, and when it comes down to the revenue package, then we can deal with those and be more specific and get better results probably.

So, Mr. Speaker, to sum up, the Government has failed with its policies. I do not expect any one of them to agree with me, but I think that enough arguments have been laid down to prove it today—and before today, because others have spoken before me. What I will do now is sit and wait to hear the counter arguments that are coming, to see whether the points are salient, or whatever level they come at.

Let me just make one little thing clear, Mr. Speaker. We have painfully gone through the exercise of doing the best that we can to inform the public of this country what is going on—and they understand. And let no one fool himself (or herself) anymore by believing that he (or she) can come with any twisted versions and the public is going to believe him (or her). Perhaps if they fool themselves to allow that to happen, then the public will react accordingly. Thank you.

**The Speaker:** The floor is open to debate. Does any other Member wish to speak? The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** I first would like to thank the Honourable Financial Secretary and his staff for the Budget Speech. It was well prepared and sound. It has the solutions to problems, and was practical.

Running a country is different from running a business. It is different from running one's mouth as well. Where the hard facts of success are seen are in the results that emerge from the progress that this country has made.

To listen to the gloom and doom when the economy of this country is in the best position it has ever been in; when the economy is in an up-swing, when we are continuing an economic boom that has lasted nearly five years—that is unprecedented in the history of the Cayman Islands, because we normally have the ups and

downs, the cycle every three years . . . any member of the public out there knows, as he looks around, that there is building [going on] all over the place. If you think it's easy to find a builder out there now to build a house or a building of any sort, go and try it. It's the reason why with a good economy the country has moved steadily forward.

The proof of any country's success is measured to a large part by its economy and the length of time it prevails moving upward at a steady, yet sure, pace.

The world economy, especially in the Far East, is undergoing severe strain. And I am sorry for countries in the Far East that just a few years ago were looked upon as the pearls of the economic world—places like Singapore, Australia, New Zealand, Japan, to name a few—countries that believed they had sustainable economies and touted these as examples of what the world should be doing.

But economies, like everything else in this world, are shrinking. And to put up any one country as having the only example, or any one person—as was clearly put forward by the First Elected Member for George Town, who appeared to know it all yet produced no solutions (and I will deal with that later on) . . . When one country gets to a stage (or one person) where it believes that it is the only example of a good economy, we get the harsh reminder that there is not only economics there is the good Lord. And, like everywhere else in the world, countries are subject to influences within the area.

Five years ago (four years ago, even) places like Japan and Singapore, New Zealand, actually sold their government framework as being the best in the world. Undoubtedly, they were good. Today, economies everywhere go up and they go down. That's why we have to thank God that in this country—despite the gloom and the doom that is painted within these hallowed Chambers—the Cayman Islands economy continues strong. And there is no one in this House, or outside, who can honestly stand up and say that the economy of the Cayman Islands is not good, and that it has not been good for the past four or five years.

It is a fact—one that is obviously hard for the Opposition to accept—that no one listens to extremes that are put up, as we have seen in this House, which can only hurt the country. And I will go on to show how other Caribbean countries have been destroyed because the economies of those countries have been attacked by Opposition Members in an effort to destroy the economy, thus destroy the Government.

History has shown that, and we are seeing it coming to light and raising its head again.

The duty of government is to provide opportunities for the people of its country who wish to work, to have the full opportunity of working in positions that bring out their full potential. In other words, anyone in this country who wants a job can get one. As we look around there can be no doubt that the foundation that was laid, . . . and I will show where we came from, because a lot has been said about 1991 and 1992. We came out of a very serious economic recession.

I am not blaming anyone for that, but the fact is that it took a while for the Government now, and the Government as we were before this, to pull the country out of the recession that it had been in. And this was obviously influenced by world factors. That is a part of it. That is why in debating this I intend to weigh the principles fairly, both in relation to past Governments and the present Government.

We have seen unprecedented steady controlled growth of the economy. It is always hard to get the balance right. But I believe the steady economic trend in the Cayman Islands has been good for it, and has kept the country's economy in good stead. The Honourable Financial Secretary said in his Budget Speech, and I quote, **"As we look back over the past decade and take stock of our present situation, there is so much of which we have to be proud. Our achievements have been truly outstanding."**

That is correct. The dark and gloomy picture painted by the three Opposition Members—the First Elected Member for George Town, the Third Elected Member for Bodden Town, and the Fourth Elected Member for George Town—are extreme views that have been put forward in an effort to try to tear down the Government and thus hurt the country.

The Financial Secretary went on to say, and I quote, **"With such an impressive past, the question that comes to mind is: can we continue to be successful in the future? The short answer to this question is 'yes.'"** That is correct. With the help of the private sector—because it is not done all within this Chamber, despite what we may think—the Government in a joint partnership has moved forward with a very impressive economic situation.

I commend the Financial Secretary. We have seen that the Caribbean Financial Action Task Force, which recently held the meeting of its Council of Ministers here, is now Chaired by our Financial Secretary. He will remain Chairman, God willing, for one year. This is significant. It has sent a clear message to the world that the Cayman Islands is clean and that it will do its part in combating organised crime the world over.

And even more impressive is that in September of next year the Commonwealth Finance Ministers Meeting will be held here and jointly chaired by the United Kingdom and the Cayman Islands. There will be some 300 delegates from 53 countries assembled here to look at the finances of the world. There will be representatives from the International Monetary Fund and the World Bank, the different organisations from abroad. As the Financial Secretary said, both government and the private sector are expected to benefit greatly from this meeting of the minds on a global scale.

The Budget Speech also deals with Vision 2008. I will merely read the areas where this was mentioned. **"In March, H.E. the Governor launched the Vision 2008 project, which aims to establish national goals and objectives for the Cayman Islands over the next ten years. Participation in this exercise has been extensive and all segments of the community are contributing to this project that is of obvious national significance. It is expected that**



**a draft Ten-Year National Strategic Plan will be presented to the Legislative Assembly in March 1999."**

**"Effective implementation of the Vision 2008 project will depend critically on a well-functioning public service and an efficient financial system."**

We know that the Budget process is now going through a redesign, based on advice from a New Zealand consulting firm. And we know that that will be dealt with, at least the first stage, in time for the next Budget. And I believe that we all look forward to a system where, instead of standing up in this House with the Opposition saying the country is no good from a financial point of view, and us saying the country is good from a financial point of view, it will for the first time bring about what we tried to do informally this time—put Members of this House together in a constructive way to sit down and produce a Budget which is then brought to this House and critiqued and debated. It will be a Budget that will hopefully be without a lot of the politics that now exist in the present process.

The financial reforms that are being looked at will, in my view, take us forward. It will provide a realistic balance sheet, and profit and loss very much along the lines of what we know in private business. It will show for the first time that the difference between the accrual accounting, where money put into assets is not taken into account basically through a cash profit and loss situation, but is actually applied towards capital and those assets increase in value as a result.

So the erroneous notion that where money is spent on capital it should all be paid out of one year's revenue—the same as saying a person building a building or a house, whatever, should pay for their house out of one year's salary—will all fall by the way. It will show what is capital and what is written in as recurrent, or what occurs every year. That will define the difference between the system we now have, which can be confusing . . . because what is happening now is that the Opposition will put forward that balancing a budget is paying for all capital in the year in which that part of the capital falls due, rather than amortising it over a period of ten or twenty years depending on whether it's short term or long term.

I look forward to that. Like I said, we will then see whether the Members of this House on both sides have the discipline to sit and go through a Budget together and by consensus, or otherwise, produce a Budget. The Financial Secretary will then present it to this House which, subject to whatever criticism either side may have, will go forward as a Budget of the country. It will remove what is an annual constant conflict—and always has been an annual conflict in this House—with different persons saying different things and many times the public is left in a confused state.

The overall growth in the economy in 1998 is expected to be 5% as it has been in recent years, as the Financial Secretary said. He also said that **"figures for the first three quarters of the year show buoyant activity in the construction and real estate sectors, good growth in financial and business services and increases in tourism."** That statement doesn't align at all with the three Opposition Members' gloom and doom of an economy that's

failing. The economy is buoyant and there has been good growth in the financial and business services with increases in Tourism.

The consumer price index, with all that has been said about cost of living going up, in the first half of 1998 rose by 3.5 per cent. As the Financial Secretary said, however, **"inflation is not expected to exceed 4.0 per cent in 1999."**

Anyone who understands economics realises that this is a reasonably low inflation factor, and that the growth predicted has been good and it has been steady. It is wrong to try to alarm the public that the increase that we are looking at in measures that are coming in here are going to push up the cost of living tremendously. Half of the measures (or about half) do not impact locally anyhow. Therefore, a fairly sizeable part of it will not even touch the local economy as it relates to companies that are not formed, or not used by local persons, which are used overseas. But when dealing with the measures I will go back to that.

**The Speaker:** Would this be a convenient time to take the afternoon break?

**Hon. Truman M. Boddén:** Yes, sir.

**The Speaker:** We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.34 PM

#### PROCEEDINGS RESUMED AT 4.00 PM

**The Speaker:** Please be seated. Debate continues. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

**Hon. Truman M. Boddén:** I had gone part way through looking at the economy and showing that the economy is good, and that was confirmed by the Financial Secretary in his speech. I would like to leave the economy at this stage and go on to deal with the Planning Department.

The Planning Department is very important to the economy of the country. It is very important that it operates efficiently and that it exercises the necessary conformity to the Development Plan in place. There have been a number of positive changes, but perhaps one of the more recent and one of the more important is that we reduced the processing time for Planning Approval for houses and routine matters from five weeks to three days. That is a very significant time difference—from five weeks to three days. That was done by delegating responsibility from the Central Planning Authority to the Director of Planning and, on certain matters, the Director of Planning and the Chairman of the Central Planning Authority.

The time for the issuing of certificates of occupancy has been reduced from two weeks to two days. This was a source of annoyance for a lot of people in that they would complete the house and it would take about two

weeks to get a certificate of occupancy. Obviously, if it is a very large and complex building that could vary.

The increase in the efficiency of the department has been done with a minimal increase in budgetary expenditure. I have not come here and asked for a lot of extra staff or a lot of extra equipment or a lot of extra money to do this. It has been done without, or with very little, increase in expenditure.

Also, less than a year ago we reduced the time for Planning Approval from the Central Planning Authority from about 90 days to about 42 days, of which approximately 28 days are spent with the giving of notice to adjoining neighbours. It is not possible to get that reduced very much below that because of the statutory notice period of the three-week notice that has to be given. But there is a time for mailing or service that has to elapse before.

We are on track this year to collect over \$1.5 million in infrastructure fees; \$1 million in building permit fees; and over \$800,000 in application fees. There has been continued improvement in customer service and response time throughout the entire department.

The *Caymanian Compass*, in their editorial of 11 June 1998, stated that the changes I mentioned earlier of reducing the time from five weeks to three days for houses and routine matters would, and I quote, “. . . **bring about great rewards in customer satisfaction.**” And so it has.

We have seen a continued Caymanianisation of the Department. We have initiated an apprentice programme in the Building Control Unit to provide young Caymanians with the opportunity to gain valuable on-the-job training in building inspection, electrical inspection, and plumbing inspection.

Perhaps the one real satisfaction I have had with this Department has been in seeing the Development Plan go in place nearly 20 years after the first Development Plan was passed in 1977. I am happy to say that I was a Member of that Government in 1977, and I was the Minister when the Development Plan itself was amended. It was long overdue and the amendments in some areas were very extensive and it took a lot of time. But we rigidly followed the law and, thank God, we now have an updated Development Plan.

We have started (and are probably nearly half-way through) the updating of that plan, and fairly shortly we will be going out to the public with further amendments, mainly in four zoning areas for a further updating of the Development Plan.

In relation to Cayman Brac and Little Cayman there has been no plan in either island, in fact, they are not subject to most of the regulations under the law. At present, both islands have started work on Development Plans. I think it is important in those two islands that they do formulate Development Plans which suit the people and are acceptable to the people in those islands to ensure the steady and organised development of Cayman Brac and Little Cayman in a way that preserves as much as possible of those two islands.

I believe [lessons can be] learned from mistakes that have been made in Grand Cayman over the years and I hope that we will see and acceptance of these within the next year.

The way in which we have been able to bring about efficiency in the Planning Department has been because of the planning that has gone into the department—knowing where we are going and exactly where we expect to be within the next three years. But there has also come a monitoring spreadsheet (of which I get copies on a monthly basis) that can tell the Director the time when an application has been received, the person who is dealing with it when it is moved from one person to the other; if there are problems brief notes will set out what the problems are; the time that it goes to the Central Planning Authority; when the decision is made, what it is; when notification is then made to the applicant; and when the final letters are sent out and fees paid. That is at least a part of the information. There are probably ten or twelve columns.

They are one line spreadsheets, but it allows either the Chairman of the Central Planning Authority or the Director, or our Ministry to see at any time how long an application has been in, what the problem is, who is dealing with it, and as a result of that, we have been able to speed up the process. As long as there is no system in place to allow you to find out what the problem is, you can't solve it.

If that the model (and it's been there for the past two years or so), and that type of monitoring were done by other departments in relation to applications and dealing with the public, then I believe we would have far better customer efficiency in those departments.

The Development Plans are, in fact, five-year plans. I think I may have mentioned three years earlier. There is a mandatory review period within those five years.

Before moving on I would like to thank the Chairman and the Members of the Central Planning Authority and the Secretariat, also the Director of Planning and his staff who are very efficient, for the efficient way they have accepted and become what I would say is a very good team in the department and it has been so clearly shown in the better customer service that has been provided over the years.

There is now a motion in relation to training that will soon be under my Ministry. But we constantly hear about the fact that there is not sufficient technical and vocational emphasis in the schools and in the College. I would like to spend a bit of time showing that this is not correct.

I know that I have invited Members of this House to the Community College at times. A few have come—the faithful few show up. For example, back about a month and a half ago at the George Hicks High School, unfortunately only the Ministers and the Second Elected Member for Bodden Town came for a tour. But tours such as that, where you have an opportunity to look at the College or the different schools, is an opportunity that should be taken. It would allow Members to see first-hand what is going on.

We constantly get the criticism on the schools and the hospital. We get criticism on everything, Mr. Speaker, mainly during Question Time, or on motions. But sometimes understanding what is there could lead to some enlightenment. I would just like to set out what the Community College offers at present.

On a full-time basis, there is Accounting Certificate; Computing Certificate; Construction Certificate; Electrical Certificate; Hospitality Certificate; and, by the way, there are seventy-five in that class which is very good and we have seen an increase in technical/vocational as was reported in the paper. On a part-time basis, Government, Nursing, Banking, Legal Secretary, and Computing, and Associate Degrees . . .

I see Members laughing, Mr. Speaker. I believe if they listen to this list that I have they will see, . . . looks to me like there are twenty-odd subjects provided, many of them are actually within the technical/vocational area.

In Associate Degrees the breakdown is, Computing Certificate, and I won't list all of these, but only to say that, for example, there is English, Maths, Banking, Accounts, Computing. At present there are 147 in the Associate Degree Programmes, and now in Accounting, Chemistry, English, Hospitality, Physics, Biology, Computing, Geography, Maths, Spanish, Business, Economics, History, Psychology and Sociology.

A list of subject requirements includes Accounting, Biology, Business, Chemistry, Computing, English, Geography, Hospitality, History, Maths, Physics, Sociology, Spanish, Psychology, Carpentry and Electronics. So there is a wide range of subjects provided by the Community College. And similarly, and with ever-increasing numbers, we also have the subjects within the schools. As we saw recently the Tourism Syllabus has been introduced, which is five different courses within the primary schools.

The results within the school system itself, as I will show at a later stage, are good. We have talked with the Caribbean Examinations Council (and I will give statistics on this later) and it shows very clearly that within the system, while there is an attempt to cater to every person to bring them to their fullest potential, potentials do differ. We basically have to do our best to get as much as possible from the students.

We have seen considerable increases in the area of tourism. There has been a steady movement upwards with tourism. The Honourable Minister for Tourism has done an extremely good job in very difficult times—especially when hurricanes are nearby. He has to act very quickly to deal with adverse publicity, which can hurt the country. He is also in a very competitive market, one where every Caribbean country—and every country in the world that is in the tourism business—competes.

Especially difficult is ensuring that we attract the tourists who are in a high enough economic bracket that they can leave the maximum amount of dollars in the country. And from that industry, and the considerable training that the Honourable Minister has carried out—and we have done a lot through the Community College . . . in fact, we have done joint training at times.

We have seen steady increases, which have kept tourists within a high economic bracket coming to the islands and contributing. Cruise ships as well as [air] arrivals have moved steadily upwards over the years. This has been de-

spite difficult odds, such as the recent closing of the Holiday Inn as well as the Clarion. There has been continued and organised progress in that area and a lot has been said about plans, '*plan this, plan that.*' There is a plan in tourism.

No matter what will be done at the end of the day with the Ten-Year Plan that comes out of the present exercise, it is critical that each specific area, such as tourism, has in place its own plan to deal with the speciality that that highly important, in fact most important (I would like to point that out) industry provides.

It has taken a lot of hard work, a lot of effort on the part of the Minister. The one thing that I don't think anyone here can say, despite the criticism, is that the Minister has [not] very effectively and very efficiently moved tourism forward because without tourism this country's economy will dry up. Some \$400 million or more out of an estimated billion dollars now of Gross Domestic Product comes from this area. And it cannot be stressed too often to the people of this country how important the partnerships that the Ministry and the Department have forged and played a part in this.

#### MOMENT OF INTERRUPTION—4.30 PM

**The Speaker:** We have reached the moment of interruption. I would entertain a motion for the adjournment of this Honourable House.

#### ADJOURNMENT

**Hon. Truman M. Boddén:** Mr. Speaker, I move the adjournment of this Honourable House until Wednesday at 10.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Wednesday, 2 December. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 2 DECEMBER 1998.**

**EDITED  
WEDNESDAY  
2 DECEMBER 1998  
10.05 AM**

*[Prayers read by the First Elected Member for George Town]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** I have received apologies from the Fourth Elected Member for West Bay, who may be arriving later this morning. He was not feeling well.

Item 3 on today's Order Paper, Questions to Honourable Members/Ministers. Question 217 is standing in the name of the Third Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION 217**

**No. 217: Mr. Roy Bodden** asked the Honourable Minister for Agriculture, Environment, Communications and Works to state how many applications have been received by the Ministry regarding dredging in the North Sound within the past six months.

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Three new applications have been received in the last six months. These applications were from Caymarl, for 1 million yards of material; Moxam, for 2.12 million yards of material; and from Selkirk Watler, to widen and deepen the canal at Red Bay.

**SUPPLEMENTARIES**

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say at what stage the decision on these applications is?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** The applications are brought into the Ministry, and afterwards we have to take a paper

to Executive Council. It is in a deferred mode with Executive Council.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable Minister say why Executive Council has deferred the decision? And can he inform the House what the next stage is, assuming that the applications have met with the approval of Executive Council?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** I am not privy to give the reason. And in regard to if and when it is approved, then the individuals will be notified.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** The Minister just said that "if and when" the applications are approved the applicants would be notified. Can the Minister explain what the process is for these applications to be either denied or approved?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** We will have to wait until we get a legal opinion on this and then the matter will be dealt with.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I wonder if one of the procedures is not that the application must first receive the approval of this Honourable House before the applicants would be notified that it has been favourably dealt with.

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** The matter will be referred to the House. But, as the Honourable Member knows, it has to go through Executive Council.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable Minister explain what happens if such applications are brought to the Legislative Assembly and approved?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** As a result of a motion that came here earlier we now have to bring things back to the Legislative Assembly for approval. So when it comes back here, if it is approved the process would be for Government to give a licence, and if it is not approved to speak to the person and tell them that it was not approved.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Is the Minister then categorically saying that once such application is approved by the Legislative Assembly, that that is the end of it and the licence will have to be issued?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** He is partly correct. Once we have a legal opinion that everything is in order, then, yes.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Minister then state what role the Executive [Council] plays in the decision-making process with these applications?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** This is where the legal opinion comes in. Once the legal opinion is given through Executive Council and the matter is decided that it's a good project or a bad project, it goes in accordance with that.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** The Minister just said that this is where the legal opinion comes in. Is the Minister saying that the legal opinion presently being sought has to do with Parliament having the final say on the approval of these applications? Or is it Executive Council? Does it have to do with the specific application and the merits in regard to their approval?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** It was my understanding from the motion that we dealt with here that such matters would be referred back here to the Legislative Assembly for a decision. As I pointed out, the Executive Council's role would be to get a full legal opinion to say that it was legally okay or not, and then the matter would be referred here.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Bearing in mind the answer he just gave, can the Honourable Minister say if such legal opinion will be sought for each application? Or is the legal opinion being sought one where the Legislative Assembly has the authority to give final approval to such applications?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Whatever legal approval was given would mean that the opinion would state (as I pointed out a while ago) if we should do it, or if it is right or wrong. Definitely, it would be brought back here.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you, Mr. Speaker. I am sure there are other supplemenatries, and I don't mean to hog the show, but I am trying to get a satisfactory answer. The answer the Minister just gave did not answer the question I asked. I will try to word it so that it can be answered.

Is the legal opinion being sought as to whether the Legislative Assembly has the authority to give the final approval for these applications or whether that authority rests with Executive Council? Or does the legal opinion being sought (as the Minister said "if everything is all right") have to do with the individual applications or are we speaking about a principle?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** It would be procedure and the answer to the rest of his question is, Yes.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say why it has taken six months for the Executive Council to process the applications and bring the applications to the stage where they could be debated as was the decision in the Legislative Assembly?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** Let me say, once again, that I am not privy to take anything out of Executive Council. But the point that I would like to make is that if something is taken to Executive Council, that is my duty, once it happens to be under my Ministry. Once it is there and Executive Council decides to defer it, I can only deal with it when it is decided by Executive Council that it should be back here.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Can the Honourable Minister say if the six month period we are talking about in terms of the processing of these applications is longer than it was previously? In other words, is this the norm, or is this an unusual situation?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** What I would consider the norm, as he is talking about, is when Executive Council gives me the OK to indicate to my Ministry that things are right and they are prepared to approve what I bring to Executive Council. So I could not say it's six months; I can't say it's eight months. It is when Executive Council decides.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I believe that since the Minister has dealt with similar applications before, he is in a position to assist the House by saying whether or not it is usual for applications to take a period of six months. If we know that this is not unusual, then we know what we are dealing with. It would assist the House greatly if the Minister could say whether or not this is an unusual period.

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** I can only repeat what I have said. There have been periods of probably two months, three months or four months, but the situation has to be evaluated in each case. We know of the statement made by the Governor in the Throne Speech. I believe this is something that has deferred it further.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I heard mention made about legal opinions which, I would imagine, would be given to Executive Council on this matter (and I will be turning this into a supplementary). But as the approval has already been received in this House that the final decision would be given by the Legislative Assembly, I wonder if the Honourable Minister could state whether there is a

policy now, written or unwritten, that no further dredging will take place in the North Sound until the Multidisciplinary Impact Study of the North Sound has been undertaken at which time there will be a guide as to what further dredging, if any, should take place in the North Sound.

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** As I recall the motion, it is to refer the cases back here. Once all of the work is done on the departmental level, it will definitely be referred here.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Just to have the point I was raising clarified, if the Honourable Minister is in a position to answer that. There has been much concern about any further dredging in the North Sound and my question is whether Government will now await the findings of a study (whether it is my motion or other motions) the findings of the Multidisciplinary Study of the North Sound to determine whether any pending applications should be approved.

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** I don't think that any pending applications will be approved. As I pointed out earlier, once all of the in-house work is done the matter will be referred here, and the decision will come from here.

**The Speaker:** I will allow two additional supplementaries. The First Elected Member for George Town. This is supplementary number 16.

**Mr. D Kurt Tibbetts:** Thank you.

It has been Government's policy in the past with dredging applications to, if so minded, approve these applications in principle with certain conditions attached. Is this policy continuing whereby applications Government receives might still be approved in principle? Or is this policy discontinued based on the premise that final approval for these applications must be given through the Legislative Assembly?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** That is the reason. I pointed out that it will come back here. Approval in principle caused a lot of problems, as we all know. The Member is correct. It will have to come here.

**The Speaker:** The final supplementary. The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Thank you.

Although the motion we have been talking about in the question and the supplementaries gave the Legislative Assembly authority to give final approval on dredging applications, can the Honourable Minister say whether Constitutionally these applications can actually be authorised by the Legislative Assembly, or is it for the Executive Branch of Government to give the final approval or denial?

**The Speaker:** The Honourable Minister for Agriculture, Environment, Communications and Works.

**Hon. John B. McLean:** I am not a lawyer. The most I can do is be guided by whatever the legal [opinion] says. I wouldn't want to tell the Member anything that is going to rile him. Although he seems to be thinking I took advice here, I didn't. Anyway, that is the way it is. It has to go through legal and once they give me an opinion on something that is what will be brought here.

**The Speaker:** Moving on to question 218 standing in the name of the Third Elected Member for Bodden Town.

#### QUESTION 218

**No. 218: Mr. Roy Bodden** asked the Honourable First Official Member responsible for Internal and External Affairs if the Government lifted any exclusion orders on previously prohibited persons to the Cayman Islands between 1996 to the present.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** The Government has not lifted any exclusion orders on previously prohibited persons to the Cayman Islands between 1996 and the present time.

#### SUPPLEMENTARIES

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable First Official Member say if any such requests were received?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** I am afraid that I am a little bit confused by that question. When the Government issues an exclusion order on a person that is the end of the matter. I am not sure what the Member is referring to. Perhaps he could elaborate a little bit more.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable First Official Member say if, when exclusion orders are issued, there are any possibilities for reconsideration at any given point in time? And also can he tell the House what some of these circumstances for reconsideration may be, if any?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** If an aggrieved person wishes to apply for a judicial review through the courts, then that is possible. But as far as Executive Council is concerned, the matter is final.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Can the Honourable First Official Member say if in the course of his experience this has ever been done?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** Not to my knowledge.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Can the Honourable First Official Member say (and I am hoping that I am not going so far as to seek an opinion) if, when it comes to spouses, Government at any point in time intends to look at the situation possibly with a view to rethinking the policy? Especially when the reasons for these exclusion orders are, if I may go so far as to say, possibly borderline rather than extreme, and where children are involved.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** The Immigration Law is quite clear in the circumstances under which a person would be declared a prohibited immigrant, or deported as the case may be. The law, as the Member knows, is before a select committee. And if it is the wish of the select committee to alter the circumstances, or to put in the law certain circumstances that would change what is currently there, then the matter can be dealt with by this Honourable House.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I quite understand what the Honourable First Official Member is saying. Can the Member assist us by explaining if the law allows for an aggrieved party to appeal the decision to the Executive Council, or the Governor in Council, or any other arbitrator? If the law says that there is latitude for someone to appeal,

then how can it be that no one has the authority to repeal?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** I don't have the relevant section here with me, but I believe—and my colleague, the Honourable Second Official Member will correct me if I am wrong—that in most things there is always the recourse of a judicial review through the courts. Now it happens from time to time that requests will come back to Executive Council for reconsideration after an order has been issued. But to my knowledge there been no case of one of these succeeding.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just for purposes of clarity then, would the Honourable First Official Member state if Executive Council has the authority to reverse the decision? And if so, does Executive Council have the final say in making the decision to give an exclusion order?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** For the sake of argument, if new information comes to light which may alter the original circumstances I believe that Executive Council does have the authority to revisit the matter. But I expect that there probably needs to be new and special circumstances that would warrant this.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Just to make sure that we are very clear, a part of my question was whether or not Executive Council was the authority to give the final decision regarding an exclusion order, or whether or not it was straight through the Immigration Department.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** If I understand the question, the Member wants to find out whether or not it is the Immigration Department, or whether or not Executive Council is the final decision maker. Executive Council is the final decision-making body.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** To sum it up, Executive Council authorises issuance of an exclusion order. Outside of legal procedures, the same body is the only authority that can reverse that decision?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** Yes, the Member is correct.

**The Speaker:** If there are no further supplementaries, question 219 is standing in the name of the Fourth Elected Member for George Town.

#### QUESTION 219

**No. 219: Dr. Frank McField** asked the Honourable First Official Member responsible for Internal and External Affairs what is being done to control the level of noise and offensive language used by prisoners at the George Town lock-up.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** No complaints have been received about the level of noise and offensive language used by prisoners at the George Town lock-up. If complaints are received the matter will be looked into with a view to finding solutions.

#### SUPPLEMENTARIES

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Is it the Honourable Member's understanding that there is a difference between complaints about something happening, and something actually happening? And whether or not there have been any complaints, is there any knowledge that there is a high level of noise and offensive language coming from that George Town lockup?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** I think it is very clear that a lockup is a lockup, and not a church. By that I mean that it is likely that people held in a lockup will make a certain amount of noise and perhaps use offensive language. But I have not been made aware of the problem there.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** It is very unfortunate that the Member has not been made aware of this. The fact is that the lockup is in the vicinity of the Motor Vehicle Licensing Department and the public use this facility on a very regular basis, since we have so many persons with cars and driver's licences in this country. The reason why I have brought this to his attention (and I won't disclose the source of the information) was to ask the Member to give an undertaking to look into this problem.



I know it's not a church. But can anything be done to prevent these occurrences from causing the public to be exposed to this situation? I am quite sure that is exactly why we lock people up—to protect the public. So can anything be done? People have brought this to my attention on a constant basis, and that is why I brought it to the attention of the Member. So I am just asking if something can be done.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** Yes, Mr. Speaker. I will be happy to give an undertaking to seek a solution to deal with the problem. It had not been brought to my attention. Now that it has been brought to my attention by the Member, I will be more than happy to ask that it be looked into and see what can be done about it. I thank him for bringing it to my attention.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** Perhaps both yourself, Mr. Speaker, and the Honourable First Official Member will allow me a slight bit of latitude. I think I will explain myself by the time I have finished.

The substantive question is not concerning my question, but it is my understanding that there are some physical aspects that need to be corrected at the new George Town lockup. I can tie it in by saying that if all of these could be corrected, perhaps the people who have to go there might not make so much noise, or cause so much disturbance.

Maybe the Honourable First Official Member could comment about what needs to be done there physically with the structure, if anything, and do we need to be appropriating funds?

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** It is my understanding that the only outstanding thing left to be done at the George Town lockup is the installation of the sprinkler system. That required some special equipment to be ordered. But that is for safety reasons and is still to be done. It is in hand; it is being attended to. But I am not aware . . . and my understanding is that everything that had been planned for the George Town lockup has been completed.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** One final supplementary from me, Mr. Speaker. I was made to understand some time ago that there were some problems—which could be major problems—with some of the plumbing fixtures and the

tiling. I want to enquire of the First Official Member if that has been attended to.

**The Speaker:** The Honourable First Official Member responsible for Internal and External Affairs.

**Hon. James M. Ryan:** Yes, I can assure the Member that that has been taken care of.

**The Speaker:** If there are no further supplementaries that concludes Question Time for this morning.

Item 4 on today's Order Paper, Government Business, Bills. Continuation of the Second Reading of the Appropriation (1999) Bill, 1998. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READING

#### THE APPROPRIATION (1999) BILL, 1998

##### DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998

*(Continuation of debate thereon)*

**Hon. Truman M. Bodden:** Mr. Speaker, I have had two days to think over my approach to this Budget debate. I have come to the conclusion that on this debate I must not be pulled into the mud; I must keep to the high road.

Many years ago a senior Queen's Counsel told me that people who don't have the ambition—or the ability—to rise to where you are, tend to try to pull you down to their level. Therefore, despite what has been levelled at me by the Fourth Elected Member for George Town, the First Elected Member for George Town, and the Third Elected Member for Bodden Town, I have to try to set an example in this country especially for the school children of this country.

One of the things that brought this back fairly harshly was in the middle of the debate that was going on, a school child said to her teacher, "Teacher, is that how we are supposed to behave when we grow up?" We have to set an example, Mr. Speaker, for the youth of this country, and we have to try to keep the debate in this House at a high level and try to debate issues rather than debating personalities. As saying goes, when a person has nothing to say, he talks about other people.

The Education system of this country is the best that it has ever been. This has been accepted throughout by the people of this country, many of them—353-odd probably—involving 2,000 people who have spent time dealing with the strategic planning for education. We have a five-year strategic Education Plan in place and

that plan is continuously updated from year to year. It rolls from one year to the next, and at any one time we know five years in advance where we want to be.

A lot of stress was put on the fact that more should have been spent on the capital works for schools. I admit that. But schools are not made of just blocks and cement: It is the teachers, it is parents, and it is the community at large that will train those children how to act properly and be good citizens in the country. No one has criticised—and no one can criticise, Mr. Speaker—that a lot of money has not been put into teachers and resources within the school. Having four walls in a classroom that are very elaborate without having a high quality teaching staff—which we have in all schools here private and Government—without that the school cannot reach its highest performance.

The school Inspectorate is fully functional. We have two fully qualified Caymanian senior inspectors and we have a number of occasional inspectors. So far, four full school inspections have been carried out including one inspection of a private school. The summary inspection reports for the three Government schools have been released to the Chief Education Officer for release to parents and teachers. And the summary report of the private school has been released to the Board of Governors.

The cycle of full school inspections continues, and it is important to note that following an inspection the school is required to complete a plan of action within 30 days to show how it plans to address any deficiencies. This plan of action is then monitored by the Education Department staff and by the Ministry. So an inspection does not just look at the school and at the system. Following that, a plan of action has to be put in place to deal with any deficiencies within the system. This is the way towards progressing. It is one of the accepted standards under the action plan of the five-year Education Plan.

We have also installed a student record and data management system. This is partially installed, and the student demographics will be compiled for all primary schools. Secondary schools will be added by the first quarter of 1999. The strategic five-year plan required Government schools to complete their site based planning by the year 2000. At present, seven schools have completed their site plan. Several more have started, and the rest have theirs scheduled to begin the first half of 1999. The site based planning will look at the schools in depth and specifically, and they will then improve their own school in accordance with the plan.

As the implementation of the National Strategic Five-year Plan for Education continues, schools have reported significant improvement in areas such as parent involvement, discipline, community assistance, resources, training of staff, student performance and field trips that enhance and consolidate the curriculum.

At present, all Government schools have at least one connection point to the Internet. I would like to thank Cable & Wireless, and especially the Managing Director, Mr. Timothy Adam, for the assistance. I also want to thank him for what he has done for the private schools,

and also local computer companies that have assisted with the Internet.

This year the National Education Conference featured teaching and technology. The speaker was the principal of one of the United States top ten technology schools. After the conference teachers could choose from a variety of workshops having to do with using technology in the classrooms for various purposes. This country's future generations will rely more and more on technology, and the schools are up to date on this in both the private and Government schools.

We have seen reading day in the schools and the book fair that was held at the Lions Centre. This was well supported by the whole community. The importance of reading with our children and encouraging them to read either to parents or their brothers and sisters is stressed for year-round to all parents.

In the performing arts there have been many opportunities to display the creative talents found in the schools. One of the major events of the school year . . . and I again invite Honourable Members to please attend reading day, and the festival of the arts. So many times we go there and I have staff ask me if any more of my colleagues are coming. The most I can say is that I hope so. I know they have an interest in schools. Sometimes, however, one wonders.

The National Children's Festival of the Arts was a success. The children also take part in Pirates' Week, Cayfest, Rotary's tree lighting, and the Governor's Christmas Carole evening. I would like to take the time to especially thank those teachers, students, parents and guardians who give so much of their extra time to the students' extra curricular activities which adds so much to our enjoyment of community events.

The curriculum team, a very important team, continues to make progress in developing a national curriculum. The curriculum is being developed in four key stages. The learning outcomes for key stage 1 in language arts, maths, science, and social studies has now been completed. Some of these are already in use. Key stage 2, learning outcomes from math and science, has also been circulated to teachers for comment. In the area of social services three learning packets have been developed and will be published. These will be for use in Years 1 to 3, and work has begun on the packets for the other primary school groups.

We have recently seen four booklets of the curriculum on tourism, which the Minister for Tourism and the Department for Tourism have developed. These are very good, and I thank them, once again, for this. This will be a part of the curriculum.

A fine arts curriculum committee to develop a common curriculum in music, art, dance, and drama has been established, and a curriculum committee for physical education has also begun to meet.

Government continues to support pre-school education. There are now 25 licensed pre-schools, all of which have been licensed within the last two years or so, and all of which have at least one trained teacher as required by the Education Council Guidelines. In 1998 the Educa-

tion Department ran a two day workshop on Grand Cayman, and one on Cayman Brac for pre-school personnel.

The communication with Cayman Brac with the teaching staff has been very important. Unlike the early days, the Department has made an effort in that the Chief Education Officer does travel to the Brac about once per month. Also, the teachers from the Brac are brought down for the meeting of the Heads in Grand Cayman. Also, the Chief Education Officer goes to the Brac and holds meetings with the Heads when he is there, as well as going through the schools.

Both islands have now been integrated to where they are a part of festivals such as the National Children's Festival of the Arts. We have made a point to try to better bridge the communication between the two islands. The schools in Cayman Brac, the High School especially, excel in the CXC and the IGCSE exam results. I will speak on that at a later stage. The school itself is a first-class school in Cayman Brac. The classes are small and children get very individual attention. I think much has to go to both you, Mr. Speaker, and the Honourable Minister from the Brac who are responsible for Cayman Brac and the upgrading of not only teaching/education facilities and quality, generally, in the education system.

Eighty-three individuals attended the workshops that were held. The topic was "Setting up Learning Centres at Pre-schools and Making them Work." Training for pre-school personnel continues to be a high priority because the Education Department and I have stressed (from the first Education policies that came out in the late 1970s) that the foundation has to be laid at the beginning in primary schools in pre-schools. I will talk at a later stage about a programme that will attempt to reach children from about 18 months up who may need further assistance.

Training of pre-school personnel continues to be a high priority and the Department has begun to work with the regional Pre-school Association to strengthen this area. The completed *Cayman Islands Pre-school Curriculum Guide*, which has been piloted in schools over the past few years, has now been refined and is ready for distribution to all pre-school teachers. That is quite a giant leap, because children who come into the primary school, if they have not had a good base in pre-school, they come in at a disadvantage and it makes things more difficult for teachers at the primary level to deal with children with ranging abilities.

A lot was said. Later on I will deal with one remark which was extremely unfortunate, and merely a vicious remark. Since 1976 until the present—because Education was my responsibility first in 1976—I have done everything within my power to develop education to give the children of this country a good education, and to ensure the safety and welfare and benefit of school children. There is nobody in this House, despite the remarks that were made, who can influence the people of this country in any other way. My heart is in education, and I have put 20-odd years of my life in improving the education system.

We will be seeing the beginning of the Lighthouse School this coming year. I would ask all Members here to please support the funds in there for it. They have a specialist architect from the United Kingdom who along with Government's architects has now reached a conceptual plan stage. Discussions have started with the teachers and the parents in relation to this school.

It is very important that this school be done right. And it is going to be expensive. There is no use in me standing here and saying otherwise. But we have to give the special children out there the opportunity to reach their full potential in life. The Lighthouse School, as well as the Sunrise Centre which is a very important part of this programme, along with the early intervention programme where we are now having specialists go into homes to reach children at a young age who may need help, are vital to the education system here.

I believe that we will get a first-class school. One of the most important things was that it be near a primary school. That has now been achieved after much political bantering and delay, which has obviously caused the children to suffer. At least at this stage the way seems clear to move ahead.

I will also be looking at legislation, liaising with the Minister in charge of labour as well as looking at the Education Law to ensure that treatment in the workplace and in society is fair and that the children with special needs are given an equal opportunity to compete within the extent of their abilities.

On the more long-range side, there has to come a time when we have residential facilities for the older special students, and this has to be looked at along with the Lighthouse School and the Sunrise Centre.

On the short-term, the Sunrise Centre has to be better located. While we are looking at a location for the present Lighthouse School facilities we have to simultaneously look at finding long-term alternative facilities for the Sunrise Centre. Many of the children are now growing up in the Lighthouse School and there has to be a continuation of the care and services that they need.

I recently met with some of the parents and teachers at the Lighthouse School and discussed a range of concerns they had. I gave them the assurance that I would continue to move rapidly toward solving the new Lighthouse School, as well as enhancing the early intervention programme, which will actually be within the Lighthouse School itself, and also the Sunrise Centre.

A press release recently showed that we have an onsite coordinator at the George Hicks, Des McConvey. His duty is, as he put it, to find extra ways to make things better. Site-based planning is about focusing on the school—its needs, its strengths, its image—working to overcome areas of weakness. Goals established by a team of parents, teachers and students give a clear direction toward creating a better learning and teaching environment.

He went on to talk about building name recognition for the schools. This is what site-based planning will develop. And different ways in which children can be acknowledged when they excel, ways in which they can be

moved toward greater heights. Also to get more parents input, which I must say in just about all the schools, but especially in the George Hicks, has been very good and I thank them for that and I thank the teaching staff and the other staff at that school.

The position at present is that there is very little space in any school—either Government or private. The building programme that has been put in the Budget is very important to getting in place, which I hope we will have place, all of the classroom space that we need. It is ridiculous for someone to imply that the Ministry has considered not building schools and importing prefabricated classrooms. The money is in the Budget for the schools. And I will push to see that schools are built.

The cost—

**Mr. D Kurt Tibbetts:** Mr. Speaker, on a point of order.

**POINT OF ORDER**  
(Misleading)

**The Speaker:** Honourable Minister, will you give way?

**Hon. Truman M. Bodden:** I'll give way if it's a point of order, sir. I am not giving way on a point of elucidation.

**The Speaker:** Is it a point of order?

**Mr. D Kurt Tibbetts:** Mr. Speaker, it is a point of order.

**The Speaker:** Let me hear your point of order.

**Mr. D Kurt Tibbetts:** As far as I know, I am the only Member who has mentioned the importation of prefabricated classrooms. So when the Minister says that it is ridiculous for someone to imply that the Ministry does not want to build facilities, the Minister is saying that I suggested that in my debate. I have the *Hansards*, Mr. Speaker. I am saying that that is misleading because I did not say that, nor did I imply that. I suggest that he withdraw it, because it is not true.

**The Speaker:** Do you have the *Hansard*? Read what was said.

**Mr. D Kurt Tibbetts:** I will read it. At the point where he refers to the prefabricated classrooms, and I won't read all of it, it reads “. . . and I know that two hands and two feet couldn't count the number of times we have ... hooked-up in this House over the argument of public educational facilities. But the crowning statement is this: if come September 1999 we run out of space for the children, do you know what we are going to do? We are going to import pre-fabricated classrooms for the children.” [*Hansard*, 30 November 1998]

And just to explain, sir, the only time in that scenario that I mentioned the Ministry is where I was referring to the Minister's knowing the position in regard to the need for classrooms. I said: “**The Department gives them the facts. The Ministry does projections. Now, the Minister may wish to say that he didn't know this was the situation**

**but, unfortunately, the buck stops with him.**” That is what I said, sir.

**The Speaker:** I am assuming that that is what they were going to have to do, bring in a prefab. You are not saying that you knew for a fact that the Ministry was intending to bring it in. Is that what you are explaining?

**Mr. D Kurt Tibbetts:** I made no reference to the Ministry bringing anything in. And the truth is, I knew about prefabricated classrooms because the Minister told me that! So he cannot imply what he is saying.

**The Speaker:** Honourable Minister, I do not have a copy of the *Hansard*, but as I understand it he is saying that would be the only solution you would have. Were you implying that he said that was the actual intention of the Ministry? He is saying that was not. So if you would just clear that point.

**Hon. Truman M. Bodden:** He said the buck stops with me. What more can you do but imply that the buck stops with me—the decision is mine? Don't you understand it that way, sir?

**The Speaker:** I do. But what I am not clear on is the fact that he is saying that if the classrooms are not built you will have to put up prefabs.

**Mr. D Kurt Tibbetts:** Mr. Speaker, if I may, please.

**The Speaker:** The First Elected Member for George Town.

**Mr. D Kurt Tibbetts:** I said the buck stops with him. And he knows the buck stops with him. But that has nothing to do with the Ministry. All the Minister is doing when he uses the Queen's English—as is his style—is to twist it to appear like I am trying to castigate his Ministry—which I did not, sir. And that is what he is saying. And he must withdraw the statement because that is what he is saying. And if you get the *Hansard* you will understand that from what he said.

**The Speaker:** I don't want to bring this into a long debate. Are you now explaining that the prefab statement was, in your opinion, the only alternative? In your opinion that would be the only alternative. Am I understanding you correctly?

**Mr. D Kurt Tibbetts:** Mr. Speaker, that is not what I was saying. I was being kind enough not to say that the Minister had told me that. I was simply saying, in just two lines, “**if come September 1999 we run out of space for the children, do you know what we are going to do? We are going to import pre-fabricated classrooms for the children.**” I wasn't suggesting anything more than what I said. But the reason I said that was because that was the explanation the Minister gave to me when I asked him what he was going to do about space. It had nothing to

do with the Ministry. And that is what he is implying. And it is misleading and it is everything else that isn't right.

**The Speaker:** This is complicated. I am going to have to get both *Hansards*. So I will defer my decision on that. Honourable Minister responsible for Education, Aviation and Planning, please continue and I will give a decision on this point of order later.

**Hon. Truman M. Bodden:** I would just ask you to consider which buck stops with me when you are referring to prefab classrooms.

The results of the schools in this country speak for themselves. Nineteen students on Grand Cayman and Cayman Brac achieved eight higher-level passes in Caribbean Secondary Examinations Certificate, and ITCSE, GCSC exams that were taken this June. Eighteen John Gray High School students, and one student from Cayman Brac High School passed eight subjects with grades of 1, 2, or 3 (the new CXE equivalent of other exam boards grades A, B, and C).

Prior to this only one student from John Gray achieved eight such passes. I want to stress those results. Eighteen students (well, nineteen students in total) passed eight subjects with grades 1, 2, or 3 compared to one student last year who had eight such passes. That is outstanding.

The schools in this country have topped the Caribbean Examinations Council's Exams year after year. It speaks for itself and there is nothing the Fourth Elected Member for George Town, or the First Elected Member for George Town, or the Third Elected Member for Bodden Town can say in their effort to criticise the school system.

We have a good school system. The results are there. They may not want to believe it, Mr. Speaker—

**Mr. D Kurt Tibbetts:** Mr. Speaker, on a point of order.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order.

**Mr. D Kurt Tibbetts:** What the Minister just said was that the Fourth Elected Member for George Town, the First Elected Member for George Town, and the Third Elected Member for Bodden Town made efforts to criticise the school system. Mr. Speaker, that is not true.

If the Minister is saying that he must substantiate it, otherwise withdraw the statement. None of us said anything to criticise the system. And he just made that statement, sir. If he is going to stick with that statement he must prove it, otherwise he must withdraw it.

**The Speaker:** I am really not understanding. Honourable Minister for Education, again, I need to refer to the *Hansards* to get the exact interpretation.

**Hon. Truman M. Bodden:** Mr. Speaker, if you wish to stop this often, I can go back and spend a lot of time go-

ing through their speeches. But, there is no one in this House who can tell me that there was no criticism of the education system. If I have to go back and look it up, I guess I will have to. But it's going to take time. I would rather get on with this if they would just let me get on with what I have to say.

**The Speaker:** I think it would be best to suspend proceedings at this time, whereby you can get some additional information. We shall suspend for 15 minutes, and I will make a ruling on this point of order later.

#### PROCEEDINGS SUSPENDED AT 11.23 AM

#### PROCEEDINGS RESUMED AT 12.05 PM

**The Speaker:** Please be seated. When we took the break I said that at the conclusion of the break I would rule on the points of order. I shall now do so.

#### SPEAKER'S RULING

*On Point of Order raised by the First Elected Member for George Town*

#### FIRST RULING

**The Speaker:** Reading from the *Hansard* [2 December 1998] the Honourable Minister for Education made this statement: "**It is ridiculous for someone to imply that the Ministry has considered not building schools and importing prefabricated classrooms. The money is in the Budget for the schools and I will push to see that schools are built.**" That's a part of the statement. I consider that a statement of fact.

The First Elected Member for George Town rose on a point of order saying that it was not correct, referring to the *Hansard* of 30 November 1998 wherein he stated, "**if come September 1999 we run out of space for the children, do you know what we are going to do? We are going to import prefabricated classrooms for the children.**" That is a statement he is making.

"**And just to explain, sir, the only time in that scenario that I mentioned the Ministry is where I was referring to the Minister's knowing the position in regard to the need for classrooms. I said: 'The Department gives them the facts. The Ministry does projections. Now, the Minister may wish to say that he didn't know this was the situation but, unfortunately, the buck stops with him.'**"

Going back to it, I think it is very clear that the Minister, in his just right, corrected what he thought was a misstatement, saying that it was not the intention and defending the policy of the Education Department and Government . . . that it was not being considered. It is a fact that money is in the Budget for the construction of school buildings.

Therefore, taking the all of this into consideration, I think he was right to correct something that he interpreted as being incorrect. Therefore, it is not a point of order.

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker.

## SECOND RULING

**The Speaker:** The other point of order referred to the Honourable Minister's statement referring to the good results of the passes, "**This is outstanding. The schools in this country have topped the Caribbean Examinations Council's examinations year after year. It speaks for itself and there is nothing that the Fourth Elected Member for George Town, or the First Elected Member for George Town, or the Third Elected Member for Bodden Town, can say in their efforts to criticise the school system.**" And I emphasise the word *system*.

"**We have a good school system. The results are there. They may not want to believe it, Mr Speaker. . .**"

The First Elected Member for George Town rose on a point of order saying the following: "**What the Minister just said was that the Fourth Elected Member for George Town, the First Elected Member for George Town, and the Third Elected Member for Bodden Town, made efforts to criticise the school system. Mr Speaker, that is not true and if the Minister is saying that he must substantiate it, otherwise withdraw the statement. None of us said anything to criticise the system.**" Again, I emphasise the word *system*.

"**And he just made the statement, sir. If he is going to stick with that statement he must prove it, otherwise he must withdraw it.**"

If you refer to a dictionary, the definition of 'system' is "a group of interacting elements functioning as a complex whole." When you referred to the education *system* you refer to the whole complex thing—the buildings, the plant, the teachers, the students, the parents, the Parent Teachers Association, and all within it making up the system. When any part of that is attacked it is a criticism of the school system. Therefore, it is not a point of order.

Please continue, Honourable Minister responsible for Education, Aviation and Planning.

**Dr. Frank McField:** Mr. Speaker, on a point of clarification. Are you saying that the Minister is considered a part of the school system? Or is he part of the political system?

**The Speaker:** He is the Minister responsible for Education, and, as such, he is an integral part of the education system. That would be my interpretation.

**Dr. Frank McField:** Mr. Speaker, so on a point of clarification, if I criticise the Minister at any time, would it mean that I was criticising the school system?

**The Speaker:** We are not going to continue this debate. The *system* is what was in question. I have made my ruling. Please continue Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** The results that I was speaking of clearly show that this year nineteen students received eight subjects in CXE compared to one last year. This is outstanding. Overall the students turned out a very strong performance. If you look at the results, 892 papers were sat at all levels in Grand Cayman and Cay-

man Brac, and 38% posted grades I and II. So 38% were in a very high bracket of grades.

Thirty-five percent were awarded grade 3, which is a passing grade; and 27% earned grades IV and V, and no students received a grade VI. This is very important because the calibre of our students has continued to be at a very high level, with 73% passing with grades 1, 2, and 3. This is outstanding.

The results have covered very wide areas, and I would like to go into this because many times in here it is levelled that there is not sufficient technical/vocational education. A lot has been done in this area. The subjects of art, building technology, electricity, electronics, English language, English literature, food and nutrition, geography, history, information technology, math, office procedures, principles of business, social studies, Spanish, technical drawing, and wood were the subjects in which over three-quarters of the local candidates achieved grades 1 to 3. Other exams included biology, bookkeeping principles of accounting and typewriting.

In addition, the students showed very high levels of performance in religious education, child development, drama, physics, chemistry, and music which were administered through the United Kingdom Examination Boards, mainly the International GCSE.

I must thank the teachers in all schools, but especially the Principal of John Gray, Mrs. Nyda Flatley, and her staff for these outstanding results.

On Cayman Brac two honour students, Carol Britton and Stephen Ryan, led a Year group of 19 students. This is very outstanding for Cayman Brac. Carol gained eight subjects, and Stephen seven higher level passes. The Brac students excelled. I would like to thank the Principal there as well as all of the staff who were involved.

I would just like to read what the *Caymanian Compass* stated in an article on the 5<sup>th</sup> of November: "**Students from the Cayman Islands government schools have once again scored better than most of their regional counterparts in this year's CXC exams.**"

"**The percentage of Cayman pupils awarded grade I and II marks for their CXCs outstripped the regional percentage in the majority of subjects taken, some by a considerable margin.**"

"**Cayman's results in art subjects were strong across the board. In English language at general level, 27% of Cayman's 124 entries, got a grade I's.**"

There is always this criticism, and quite rightly, that we have to teach the three R's. And there are some who do not succeed, obviously. I am sure that happens in every society. But in English level, a general level, 27% of Cayman's 124 entries got grade 1, and 18.5% were awarded grade 2. So that is about 45.5% of the 124 entries in English who received very good passes, and half of them excellent passes. The results speak for themselves.

One other area I would like to just touch on is, again, an article from the *Caymanian Compass* which says, "**College principal, Mr. Sam Basdeo [and that's the Community College], was pleased to report yesterday that the number of individuals who signed up for year long certificate courses this year had jumped from last year's low**

**57 students to 86. That is a rise of just over 50%.”** I listed those on Monday. But the certificate programmes are offered in seven vocational areas: construction, electrical installation, hotel operations, professional cookery, accounting, computing, and nursing.

To go on next to deal with scholarships, we have continued to give scholarships to any student who meets the requirement for entry into an accredited school. At present we have 121 students away on scholarships. This year, as you know, the Education Council granted a further 37 new scholarships. We will be seeing \$1,471,060 going into scholarships. And this is money well spent.

We have always given full scholarships to teachers and nurses especially. Sometimes students also have student loans, which come from a different source. This also helps the students with their studying.

We are now extending to include an area that is much needed to allow scholarships for master's degree and also as was done in the past, but on a more liberal basis, the first three years of the pre-med. We have been giving scholarships for master's degrees where it was necessary to the profession, for example the extra year in psychology or professional accounting.

So this extension, along with the granting of local scholarships to the Community College, ICCI, and the Law School, will do two things: First, it keeps our young people in the islands for the first two years; then we are able to grant them the extra two years that are needed at a good college or university abroad.

The Community College has done a remarkable job, and I mentioned this on Monday, in establishing its associate degree. We have seen that there are actually universities in the United States that are rated highly competitive that accept the credits of the Community College. So, within the area of scholarships, we have done everything that we possibly can to assist our students. And, not only that, there is a follow up when they come back.

I have consistently pressed for . . . in fact the National Team's Manifesto states that something needs to be done to ensure that students coming back with degrees are paid a better salary than they are presently getting. We are losing a lot of very good students (well, not students, because they are then professionals). We are losing a lot of very good professionals who could be in Government and they have many times gone into the private sector. I am not saying that that is bad. That is good too. But it would be good to be able to attract them and keep them within Government because if Government doesn't function then the private sector will suffer. So it is in the private sector's interest to ensure that Government continues to function properly with the necessary staff.

The only other area that I would like to give bit of detail on is to show what it costs Government to run the schools. The 1997 figures showed recurrent expenditure of \$21.1 million, and capital and capital acquisitions of \$3.4 million for a total of \$24.5 million that was spent. This averages roughly \$2,705 per student in the primary schools (some are more, some are less), to \$4,909 as

the 1997 operating cost per student in the John Gray High School, with a little less at the George Hicks. This is a lot of money. Education is and remains free to all Caymanians in the three islands.

The cost in relation to transport averages at about \$376 per child per annum. And the cost on books per annum ranges from \$90 in Year 1, to \$353 per annum in the High School. There has been an increase on the book rental fees and there has been a proposed increase on the non-Caymanian students. But what I would like to point out is that the increase is considerably less than the cost in both cases. So books are continuing to be subsidised even at the new cost, and non-Caymanian students are still being subsidised.

But the important point is one that has always existed—not with just this Government but with previous Governments—if there is a Caymanian mother with, let's say, several children who needs help with these fees, or on anything relating to the school, we have done everything in there from providing free breakfast and lunch at times where children cannot afford it. The welfare of the child is what is important.

It should not be looked at that these fees will hurt persons who may not be able to afford them. If that is the case, then it will be looked at. But the children will go to school; they will get their books. If they need meals, as happens quite extensively at some schools, then they will be given meals. But the children will be looked after and the fees that are being put here are small.

I go back to the cost in education. It is high. But a wise man once said, "If you think education is expensive, try ignorance." That sums up the justification for continuing a good education system. We have very high literacy in the Cayman Islands, and in the school system as I have shown by external examinations. This is not just Truman saying this. This is coming from external examiners in the United Kingdom and in the Caribbean where we have excelled time and again, not only in academics, but also in the vocational and technical subjects. I will continue to do everything I can to promote education.

The *Caymanian Compass* on 24<sup>th</sup> November 1998 wrote an editorial that I intend to frame. We normally get a lot of criticism levelled at us. Not very often does a politician get any praise or thanks. It is captioned "A quiet revolution." It said, "**Last month with very little fanfare, reports on three local schools assembled by the School's Inspectorate were released to the public.**"

"**The inspectorate, a wholly independent branch of the Ministry of Education, came into operation in 1997, its job to monitor and report on educational standards in Cayman. The publication of the Inspectorate's first three reports, for distribution to the schools and parents, is a highly significant moment in the history of education in the islands.**"

"**The ministry had a choice to publish or not, and, to its great credit, chose to do so. Going public with the strengths and weaknesses of local schools is an admirably positive step towards transparency and accountability within the education system. It has meant that, for the first time ever, objective and independent assessments of standards at local schools are available to parents. That is information that all parents and guardians in every country**

deserve—or perhaps have the right—to have, but too often do not.

“Publication of the reports establishes the honesty of the Ministry of Education, gives much credibility to its stated aim of raising educational standards, and encourages trust between the Ministry and parents.

“Now the reports have been published, the schools are using their own self-assessment reports in conjunction with the Inspectorate reports to produce action plans. The purpose of these will be to bolster areas which have been identified as weak. The Inspectorate is to monitor the implementation of the action plans, and each school will continue to evaluate its own work on a regular basis.

“If staff at the schools concerned can remain motivated to see through their action plans in the coming months, it seems likely that real improvement in standards will quickly follow.

“It remains to congratulate the Inspectorate staff for carrying out its mandate with such thoroughness and professionalism. The inspectorate reports—detailed, concise, and objective as they are—provide an extremely valuable framework for upgrading the quality of education in the Cayman Islands.”

That, I must say, has been possibly one of the best accolades that I have ever gotten from the press. I get this at times from the parents. I must say that there are parents out there who genuinely appreciate the efforts we have made in education, and they thank me at times. I appreciate that. So there can be no doubt at all that the education system—all components of it in this country—is good. There are improvements. We must push on and get those improvements and we must continue to develop it. It must continue to grow.

But it is open, it is transparent; it has been assessed both internally and externally and it has come up to the highest marks. As I said a bit earlier, if we think that education is expensive, try ignorance. Perhaps we should add to that try arrogance as well, because there is not much difference between the two.

Mr. Speaker, I would like to just touch on a few short areas before the lunch break, before I go into some of the longer areas.

The Civil Aviation Authority has continued to function well. It is well staffed. I would like to thank the staff there. My Ministry will be transferring to the Ministry of Agriculture the Weather Department of the aviation side, as well as transferring the AIDB. I guess I am lucky in that regard because I have nothing being transferred to me. But the aspect of the Weather Station has worked well. It has proved its worth here in the recent hurricane that, thank God, did not hit us.

The improvements made by the Minister for Tourism at the airport have been very good. They have really assisted with processing air arrivals at the airport. There is always room for improvement, and at some stage extensions will have to come about. Extension to the airport and the turning circles for the newer 777s (larger jets) are underway.

We have seen increased traffic. The Honourable Minister stated that there was over 7% increase in tourism this year. This is moving well up. . . . Well, 6.7%, nearly 7% increase this year. It is important that the arri-

val and departure lounges at the airport are kept in good repair and sufficient.

Mr. Speaker, I was wondering what time you would like to suspend. I was going to begin with the economy, and that is a fairly long subject.

**The Speaker:** If this is a convenient time, we could suspend for lunch.

**Hon. Truman M. Bodden:** Thank you.

**The Speaker:** We shall suspend until 2.15 PM.

## PROCEEDINGS SUSPENDED AT 12.40 PM

## PROCEEDINGS RESUMED AT 2.27 PM

**The Speaker:** Please be seated. Debate continues with the Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Thank you.

The economy of Cayman is in a good state. The accounts presented to this Honourable House, the Estimates of Revenue and Expenditure, clearly bear this out. There is very clearly a surplus, which is set out in Table 1 of the accounts, on page 1 (Summary of the 1999 Estimates of Revenue and Expenditure).

The recurrent revenue is \$282.57 million. The recurrent expenditure is \$237.29 million. So the difference between the recurrent revenue and recurrent expenditure (in other words, the surplus before the statutory expenditure) is in the area of \$45 million. When you take off the statutory expenditure (which is the pensions, the payment to the public debt, and the self-financing debt) then we are left with paragraph (c), which says, “**Accumulated surplus before contributions \$22.1 million.**”

There can be no doubt that there is a balanced budget, a budget which has an accumulated surplus. And this is clearly set out in the accounts. From that, contributions to the reserve fund are deducted, which is about \$1 million, and what is being paid to pensions which is a very heavy amount being paid for past pensions of \$9.66 million. I will deal with that later.

So the accumulated surplus after all recurrent, including the statutory, the pensions, and everything comes out, is still a surplus of \$11.1 million that then goes toward capital acquisitions and capital expenditure such as schools and roads.

The accounts speak for themselves. Paragraph (c) shows an accumulated surplus before contributions of \$22 million, and after contributions of \$11 million. So there is a surplus of \$11 million that will go towards paying the capital expenditure. And that is after putting approximately \$11 million into pension reserves and general reserves.

I would like to mention that in past Governments, including Governments that I was in, the pension reserve was never built up. That is something that we have to acknowledge. It was always just relied on to pay for out of the recurrent revenue. So a very large deficit had built



up in a backlog that would have been needed for pensions.

Instead of taking the \$10 million that past Governments (including Governments I was in would have done) put in the general reserve, or using that to pay for capital works such as schools or roads, whatever, we have chosen . . . and I think I am right in saying that we are the first Government to have done this. When we came in about six years ago the pension reserve was somewhere in the area of maybe \$6 million or \$7 million and we have consistently put large sums in it until it reached \$36 million in 1998. It is going to rise by another \$9.6 million. So in 1999 it should be reaching in the area of \$45 million.

That is clear money. It is a reserve that is earmarked for pensions, and that will have to go on for another eight years until the backlog of 50 years of pensions that have not been provided for will have built up.

It could well have been that instead of putting \$9.66 million into reserve for pensions we could have put it into a general reserve. But if the general reserve was needed to pay pensions it would obviously have to be used. So it has to be looked at from the point of view that Government is prudent in providing for contingencies such as pensions, as we are doing here.

We have also continued to put \$1 million into general reserves. That is building up. In 1998 it was \$10.5 million. We are now putting in another \$1.33 million, which \$1 million goes in general reserves. So that has built up to \$11.5 million into next year and, with interest, will probably reach \$12 million. So the general reserve is coming up. But most important is the fact that a contingent liability . . . in fact I think the liability was \$90 million for pensions. We are now funding it by putting in \$10 million this year alone.

Also in this is the increase from 4% to 6% of pensionable salaries and wages going to the civil service. In the 1999 Budget there is an additional \$3.2 million contribution towards the past service liability of the pensions fund. So money is being put aside for a rainy day and the total of the two reserves, the general and the pension, at the end of this year will probably be in the area of \$50 million in total. That is the general reserve and the pension reserve.

I hear sounds, Mr. Speaker. I am reading from the Financial Secretary's place here showing the two reserves. One is \$36 million at the end of 1998, and we are adding another \$9.6 million to it. That brings it up to \$45 million. I know that this is something that perhaps some Members do not want to hear, but these are the facts.

The Financial Secretary said, "**Honourable Members should note that the Fund's balance** [meaning the Public Service pension fund] **was \$29.5 million at year-end 1997 and is expected to reach \$36 million by the end of 1998.**" That is also . . . well, it's the reserves for pensions. There is a general reserve fund that he said is expected to rise to \$10.5 million by year-end, we are adding another \$1 million to it. It will be \$11.5 million. Together the two of those add up to \$55 million, \$56 million.

So the fund—which is free funds—the Public Service Pension Fund, which is free funds, to pay for a past contingent liability is an obligation of this Government which it must pay, not just this Government, every future Government, over a period of time. Unless the money is put in those funds or reserves, or whatever you want to call them, then there cannot be payments out for future pensions by future Governments.

In other words, what has happened is in the past, until this Government came in—and this is a fact—nothing except a pittance was put into the Public Service Pension Fund. I don't know what the exact amount was, but I believe it was in the area of \$5 million or \$6 million when we took over. That will now have moved to where it is in the area of \$45 million. As I said, that is money that we could have put into a general reserve and continued to owe, as past Governments have done.

It's a change of bookkeeping, it is moving more towards the accrual system. The accrued liability is being offset by a reserve.

This country has helped young people under the guaranteed home mortgage scheme, and we are now building up reserves, or funds (whatever you want to call them) in relation to . . . in fact, they are called "reserve funds." That is how interchangeable the words are! The Financial Secretary said, "**Mr Speaker, it is worth noting that the 1999 Budget includes \$100,000 towards the establishment of a Student Loan Reserve Fund that would work along similar lines as the Housing Reserve Fund.**"

From what I can remember, the lines of credit on loans to young people—the scheme which this Government has produced—this Government has stood behind it. And, with all due respect, the First Elected Member for West Bay pushed hard to put this in place, along with all other Members of this House, but it was under his Ministry at the time. It is the scheme for young people to get a loan up to 100%, the upper layer of 35% of which is guaranteed by the Government. So getting a home is made possible for young people who otherwise would not be able to get a loan for that amount.

They may have to put down the deposit of 20% to 30%. I believe that those young people appreciate that. It is a scheme that we have to continue to support and it will be coming to this House for further guarantee facilities in the future.

The Budget that is going forward now carries with it a contribution towards capital of \$11.1 million. And into that there is some borrowing which at present stands at \$19.15 million, which is projected. The position in relation to capital is like anything else. If we go to build a house or a building for our business, we get a loan over a period of time. Government is no different. If Government is going to build roads, schools, civic centres, whatever, then it has to follow a similar process. But it has to be done within specific, prudent guidelines.

I can clearly show, as did the Minister for Tourism, very clearly, that the borrowing and the servicing of that borrowing by this Government is over prudent. If it weren't, we wouldn't have a line of credit out there with the banks, I can tell you. Some time back, the former

Government could not borrow for the Cayman Airways loan of \$20 million. So when Government's credit gets bad banks won't lend to it. That's the first principle.

This year we will pay towards public debt \$17.25 million as set out in Table 1. That is made up of interest and principal. There is a borrowing of \$19.15 million. So, the total amount being borrowed this year has to be looked at and offset by the repayments of principal and those netted out.

As I said earlier, if you are going to build a house you go and get a loan. I don't think there is any one person in this Honourable House who has built a house out of their one-year's salary and paid all of their other expenses.

*[inaudible comments]*

**Hon. Truman M. Bodden:** Not even me! (I hear from across the room.) I borrowed for my house. Of course I did. You borrow the money and then pay it back over a period of time. Government is the same. There is not one Member in this House who has a home—at least I don't believe so—who can say they went out and paid 'X' thousand dollars out of their salary for that year and paid all their other bills and bought their house in one year.

Everyone has to borrow. That is the principle I am coming to because criticism has been levelled at borrowing for capital. That is not a problem. Borrowing when you have an asset—a school, an office building a road or whatever, is a clearly accepted principle.

Where the problem comes is if you have to borrow to pay for your recurrent expenditure. Thank God, that that has never happened in this country except in two years when there was a deficit in recurrent revenue of \$1.2 million and \$3.6 million. All I will say on that (because I don't want any controversy) is that it wasn't when I was in Government—only two years that this country has never had a balanced budget on the recurrent side.

Every other year, at least going back as far as this goes, there has been a surplus as there is this year—as there was last year, as there was the year before, and the year before, and the year before. When you worry is when you have to borrow, as an individual would, to pay for rent, or to pay for one's living expenses and that sort of thing. If you are borrowing for capital then you are living within your means. And we are within our means by \$11.1 million because that is being contributed towards capital acquisitions, capital development and new services.

It is obvious that if we are going to get the necessary schools, roads and other things that are needed, then prudent borrowing has to be there. What are the guidelines to prudent borrowing? These were clearly set out by the Honourable Financial Secretary when he said (and I am paraphrasing), “. . . **total public debt service (principal and interest) remains at 7.2% of 1998 forecasted recurrent revenue which is below the internationally accepted 10% upper limit established by the Government.**”

We accept that if the servicing and payment of our outstanding loans go over 10% then that is time to worry.

At present, it is way under that. Even more important, most of those, . . . well, I can't say most, but many of the loans are medium-term loans. They are not long-term loans so we are paying on loans that may be eight or ten years instead of paying for 20 or 25 years. Which means that our repayments are far higher, but the debt will be serviced quicker.

I took that prudent approach even with Cayman Airways; the first jet is being bought on a loan that is for five years. We could have put it ten years, fifteen years, paid half the amount or a third less, whatever, but we chose to borrow commercially, so to speak, and that has increased the servicing of it. But it is still low. It is 7.2% in 1998, and what the Minister for Tourism mentioned is that it will be in that area next year in the 1999 forecast of what is being borrowed.

We see that Government is following a prudent course. I listened a bit last night to the NCVO. And in a country where you raise \$73,000, in a country where the public gives the way they have in that area and other areas as well, the economy is good. There can be no doubt that the economy in this country is good. The Financial Secretary has said that, and I will quote a few sections in due course.

We have some problems on the horizon that we have to be careful with, but what I can say is that the finances of the country are sound. There is no doubt about that. The Organisation for Economic Co-operation and Development (OECD) is a matter that has to be given careful attention. I believe that it has to be approached vigorously, and carefully because we are dealing with the largest nations of the world—the United Kingdom, United States, Japan, European countries and most of the other countries.

I was happy to be a part of the group that went to the United Kingdom along with the Honourable Financial Secretary, the Minister for Tourism, and the Third Elected Member for George Town. (There were others there as well I can't name everyone.) Those who are in this House and the others performed well. We were able to see firsthand that the problem, while it is one that is worrying, is one that if handled correctly can be managed.

The Members asked questions (all Members) and obviously handled matters in the type of environment that is accepted at the international level. It was good to have the Third Elected Member for George Town in that group and he contributed considerably to both the preparation and in the questioning that went on.

Since there is a bit of laughing over there, I will throw in a bit of a funny one as well. I looked at a television programme with the Fourth Elected Member for George Town as he went on to discuss the OECD. That honourable Member could not even get the initials of OECD right, and stumbled around and called it (I wouldn't say this) different initials. I thought to myself, How in the world could you have that type of blundering inside of an international forum, with countries such as the United Kingdom or representatives from the United States or Germany there? There is quite a contrast in

professionalism between him and his colleague, the Third Elected Member for George Town, and his performance at the OECD.

*[Inaudible interjections]*

**Hon. Truman M. Boddan:** Mr. Speaker, the one thing I do have is experience, relevant qualifications, and ambition, which is something that I have never lacked in my life. I have always worked and I continue to work day and night . . . well, I will get out of this, Mr. Speaker. I see what is happening across the floor. I am getting pulled down a little bit. Let me get back to the high level.

When this country sends representatives to talk in an international forum, it needs to have people making up that team (which I was very happy was there when we went to the OECD) who have the intelligence and the ability, and also the professionalism internationally. It's a different thing than coming in here talking about OECD, this thing and the next. It's a different atmosphere when you are facing some of the best attorneys or accountants, or specialists from the United Kingdom, or the United States or Germany, wherever.

This country has to ensure that the people they send to international negotiations have the ability, the manners—because it takes a lot of good manners in that type of forum—and also that they have the interest of the country at heart. One mistake at an international forum or one mistake in a matter where you are dealing with some of the G7 or OECD measures could mean a very serious cost to this country. And it is not a place for people to take it lightly. It takes a lot of preparation. It takes a lot of skill. That is what I am saying. It is important with this matter that we get it right.

The one thing that could damage the economy of this country most, and the single-most dangerous element that could damage this economy is any attempt to alter the stability of this country by advancing the constitution of the Cayman Islands. This country began in its offshore business when the Bahamas went independent. A lot of business moved from there to here.

We saw the shudders that went through the business world with the referendum in Bermuda on constitutional advancement. The one thing that can hurt this country internationally, and I have said this time and time again, is any move to advance the constitution of the Cayman Islands. Things are working well as they are at present. We have a lot of competition out there, the Bahamas is back, Bermuda is there, the British Virgin Islands, and it is very important that the people of this country do not allow instability to come in as a result of tampering with the constitution of the Cayman Islands.

In my view, nothing will send as bad a message to the investors in this country or to the banks, the funds, the insurance companies, than the belief that the Cayman Islands is getting ready for constitutional advancement. I pray that that will never happen. It is important for us to accept that nothing is perfect. God knows the constitution is not totally perfect. But it serves the country

well. The country has done well with it. We are stable. To remain that way the constitution must remain.

We have heard a fair amount about the increases relating to liquor. I dealt with that relating to my own area, the school fees. But these and the 10% increases on permits are, in my view, reasonable. A substantial part of the eleven-point-something million dollars is actually increases in exempt and ordinary companies, non-resident, which will not affect Caymanians as such. This will be taken up by the offshore.

I have just one other area before I read more from the Budget [Address], because a lot of very good information has been set out in that. I would like to just say that while there has been criticism in relation to the country's finances, the fact is that Members press to get certain capital work done. Yet, on the other hand, there are some Members who say you must build a road, but you can't borrow the money. That is ludicrous.

If we are to do capital works, you can't have a person saying on one hand you can't borrow the money you must pay for everything out of this year's revenue—which is impossible (and I gave the example of a person buying a house getting a loan and not paying it out of one year's salary)—and on the other hand saying you must do this. With privilege goes responsibility. And provided that what is being done is reasonable, and I submit that what we have put forward, what the Minister for Tourism has put forward with the \$50 million over two years, a two-year programme, is reasonable.

I will say here again that a lot could have been done this year if the Budget had not have been held up. I am asking Members of this House to try to get the Budget through within a reasonable time because it means schools, roads, other capital works. Until the Budget is cleared, the Financial Secretary cannot authorise spending. As we know, it ran well into the middle of the year when there was still controversy over the Budget. There are important programmes there and we need to get on with them. It is important that it does not get bogged down in politics and hurt the people of these islands as a result.

I would like to go on to deal briefly with Cayman Airways. Luckily, not very much has been levelled at it this time. But a lot was said about what was owed to the Civil Aviation Authority in a question that I answered. I actually have a list of some of these amounts which the Government also owes Cayman Airways, some of the departments are heavy. In fact, the Civil Aviation Authority owes Cayman Airways \$87,000, some departments up to \$92,000. So, on the side of Cayman Airways I would say that it looks as if this seems to be going both ways, each side is offsetting the other.

What is important with Cayman Airways is that the subsidy of \$4 million, and I agree that there was the \$600,000 or \$700,000 for the advertising and PR, but the subsidy for Cayman Airways has remained at \$4 million for six years. I think that says a lot because the price of travel has gone up. It is done to assist the Cayman Islands on a loss basis, I would say. The million dollars from last year that was given to pay for the past debts on

which Cayman Airways pays the interest (that's probably some \$16 million or \$17 million remaining) is not in this year for Cayman Airways.

We are looking at getting the third jet. The close to \$3 million a year being paid in rental for the two jets is coming back to Government and going into Government's leasing companies. They are building up equity in the two jets. That is something that since the sale back in the early 1990s of the 727-200s has not been done. It is a prudent approach that is being taken to finances.

In some years in the past over \$12 million was paid out in pure rental fees. If that had come to Government the way these payments are coming to Government, then we would have been better off.

There seems to be confusion around the legal reasoning for having the leasing companies as separate companies from Cayman Airways. It just seems to create more and more confusion at many levels. As much as I have tried over the past few years to explain this, I think I have just about given up on trying to explain it. It has probably gone towards reducing the reason for which the legal framework of the separate companies was set up. And at some stage that will be looked at in some depth because if it's not going to be understood, if it's not going to work, if it's going to damage them there is an alternative to it.

I would like to thank the staff, the managing director, the board of directors of Cayman Airways. They have put in a lot of hard work and some very long hours. We have very good staff there, and I would like to thank them all for a job well done. The airline has now contained its losses. If the rental being paid to Government on the jets had been put in the capital rather than in the profit and loss of Cayman Airways' balance sheet, then the bottom line would have been a lot better. But we write off the full amount of the leases, as well as the reserves. And the reserves go towards increasing the value of the plane considerably, probably another million dollars in reserves, I would think, probably \$4 million in total that is paid to Government that would go into increasing the value of Cayman Airways' balance sheet.

Especially important has been the reliance that had to be placed on Cayman Airways during the recent passing of hurricane Mitch. I think the Ministry of Tourism together with Cayman Airways and my Ministry really did a superb job in flying tourists out of here. It is perhaps the one time that the harsh reality of being able to rely on your own airline in a time of crises is so important. We did not get the help, and I do not expect that in the future we will get much help, from the American airlines or Air Jamaica. They are not national airlines, they fly elsewhere. So Cayman Airways will continue to be the backbone of any type of airlift such as that.

If indeed a heavy hurricane was coming here, it would have been very important, as it was even with a near miss, to have airlifted people out of this country. It does a lot to advance tourism, which is a mainstay of this country. In fact, Cayman Airways and its Sir Turtle emblem are known worldwide and it is good knowing that Cayman Airways is there. Out of the total Budget, the subsidy that goes in there has remained the same for the last six years.

I would like to clear one statement made by the First Elected Member for George Town relating to fire in schools and the lives of children. I must tell you that I never thought that I would have had allegations like that, because the one thing I have always done . . . and God forbid, I would never

put anybody's life, even an elderly person's, in any risk. So I would like to explain what went on in the schools because I must tell you that I was astounded by the allegations on this. I really was.

However, the public of this country knows me and knows that I have always been for whatever in relation to what I can do to ensure safety not only in schools but throughout the island and also in the airline.

Prior to the introduction of the new fire code and the new building code, both of which were introduced by this Government, the schools followed a fire safety code as a guideline. This was followed. Since the codes were introduced we have ensured that we have upgraded the fire systems in all schools. There was one area of controversy (and I don't know if this could have been in anybody's mind) where there was talk about having two doors in each classroom. That is not what the fire code says. I would like to just read this. It is from the Director of Planning. He says, "**Further to your enquiry I can confirm that egress from a classroom with an occupant load of less than 50 people with a maximum travel distance of 75 feet required one means of egress.**" Okay? Our classrooms don't go to 50; our classrooms are not within this code.

I don't know if that might have sparked it or not, but we have continued to upgrade and I will continue to upgrade all the schools, not just within the area of fire. I would never, and I know the public of this country believes that I would never put a child's life in jeopardy. That is something that I would never do in my life. I have two children myself. That whole thing, I must say, upset me to even think that allegations like that could be made. I guess politics has its hard knocks sometimes, but . . .

We have seen clearly that a lot has been done in the past five or six years. We have seen several school buildings that have been built, such as the Red Bay Primary, we've built in West Bay, and we've built in George Town. We have also seen good projects. And I was very impressed, I must say, with the Pedro Castle project when I went there. I haven't been there in a very long time but I have been there two or three times recently.

The George Town Hospital, the Minister responsible has done a sterling job there in his own quiet way. He is one of the most capable, competent and able people. He moves steadily forward and gets his work done. And that is what is important at the end of the day. Rather than a lot of talk, it is what people do. I guess sometimes not everyone has the ability to just push on with a very difficult job because that whole hospital system was very controversial and he took it and moved forward.

Not only that (and this is to the benefit to the MLAs and the districts as well) we have seen medical clinics in Bodden Town, East End, West Bay and North Side. We have a very good hospital in Cayman Brac, an extremely good hospital there now which has been there for some time.

We have also seen a lot of sports areas where money has been spent, places like the Post Office at the Airport, which is a superb facility.

The MRCU, Department of Environment Building, Civic Centre at Gun Bay, property bought for the public beach in West Bay, Scholar's Park, Heritage Village, West Bay; Agricultural Building, Agricultural Pavilion, and then some of the larger blocks that have been done at the schools at George Hicks such as the arts, computer, changing rooms there. A

lot has been done over the past few years and it has been done by a very large contribution of surplus from the recurrent revenue to pay for capital over the years.

I venture to say that there is no other time in the history of this country where we have seen such a period of controlled growth, of success in many areas. We have basically wiped out unemployment. Now, those who want to work, and who have the ambition to work, can get jobs. We have seen our people move up, both in education and in their jobs. This all goes towards what is a good economy. There is no one who can challenge that.

I have listened to a lot of debate by the Opposition Backbench. But no solutions have come from them, and in life that is important. I don't mind criticism. But what should constructively be done, the alternative solutions to problems, should be put up. It is a situation where talk is cheap, but actions speak louder than words.

At this stage we have seen no alternative solutions to anything in this Budget that we have put forward, and I mean major parts of it. There is no alternative to say how we can build schools without borrowing money. There is no alternative to say how we can build roads unless we have money for it. There is no alternative put forward to the small amount of taxes.

Mr. Speaker, let me just say this: What was raised in relation to 1991 it was over \$10 million put on then which in real terms now would be as if we had put on \$30 million or \$40 million in taxes. So this is not an extensive, crushing amount of taxes that have been put on now. The Budget back in those days was probably only \$100 million, so it was in the area of 10% of it. And this was the area, the excessiveness of taxes in those times that I criticised, and I think I was right in my criticism of it.

At present, the \$10 million is approximately 1/27<sup>th</sup> of the Budget. So it is a very small percentage, maybe 3% or 4%, I don't know, of the total budget of the country. But as the Minister for Health said, we cannot expect to run the Government and have the money if, for example, \$20-odd million is owed to the hospital. If schooling is going to be free—as it is—then we have to pay for it.

But criticising for the sake of criticising doesn't get us anywhere. What this House needs to do, because I heard certain ultimatums passed out by some Members of the Opposition, and I believe that some of that is going to be similar to what happened last year and it is going to slow down this process which means the Budget is going to be locked in for months and months the way it was last year . . . but the public knows who did that and they know who didn't get the capital done and who suffered.

**The Speaker:** Pardon me a moment. Would you rather take the break now?

**Hon. Truman M. Bodden:** Yes, sir, I'd rather take a break.

**The Speaker:** We shall suspend for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3.28 PM**

**PROCEEDINGS RESUMED AT 3.58 PM**

**The Speaker:** Proceedings are resumed. Debate on the Appropriation (1999) Bill, 1988 continuing. The Honourable Minister for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Thank you, Mr. Speaker.

I would like to list some of the main projects that are in the Budget for this coming year (1999). There is \$3.5 million for a new primary school for the George Town area, and \$20,000 for the second primary school's design; \$80,000 for the new secondary school design and plans; the programme which will substantially complete the air conditioning of the school classrooms is in at \$800,000.

There are upgrades throughout to walkways, refurbishing of works, storerooms, fire systems, and a lot of minor works that would go on in the early part of the year and this relates to both Grand Cayman and Cayman Brac.

The art block and changing rooms at the George Hicks have been completed; there, there is \$420,000 for George Hicks for the administration building, the extension and alterations, the converting of the hall to the cafeteria with the new kitchen \$700,000; design work for new library block. There is a new renovations programme. There is \$1.5 million in for West Bay's Primary School multi-purpose hall; and \$315,000 for renovations at the West Bay Primary.

There is money in for renovations at Savannah Primary School, also for the storage facility renovations. At the Bodden Town Primary School there is a substantial sum in for new renovations \$235,000. The final payment for the bus shelter is in. There is money in for the new classroom block at the East End Primary School, and also for renovations.

There is a substantial sum in for new renovations and money for re-roofing the walkways at North Side Primary School. At Spot Bay Primary School there's the sum of \$400,000 for the multi-purpose hall together with renovations, roofing and fencing. At the Creek Primary School there is a small payment in for the new addition that has been done there, and that is a very nice facility at the Creek, Mr. Speaker.

At the West End Primary, there is money for renovations. At the Lighthouse School, \$3.5 million has been put in for the beginning of that school. Sunrise Centre, \$100,000. There is money in to start the new Alternative Educational facility.

Also, sir, for the Red Bay Primary School there is \$900,000 plus, and there is money in for the multi-purpose hall at Red Bay and also for renovations.

So, Mr. Speaker, there is a very substantial amount of funds in the Budget to deal with schools. Together with the list that the Minister for Tourism has dealt with, it would mean that if we borrowed an extra amount we would be able to speed up things such as the second primary school and other areas that we need.

I would like to move from that to deal with an update on Vision 2008. There have been sixteen roundtable groups that continue to meet to develop the action plans for the Ten-year National Strategic Plan—Vision 2008. The groups have been meeting since the first week of October and they will continue until the 21<sup>st</sup> January when the action plans are turned in to the Vision office. There have been approximately 2,000 people who have contributed in some way, or gave comments on Vision 2008, which shows a very large

cross-section of the public who have been interested in this very important ten year plan.

Over 240 individuals are attending the weekly roundtable meetings. Some groups meet twice per week. It has been calculated that in terms of hours spent by the planning teams and roundtable groups that two and one half years in man-hours have been spent so far.

Vision 2008 continues its focus on children and young people and getting their feedback on the kind of Cayman Islands they wish to see in ten years time. In 1999 we will have the first stamp issued on the Vision 2008 theme which was designed by children. We have encouraged young professional Caymanians in both the public and private sector to get involved in leading the roundtables, and we have been very gratified on how hard these young people are working and their commitment to the future of the Cayman Islands. In fact, there has been a lot of enthusiasm and these are going very well.

As I am sure members are aware, there are 16 strategies in the Vision 2008 framework. They apply to zero tolerance for crime and drugs, developing leadership in and programmes for young people, strengthening the family, providing the education and training to allow all young people to fulfil their potential, promoting Caymanian culture, a plan for Cayman Brac and Little Cayman, open and accountable government, optimal infrastructure, growth management, the natural environment, the economy, both protecting and strengthening the financial and tourism industries, but also promoting diversification with a support plan for the health service contingency planning and immigration.

The action plans that are being developed will be presented first of all to the 30 member planning team in February, and, after assessing them using agreed criteria, the planning team will recommend the action plans to government for prioritisation and implementation.

I hope that implementation of the ten year plan will start in April 1999 with the first year of action plans. The civil service has already begun to gear up to effect the National Strategic Plan together with the other reform initiatives being proposed.

Vision 2008 has been an ambitious exercise designed to include all residents of the Cayman Islands in some way or another. I would like to express my deep appreciation to all those people who have taken part, and who continue to take part in Vision 2008. I would like to assure the public that the Government and I believe this legislature, stand behind Vision 2008, and we realise the importance of long term planning and prioritising projects. When completed in March, Vision 2008 will give the Cayman Islands well thought out projects and programmes to prioritise.

It is very important that this most important plan be wide based as it is with everyone having the right of input. I think it is also very heartening to the islands to have the young people taking part in actually leading the teams that are dealing with this. And when completed it will give the Cayman Islands a ten year plan that is well thought out which the people of the Cayman Islands have themselves moulded. It will be their plan.

One other point I would like to mention relates to the change in ministries that was commented on. Every two years it has been routine that ministries are reviewed by His Excellency the Governor and adjustments are made to provide better cohesion of the ministries' subjects. This year is

no different from the other mid-term changes that have taken place.

As I mentioned earlier, I was happy to pass over to my colleague, the Minister for Agriculture, the AIDB as well as the Weather Service because these fit into the communication and emergency network that he operates as well as the fact that the board itself deals with granting loans to agriculture and other areas that his ministry is involved with. Luckily I did not get anything passed from another ministry to me. This is a routine matter.

There was some discussion in relation to that about collective responsibility or how Executive Council is functioning and I would like to take some time to deal with that.

I have been in Executive Council (this will be my fourth term) for 16 years and a longer period than that in the Legislative Assembly. In the early days as Acting Attorney General I was also the advisor to Executive Council and the Legislative Assembly and Government. I was the only advisor in those early days. I can say that this Executive Council has the best team that I have ever worked with. Executive Council works on the basis of consensus, not voting as we do in here. There has to be give and take. In other words, there are times when decisions are made that I may not be happy with, but collectively I am bound by the cabinet's solidarity, or collective responsibility, as we call it. I not only abide by those decisions I support them in public. And that is the whole principle of collective responsibility.

But I have also been in very difficult Executive Councils, and I understand what it is to have had the pleasure of working with colleagues in this both the colleagues at present and also the First Elected Member for West Bay during the six years the two Councils have been here.

I believe that anyone with experience will realise that the country cannot remain stable and progress well unless things are going well in Executive Council and we work in there as a team. We put forward our views. Sometimes we put them forward forcefully. But at the end of the day we accept the decision of the Governor in Council. The colleagues in there now, the Ministers and Official Members, have been and continue to be not only very efficient, very understanding of the system . . . because it does take understanding.

One cannot just up and get angry because one doesn't get one's way in there. That is not the way it works. There has to be give and take. There are times that some decisions may not be totally the way a member may like to see. But under collective responsibility the important thing is team work for the benefit of the country so that the decisions that come out benefit the country.

I am happy to say that is the way it is working. It is one of the best working Executive Councils that I have been in, and I first went into Executive Council in 1976. I am happy to say that I am very comfortable in there, I have been for the past six years, with the decisions that Council takes and with the team work in there.

The position of the Cayman Islands is a good one. The country has never been in a better financial and economic position. It is very clear that the country has continued for the past few years in an economic state of boom. There is investment all around. We have applied the surplus from the recurrent revenue towards good projects such as educating our young people, giving them scholarships, building roads, building schools.

When the Honourable Financial Secretary says “**As we look back over the past decade and take stock of our present situation, there is so much of which we have to be proud. Our achievements have been truly outstanding.**” Today Cayman is one the world’s largest financial centres. That has come about through a stable Government, a stable constitution that goes back to 1972, and we enjoy one of the highest standards of living (quoting the Financial Secretary) and have ample job opportunities.

To the question, Can we continue to be successful in the future? The Honourable Financial Secretary gave the short answer as, “Yes.” I fully support that.

A country always has to take stock of where it is going, what it is doing. And one has to look at the indicators of the economy from time to time. But, in summary, “**we have seen quite buoyant [quoting the Financial Secretary] figures for the first three quarters of the year show buoyant activity in the construction and real estate sectors, good growth in financial and business services and increases in tourism. Overall growth in the economy in 1998 is therefore expected to be . . . 5.0 per cent . . .**”

That is quite outstanding. Against that, inflation is not expected to exceed 4%.

We are undoubtedly one of the largest banking centres in the world. The number of banks, the number of insurance companies continues to grow. The Financial industry generally has continued to grow. From time to time we hear criticism or we hear suggestions.

I am reminded of a statement that Socrates, the Greek philosopher, made, that no man undertakes a trade that he is incapable of doing, even the meanest of trades. But everyone regards himself capable of the most difficult of all trades—running a Government. And that is so true because while there can be a lot of talk, at the end of the day the bottom line is, what has been done in the country? Has the Government moved it forward? Has the Government stayed within prudent lines of finance? The answer to those [questions] is clearly yes, Mr. Speaker.

The day that this country gets in a bad financial position, the 584 banks that are here will disappear very quickly. That is a fact. If we have, as we do, a good economy, then banks will increase. We have probably 46 to 48 of the 50 of the largest banks in the world here. That, in itself, has shown that this Government, and past Governments, have done the right thing.

The borrowings that have been set out, as I have shown from the figures, clearly indicate that we have a recurrent surplus of \$11 million. It shows that we are contributing that to capital. It also shows that the borrowing that the Government has made, we are repaying substantial amounts each year as well. But it is well within the 10% of recurrent revenue that is internationally accepted. In fact, it is 7.2%. So it is well under what is necessary.

The Government continues to have very good credit in the country with the banks and financial institutions. We have shown how we have built up the general reserve fund, which this coming year will be close to \$12 million. We have shown that we have put a very substantial amount, in fact possibly \$30 million into the public service pension fund which could have gone into our general reserve if we had followed what previous Governments had done and left the liability there. This year alone there is \$9.9 million that is going in there. We have been able to pay for the pensions

that have become due out of this year’s recurrent amount. The increases from 4% to 6%, the pensionable salaries are also funded in this Budget and reserves have been put in for the scheme for homes for our young people where I think in the area of \$20 million line of credit has been set up and a lot of it used.

So, we have, I think, shown clearly that there has been very prudent finances in the Government, finances which have kept us well within our means, and as I said, we are \$11 million within our means and we have to continue this prudent course, which is the course that we are now taking. It is important that this Finance Committee Session and the remainder of this Budget Session does try to get through the budget in sufficient time so that the benefits of it can start early in the year. We had the example that was mentioned by the Minister for Tourism, of getting funds released for roads in the middle of the rainy season. That wastes money rather than saving it.

I am satisfied that while a lot is being spent on education, the saying I mentioned earlier (if you think education is expensive, try ignorance) is something that we need to think on. I hope that as this House continues the level of debate will be kept high, as I mentioned earlier. We are examples to the many school children out there, the youth of the country, and it is important that this House set an example and that we show through example what we expect our youth in the future to be.

I would once again like to thank the Honourable Financial Secretary and all his staff, and the staff of his departments for the Budget and his speech which brought out very clearly the good financial position the Cayman Islands is in. I ask God to guide these islands in the future to continued prosperity. Thank you.

**The Speaker:** I will entertain a motion for the adjournment of this Honourable House. The Honourable Minister responsible for Education, Aviation and Planning.

ADJOURNMENT

**Hon. Truman M. Boddén:** Mr. Speaker, I move the adjournment of this Honourable House until tomorrow at 10.00 AM.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM Thursday, 3 December. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 3 DECEMBER 1998.**

**THURSDAY  
3 DECEMBER 1998  
10.15 AM**

*[Prayers read by the Honourable Minister responsible for Agriculture, Environment, Communications and Works]*

**The Speaker:** Please be seated. Proceedings are resumed. Item 2 on today's Order Paper: Administration of Oaths, Oath of Allegiance by Mr. David F. Ballantyne to be the Honourable Second Official Member. I invite Mr. Ballantyne to come to the Clerk's table. Will all Members please stand?

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**  
Mr. David F. Ballantyne

**Hon. David F. Ballantyne:** I, David Ferguson Ballantyne, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. So help me God.

**The Speaker:** Mr. Ballantyne, please take your seat as the Honourable Second Official Member.

On behalf of all Honourable Members of this Honourable Legislative Assembly we welcome you to be the Honourable Second Official Member. Please be seated.

Item number 3 on today's Order Paper: Reading by the Honourable Speaker of Messages and Announcements.

**READING BY THE SPEAKER OF  
MESSAGES AND ANNOUNCEMENTS**

**APOLOGIES**

**The Speaker:** We have apologies from the Honourable Third Official Member who will be arriving later this morning, and also from the Fourth Elected Member for West Bay who is sick.

Item number 4 on today's Order Paper: Questions to the Honourable Official Members and Ministers. Question number 220 standing in the name of the First Elected Member for George Town.

**QUESTIONS TO HONOURABLE  
MEMBERS/MINISTERS**

**QUESTION NO. 220**

**No. 220: Mr. D. Kurt Tibbetts** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation to say the total number of persons by districts which the Government

has sponsored in overseas drug treatment centres since December 1996.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. From December 1996, seven individuals were referred to drug rehabilitation centres overseas. Broken down by districts these are:

| DISTRICTS    | NO. OF PERSONS |
|--------------|----------------|
| West Bay     | 4              |
| George Town  | 3              |
| <b>TOTAL</b> | <b>7</b>       |

**SUPPLEMENTARIES**

**The Speaker:** Supplementaries, the First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Can the Minister say after these individuals have been sent away for the treatment what is the procedure regarding follow-up?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. The return and report to CCC where there is an after care programme. They are then monitored for up to one year.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Can the Minister say if out of these seven individuals who were referred overseas, the results to date show that the exercise was worth it.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, that's a good question. Yes, five of the seven are still drug free; we are not sure if the other two are still clean.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I wonder if the Honourable Minister can say what was the cost of this treatment overseas.



**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker for the information of the House, I will give the actual breakdown of the cost for each attendee and where they went:

- ❑ Client #1 attended Sanderlands for six months which was US\$6,619;
- ❑ Client #2 attended the same place for the same amount;
- ❑ Client #3 attended for six weeks \$2,038;
- ❑ Client #4 attended Operation Power for four months which was \$27,055;
- ❑ Client #5 also attended Operation Power for three months which was \$20,250;
- ❑ Client #6 attended Sanderlands for one month \$1,103; and
- ❑ Client #7 attended Sanderlands for two-and-a-half months \$2,757.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, perhaps the Minister has on hand the total cost of that treatment.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, that's approximately \$65,000.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you Mr. Speaker, Can the Minister tell the House. . . [Inaudible]

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, most of them have to be referred to the States because of their chronic condition. This is why we are looking forward to when we can provide the services here.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say what are some of the considerations for making the decision to send persons for overseas treatment rather than to have them treated here?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, it depends on how many times they have attended the out-patient services at Cayman Counselling Centre, their ages, and physical assessments are made by a medical doctor as to their condition and what assistance can be provided.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Thank you. Can the Minister say if during the decision-making process to refer these individuals overseas, whether the situation arises where funds only allow for a certain number to be sent, or, it is simply a matter that after going through due process, this was the number decided on that needed to be sent.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, the Member is correct; these people are processed similarly through the Health Services Department where they would do a financial contract signed to repay.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I am pleased to hear that at least seven persons who suffer from drug abuse were able to be sent overseas.

I wonder if the Honourable Minister can say if there are any other clients pending an overseas visit.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, at this moment there are two.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say how long have those five persons who are now drug free, been drug free?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, between twelve to fourteen months up to this time.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say whether or not this is seen as a very good return on that investment?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** I think the Member is quite correct and I agree with him. I think if only one person is saved from this horrible problem it would be worth the effort.

**The Speaker:** Do you have a follow up? Go ahead, Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, I would like to have an undertaking from the Minister, if he is willing, to see if perhaps there could be a bit more aggressive pursuit of this particular solution because it seems to me that this is an amazing return. I am not sure how far on these persons were, with regards to addiction, in comparison with other persons who are on the street, but obviously this is a fantastic result. I would encourage the Minister to give an undertaking to pursue this in the future.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker. I fully agree with the Honourable Fourth Elected Member from George Town. Just to also mention that Cayman Council Centre has assisted other persons who have actually funded their own way--but the Ministry has become very aggressive. Many of us may have seen an article on CNN which says that rehabilitation is the way to go. Incarceration at Northward Prison for these people is not the solution. We are looking forward, with the support of this Honourable House, to having our rehabilitation facility ready next year.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I wonder if the Honourable Minister can give us an update on the drug counselling services that are being offered at the district levels.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Thank you, Mr. Speaker, I apologise for the delay. At present we are offering services in the following districts:

West Bay – Tuesdays and Wednesdays

East End – Mondays

Bodden Town – Thursdays

North Side – Tuesdays

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Mr. Speaker, I wonder if the Honourable Minister can say what times in the day these services are available?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, at the moment it is between 1 and 5 PM in the afternoons.

**The Speaker:** The Fourth Elected Member for West Bay. Do you have a question? Go ahead.

**Mr. D. Dalmain Ebanks:** Mr. Speaker, I wonder if the Minister can say that it is shown that this counselling is really proving a success to the individuals.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

Could you repeat the question, Fourth Elected Member for West Bay?

**Mr. D. Dalmain Ebanks:** If the counselling service is proving to be a success.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, I firmly believe that the counselling – and the sooner that we can get to that individual . . . The sad situation with this is, that until the person admits that he has a problem and wants to do something about it, we can send him there, but until he wants to really – using the terminology *'hit rock bottom'* – is when he really realises that something can be done. And the counselling and support, especially within the families, is so very important.

**The Speaker:** Two additional supplementaries. The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Minister tell the House whether any group therapy sessions are being conducted especially for the benefit of those persons who have returned from overseas stays at counselling institutions, and whether any of these sessions also involve family members at some particular point?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, the answer is yes to both questions.

**The Speaker:** If there are no further supplementaries we will move on to question number 221 standing in the name of the Fourth Elected Member for George Town.

**QUESTION NO. 221**

**No. 221: Dr. Frank McField** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation if a Foster Care Unit, an Adoption Unit and a Foster Care Committee have been established as was recommended by the Family Study presented to the Department of Social Services in February 1997.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** The Foster Care Programme and the Adoption Programme were combined as one unit commencing 1<sup>st</sup> October 1998. This unit is now managed by the Foster Care Co-ordinator whose substantive post is now Adoption and Foster Care Co-ordinator. This officer also currently acts as secretary to the Adoption Board.

A proposal for the establishment of a Foster Care Committee has been developed. The Committee would be responsible for the ratification of each foster care application, thereby ensuring a greater level of accountability in the service.

Plans are in place to have the Committee established in the very near future.

**The Speaker:** Supplementaries. The Fourth Elected Member for George Town.

**SUPPLEMENTARIES**

**Dr. Frank McField:** Mr. Speaker, the Minister has said that plans are in place to have the Committee established in the very near future. Could he say more precisely how near that future might be?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, the revision of certain laws and the Adoption Board and other factors are now being undertaken and we are hoping by the first quarter of next year to have this in place.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** I wonder if the Honourable Minister can say how many of our children are in foster care and whether or not there are needs for additional foster parents?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, currently there are thirteen children in the programme, five females and eight males. There are nine approved foster parents. The

children come and go, but the need is always there for this type of coverage.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, could the Minister say if there is a policy in the Department of Social Services to encourage foster-parenting rather than institutionalising the youngsters?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Yes, Mr. Speaker, the Department of Social Services is very rigorous in pushing this idea.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. Can the Minister say whether all of the Caymanian children who are in foster care programmes and who have been adopted are adopted by families here on the island or if there are any cases where any of these children have been adopted by families who have emigrated abroad?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, over the last three years I have been made to understand that all foster care children remain on the island.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, could the Minister say why there are only nine families approved as foster care parents, if the numbers in the institutions for children's care are probably to the extent that we could foster more children out to parents.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, there is a hesitancy on people to accept this responsibility. I think once we are able to better promote and educate the people we will see more support for this.

**The Speaker:** Do you have a follow-up? Because the Third Elected Member for West Bay had asked . . . Third Elected, do you have a follow-up? Go ahead, Fourth Elected Member for George Town.

**Dr. Frank McField:** Could the Minister say if there are any financial considerations made with regard to foster-parenting and if so what are they?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** No, Mr. Speaker, we do not pay for the parents. We do give the children an allowance but we try to encourage the idea that families take responsibility and help.

**The Speaker:** Is there a follow-up? The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, would the good Minister give an undertaking perhaps to investigate the feasibility of creating the economic incentive since in other parts of the world it seems to help in terms of the fact that perhaps not just goodwill is necessary in this case, but also we need to look realistically at the burden which it might cause our families. Since we are paying anyway for the institutionalisation of the children it might be something that the Minister might be curious to investigate.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, because of the huge recurrent situation with dealing with this, I would not at this time undertake to, but at sometime in the future consideration may be given to this.

**The Speaker:** The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I wonder if the Minister can say how many children we have available for adoption?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, at this time there are no children cleared by foster care for adoption.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Minister give a brief explanation about the type of arrangement made between the Department and the foster-parents with regards to outlining responsibilities? I don't think 'contractual' arrangement is the correct word, but I think that might give the idea of what I am seeking. Is it something that is done in writing, or is it just a verbal arrangement? Also, what responsibilities go with the commitment from the foster-parents to take care of the children?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse, Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, there is a written contract and the general agreement is that the foster-parents treat these children as if they were their own.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Can the Minister state then what is the due diligence that is exercised by way of the Department to ensure that the contractual arrangements are satisfactory?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, there is a social worker assigned to each child. They make frequent visits to the families that they are entrusted to, and they are very closely monitored.

**The Speaker:** If there are no further supplementaries we will move on to question 222 standing in the name of the Fourth Elected Member for George Town.

#### QUESTION NO. 222

**No. 222: Dr. Frank McField** asked the Honourable Minister responsible for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation what is the present position of the Department of Social Services with regards to support for a policy decision to institute minimum wages for selected jobs.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** [*barely audible*] The Department of Social Services would offer support for a policy decision to institute minimum wages for selected jobs such as those in the service industry as the Department is of the view that serious consideration needs to be given to the establishment of a minimum wage.

**The Speaker:** Supplementaries? The Fourth Elected Member for George Town.

#### SUPPLEMENTARIES

**Dr. Frank McField:** Mr. Speaker, would the Minister have any figures or would he be able to provide us with an estimate of what the wages are like for a person in the service industry – a female?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** No, Mr. Speaker, not at this time. My understanding is that there has been a select committee appointed to look at this in more detail and I don't think I should go into any more details until what the House decides on.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** For purposes of clarity, in the Minister's answer he said that the Department of Social Services would offer support for a policy decision while the Minister has just mentioned a select committee. Can the Minister state exactly where the authority and responsibility lies to create such policy?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, the ultimate responsibility rests with the Minister of Community Development. It would have to be an Executive Council policy decision.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, would the Minister agree that the work situation influences the family and it was from this position that the recommendation for the Social Services Department to become more actively involved in this particular pursuit was made.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, I would have to say yes to that. Social Services Department as I mentioned earlier in this sitting, is taking a much closer look at its clients in regards to the skills development to hopefully improve the way they are standing within the society.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, would the Minister say if in the case where we have the Social Services Department interested in preventive social policies that they have almost an equal amount of responsibility as would the Department of Community Affairs in this particular case since their specific interest would not be in the question of labour but in the question of the preservation of the family structure.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, once a policy decision is put forward I do envision collaboration between Social Services Department and the Ministry of Community Development to work together to bring this to a much better situation than what presently exists.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** I am not so sure how this one is going to come out but I am going to make an attempt

here. As the Minister keeps answering the supplementaries, the parameters widen and the word 'training' has been mentioned. So what we begin to see gelling is a situation between minimum wage, social harmony, preservation of the family unit and we are talking also about the possibility of introducing training into the whole affair.

Recognising that of all the things that we are talking about, if I am correct, there are actually three ministries involved – exactly the three ministers who sit in front of me right now. With regards to the question of developing a policy, could the Minister give an undertaking to possibly look into the situation in its entirety? Because I suspect that each part of the whole thing operating on its own, is not going to bring about results that are desired. It is obvious that you will find where one succeeds in one area, there's a lack in another area and there will need to be some type of gelling between the ministries.

So, perhaps what we are talking about here is important. I am asking the Minister if he could give an undertaking to try to see if he could get something put together that involves the whole situation. The need is there, and certainly a policy decision which encompasses all of these things must lead to better results than the situation that [exists] at present.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, I see this very similar to the collaboration that is now taking place in regards to youth and other programmes in which the Community Development Minister, the Education Minister, Social Services and Health Ministry work towards; I see us working at the same way with this once the policy decision is put in place.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Thank you, Mr. Speaker. The House passed a resolution to set up a committee on minimum wage. Although the Committee does not fall under him, I am wondering if the Honourable Minister – since there is this collaboration – might know what time the Government intends to start work on this all important committee.

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, I understand that once the House finishes sitting that the Committee will be brought together on the way forward.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, on a point of clarification, I would just like to say before I form my supplementary that the Department of Social Services was suggesting that they should support a policy decision to institute

minimum wages for select jobs as this should have immediate impact on a number of persons requiring temporary financial assistance.

Could the Minister say if in fact the number of persons receiving financial assistance is on the increase, or the decrease?

**The Speaker:** The Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.

**Hon. Anthony S. Eden:** Mr. Speaker, I would venture to say that there has been some increase. But as we said earlier... I know from the time the Honourable First Member for West Bay was there, that there were plans. It is within the ambit of the Social Services and the guidelines set down that we would be reviewing the qualifications and annually checking those people who qualify, to see if there has been any substantive change in their ability to provide for themselves.

**The Speaker:** If there are no further supplementaries, that concludes question time for this morning.

Moving on to item number 5 on today's Order Paper: Government Business, Bills, Continuation of Second Reading, The Appropriation Bill (1999) Bill, 1988. Continuation of the debate thereon. The floor is open to debate. Does any Member wish to speak The Honourable Minister for Community Affairs, Sports, Women, Youth and Culture.

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READING

##### THE APPROPRIATION (1999) BILL, 1998

##### DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER ON MONDAY, 16<sup>TH</sup> NOVEMBER 1998

*(Continuation of debate thereon)*

**Hon. Julianna O'Connor-Connolly:** Thank you, Mr. Speaker. The Honourable Financial Secretary in his eloquent Budget Address referred to Hurricane Mitch in his introductory remarks. I too would like to go on record for thanking Almighty God for his protection from the wrath of this most destructive hurricane. Had it given us a direct hit, it would not have only caused severe physical and environmental damage, but indeed would have caused havoc on our finances and our Caymanian society as a whole.

I extend my deepest sympathy to our neighbouring friends in Central America and congratulate the residents of these Cayman Islands for their generosity, compassion and willingness to assist the victims of the hurricane in this time of much need.

It was also confirmed by the Honourable Third Official Member that the Cayman Islands is one of the largest financial centres which maintains a very high standard of living. I believe that all Honourable Members therefore have a responsibility to do everything within our power to ensure that we in the Cayman Islands sustain this economic growth. I also believe, sir, that there are several proactive things which can be done in order to create and maintain a diversified economy with a view of achieving the goal of sustainable economic development.

Firstly, throughout the global village today, it is widely accepted that tourism is an essential element or contributor to a successful economy. Today, Cayman enjoys a very healthy upscale tourism industry. By way of comparison, I am informed that in 1992 there were some 241,000 air arrivals and 600,000 cruise arrivals; in 1997 there were over 380,000 air arrivals with some 800,000 cruise arrivals. This does not happen by mere coincidence, but as a result of the hard work and commitment by the Minister and his staff of Tourism and the professional way in which they seek to carry out their responsibilities. Not only here in Cayman, but indeed on a worldwide scale.

The Government in its wisdom deemed it necessary to further diversify its tourism base with various tourist attractions throughout these three islands. To name a few: the breath-taking Botanical Gardens in Frank Sound, the magnificent Pedro St. James in Savannah and the ever increasing popular Captain K. P. Tibbetts Dive Attraction on the Brac. I believe that the provision of the choice for our tourist attractions will encourage the various visitors to our islands to spend more time here with us and indeed more money and our people can only reap positive financial benefits as this is continued to be pursued.

Another area that can be further diversified in the area of tourism is the area of sports tourism. This is a growing area worldwide and when properly planned and co-ordinated can attract thousands upon thousands of visitors to the sporting event(s). It is therefore in my view, sir, that although in recent years tremendous strides have been made in the area of sports, we still have a long way to go as far as putting all of the necessary infrastructure in place.

As far as it relates to football fields, the Government has put in place modern fields in East End, Bodden Town, George Town, West Bay with some districts having two modern fields now in place and we are grateful for all of the efforts of the last Minister and the Government in this regard.

The last of the six districts which make up the Cayman Islands which will be getting a proper football field will be my own district, Cayman Brac and Little Cayman. Once this field has been completed, this will *prima facie* complete the Ministry's sports for all policies as far as it relates to the provision of proper football fields in all six districts of the Cayman Islands.

Of course as the policy of Government is to provide for the general well being of all of our people there is

also need for other ancillary and/or their supporting sporting infrastructure in these islands. Thus far, the districts of George Town and West Bay are perhaps the most complete in so far as they have proper seating, storage and bathroom facilities and it is the Ministry's intention in this coming fiscal year to continue on this ancillary infrastructure developmental of sport programmes.

There are several other sports in addition to football which also provides fertile ground for sport tourism to be developed. For example, golf and basket ball, cricket netball and track and field and this is not an all inclusive list but just to mention a few.

Presently, there is only one swimming pool available in all three of these islands to be able to facilitate the swim programme which is bursting at its seams with youngsters.

### POINT OF ORDER

**Mr. Roy Bodden:** Mr. Speaker on a point of order, sir.

**The Speaker:** May I hear your point of order?

**Mr. Roy Bodden:** Mr. Speaker, I draw the Chair's attention to Standing Order 32(4).

**The Speaker:** I don't think the Member is reading it per se. Please continue Honourable Minister.

**Hon. Julianna O'Connor-Connolly:** Thank you, Mr. Speaker. Indeed I am not creating a precedence, but patience is a virtue and I would prefer to be virtuous this morning.

As I was saying, there is much to be achieved still in the area of sports as far as the creation and the provision of various sporting facilities here in the Cayman Islands. As we have a policy for the provision of sports for all, it is the Ministry's intention to continue to work in this regard. I believe that as far as it relates to swimming, all Honourable Members will note that there is a three-year swim programme provided for in the 1999 Estimates. The general idea is for the addition of another swimming facility here for Grand Cayman in the year 2000: one for the Sister Islands and in the year 2001, an addition one for Grand Cayman. We believe that once this is put in place, we will be up-to-date as far as we are concerned with our swimming infrastructure development program.

Permit me also to take this opportunity to congratulate the swim team, the rugby team and the cyclists who travelled to represent the Cayman Islands this past September to Malaysia for the Commonwealth Games. I can truly say they did the islands proud. Not only was it a means for them getting a wealth of experience, but also they were able to advertise and be great ambassadors for the Cayman Islands by their mere participation. It was indeed a very memorable moment to see them march around the stadium before thousands of people in Malaysia, and indeed millions worldwide through the media and the TV, holding up the Cayman Islands' flag.

I believe that both the Minister of Tourism and myself can continue to work in this regard and we would have done well in the area of advertising and promoting these beloved Cayman Islands.

It is also my view that if the provision of proper sporting facilities is put in place here, it would give our athletes an equitable advantage when they travel worldwide because they would be familiar with competition level sporting infrastructure and they would not be in a disadvantageous position. This greatly comes out as it relates to swimming. Presently, we have a half size Olympic pool, and at competition level, there is a full size Olympic pool which puts the swimming athletics at a great disadvantage in the amount of time it takes to actually turn around and cut down the seconds on their competition achievements.

This coming year again, the Ministry will endeavour, subject to finances, to further develop and augment our national and women's youth programme. We are extremely grateful for the valuable contribution we are getting from the Commonwealth Secretariat. And the personnel in the Ministry have been working with other ministries as well as various volunteers within our Caymanian community to ensure that we reach as wide a base as possible in the putting together of a feasible, practical, and yet affordable Youth and Women's Policy.

I am also happy to say that in keeping with the Ministry's policy of providing a shelter for battered women, a few weeks ago I had an opportunity to meet with two local interested and dedicated persons who have offered to construct a proper facility to shelter battered women here on Grand Cayman. We are still in the process of negotiation, but suffice it to say, they are prepared to build such a structure, hand the keys over to Government and Government would then come in and take up the recurrent expenditure and offer this badly needed facility to the battered women in our society.

Having travelled to many different places in the world, I still believe that Cayman is perhaps one of the best places in which to reside, as far as it relates to the rights of women. I realise that there are lots and lots of criticism being levelled about the rights of women, but because of our sea-fearing history, we have come through a phase where a lot of our men had to go to sea and women, whether or not they wanted to, ran the country for a number of years and they have continued to excel.

In Cayman, sir, I dare say without fear of contradiction that our women enjoy a very wide range of rights and that many other women worldwide are still fighting for these rights. For example, our women have equal opportunity to education, equal opportunity to the jobs, to health and equal opportunity to the judicial system and indeed to the running of the Government. Indeed if one would take the time to properly analyse the available statistics that we have here in the islands, we would see that in many, if not most of the six districts that make up the Cayman Islands, that women make up the largest percentage of voters. So, it is not fair to level a criticism that women do not have sufficient representation in this

Honourable House when the majority of the voters are women.

Whether or not I am criticised, I will continue to believe the statement which I am about to make, in that I strongly feel that no position whether it is in the Cayman Islands or in other places in the world should be given to a person based solely on gender. Persons should not be given a job just because they are women or men, but indeed there are many other factors that should be looked at, in particular, character, qualifications, experience and the potential to name some of these areas.

In Cayman, we have a lot to give God thanks for and indeed we can show our appreciation for the prosperity which he has endowed upon us by living and working together in unity and harmony and by supporting one another, be it the good times or the bad times.

Again this year we will seek to continue and develop the policy to provide grants to various organisations and groups. This policy which has been put in place before I took on the responsibility of the Ministry, of supporting after-school programmes and various church groups, is a policy which I (along with Government) continue to support. I believe it is a good policy and already there are many conspicuous and positive results that are evident from these grants to these groups.

We have also continued the policy of giving grants to various sporting groups, culture groups and the amount of the grants vary from time to time. Since taking over the Ministry, because I am a strong believer in accountability and transparency, I have introduced a concept of the issuance and signing of contracts to the various bodies which are recipients of the grants from the Ministry. As with all change, there is some resistance, but I do believe that Government should endeavour to get good value for the money spent and the utilisation of contracts is but one way in which I saw fit to augment the system.

The Ministry also continues to work with the various beautification committees in the six districts. We will continue this policy and indeed we are most grateful for the hard-working and dedicated volunteers who work from year to year to improve the aesthetic look of their community and to develop the various beautification programmes within their respective districts.

I would also encourage more persons to volunteer their services at a community level, both with the Community Development Committee and the Beautification Committee in the various districts. I believe, in so doing, if we take it at a district level not only can we enhance the beauty, but we can work at continuing to maintain the safety and the social harmony and development within the six districts.

Mr. Speaker, from a policy perspective, if their involvement is at a community level, then there is a large degree of ownership. And I have found that once there is ownership, there is a proven catalyst for motivation and I strongly believe that performance rides on commitment. If we can get sufficient committed volunteers, then I believe that we can only continue to go in the right direction with our communities.

I believe that this is one area where we can continue to create an excellent partnership between Government and the private sector and we can therefore move from an embryonic stage into healthy birth whereby Government can continue to provide partial and (in the relevant cases) full sponsorships or grants while the members of the private sector or the community can offer their expertise and skill and create a lasting partnership which will go way into the 21<sup>st</sup> Century.

Mr. Speaker, the Ministry also continues the policy of assisting the veterans with their monthly grants and quite frankly it is my individual view that since we have taken the decision to assist and increase the Social Services perhaps we should also look at considering increasing for the veterans seeing it was they who went to war to preserve our liberty, our freedom and our tranquility. I would be most grateful if at the appropriate time this was also duly considered.

The policy of mandatory education here in our islands is also, I believe, one of the keys to the success of these Cayman Islands. It has continued to work extremely well and I believe that in a cost associated with education, our cost would be well incurred because there are presently a number of various educational infrastructural needs that the country is faced with. I believe for the most part, these needs are now very urgent.

There is the need for at least two additional primary schools on Grand Cayman, another high school and in the district of East End there is need for at least two additional classrooms. All of this costs millions of dollars. This does not even take into account the recurrent expenditure which includes, but is not limited to, the emoluments. Subject to these projects being realistically costed and reasonably accepted construction bids, then we now need to face the music and put in place these badly needed education infrastructure facilities. I know that the present Minister for Education is indeed committed to this cause and not only here in Grand Cayman, but his commitment extends as well to the Brac and Little Cayman.

The costs associated with education as with any other costs are increasing as the years pass by and in order for the Government to meet these various educational needs, of course money has to be spent. Because education is mandatory under the education law, and it is also free, money therefore has to be derived from somewhere.

As we do not have any form of income or direct taxes, the only means of raising this money would be if there was a surplus with our revenue, which there is not sufficient to meet these educational costs, or if the Government saw it fit to raise it by way of loan funds. This is the direction that the Government on a whole has decided to go this year again (as with previous Governments) for capital projects including our educational projects is to raise the funds by way of getting loans. This gives rise to, How will these loans be repaid? As I said, because we do not have direct taxes, the Government then has to look at raising by way of revenue enhancement measures. Again this is a policy decision that the



Government has taken and will be before the House in due course. At whatever the cost, providing it is reasonable cost and it is for the educational facilities, they have my full support. I am sure I can speak for most, if not all, Honourable Members in this House, that they too will support these badly needed projects.

Turning now to the Brac and Little Cayman, first let me say that the Second Elected Member from the Brac and I, are extremely grateful for the provision that Government made a couple years ago for the establishment of the Kirkconnell Community Care Centre. However, now there is a need for an extension of the said centre and we believe that the best direction for the Government to take is with the establishment of bed facility, because there are a number of our elderly [folk] within the Brac Community who are now on the waiting list to receive these services.

One additional area that I believe needs to be continually reviewed, is the area of more local recruitment and training. We are grateful to the Honourable Minister responsible, for his continued commitment in this regard.

Ever since the experience of Hurricane Mitch, the people of the Brac, your people and indeed my people, have been making various representations to us about the provision of a proper hurricane centre. As a representative...and since the advent of the hurricane, as I said...I have had various and numerous representations in this regard and I have sought to establish the funds in the Estimate for such a facility. Unfortunately, due to the physical and the environmental make-up of the three islands, all three islands are extremely low lying. Fortunately, we in the Brac have the added advantage that the bluff rises majestically to some 140 feet and this is our only protection within the three islands in the event of a storm surge.

Mr. Speaker, presently the situation on the Brac is as follows: There is the Creek Primary School which has been used from time to time, but in my humble and respectable opinion, it is most unfit to be used as a hurricane centre, because it is established in a fall with only one entrance. That same entrance is used as an exit which leads out closer to the sea and we all can envision what that would mean in the case of a storm surge.

The other disadvantage with it is that it is quite small. In addition to that, the restroom facilities are outside and again it doesn't take a Philadelphia Attorney to envision the dire straits one would be in, in the event of a hurricane, having to go outside to use the bathroom facilities.

The Spot Bay Primary School, as well as the Cayman Brac High School, which are also nice structures, are both on the beach and much too close to the water for any safety or comfort measures.

The West End Primary School is a very small building which is also used, but it is very close to the edge of the bluff and if I remember correctly, probably between 8 and 10 feet elevation at most. So, this again is not one of the safest places in which to put our residents.

We also have been using the Ashton Ruddy Centre and during Hurricane Gilbert, I am told from the person

who sought shelter that the water was actually coming in the floor of the building because the floor is constructed at a very low level and in addition is constructed into a valley as it were. There were also some genuine concerns about the actual infrastructure to holding up hurricane force winds especially category five hurricanes as Mitch.

Now, Mr. Speaker, we have all read the predictions in the local newspaper, as well as in the international media, for a number of reasons the global warming, that the sea level is expected to rise in the up-coming years. There are also predictions for more strong and vicious hurricanes next year and coupled together with the fact that those Brackers who live on Grand Cayman whenever there is word of a tropical wave, not to mention a storm or a hurricane, head for Cayman Airways and over to the Brac.

So, because of that, we not only have to attend to the needs of the local community, but indeed we have a responsibility to the visitors as well as to returning Brackers and other Caymanians who would want to seek a higher elevation and a place of safety. So, I fully concur with the representations which I received from my constituents and I trust that all Honourable Members would see fit to support this worthy project on the Brac.

We also saw during Hurricane Mitch that a lot of our residents wanted to be transported to the mainland, U.S.A. In the event of another hurricane, the shelter in the Brac would also be an alternative shelter for anyone on Grand Cayman wanting to seek higher elevation but could not afford to go to the States or perhaps did not have a visa in time to make the travels. They are more than welcome to come and ride it out with us there on the Brac.

I also believe that the districts of West Bay and George Town are in also dire need of hurricane shelters and their civic centres. I also give them my full support having been in George Town during Hurricane Gilbert in 1988 (I believe) and being in and up the streets during even in the midst of the storm, I know that there was an occasion where there was physical infrastructural problems with one of the high schools where people were being sheltered. And George Town as in West Bay are perhaps the two largest districts and I believe that its long over due for these two districts to also look at providing and having establish proper hurricane and additional hurricane shelters in some instances.

The other districts I believe already have in place very equipped and modern hurricane shelters including Bodden Town. But in the respect of Bodden Town what I would say it being cognisant of the fact that it is perhaps one of the fastest growing districts in the Cayman Islands, that perhaps there is now need to re-assess the capacity situation within that district with a view of ascertaining whether or not they are up to speed with providing and catering to the need in the event of a hurricane. Because as we see during the passing with Mitch, the areas that I normally thought were quite safe in Savannah and Newlands proved not to be safe with the storm surge going in the Savannah, Lower Valley area. So,

there is an urgent need I believe to look again to reassess the needs that we have.

In making these various observations, it is by no means an attempt to criticise or undermine but indeed it is out of genuine concern not only for my district of Cayman Brac and Little Cayman, but for the residents of Grand Cayman as well. Because having paid very close attention to what has happened in Central America, in the local media as well as on the internet, we can see that it is not a fairy tale. God forbid if one of these devastating storms came to our shores. I believe that *prevention has to be much better than cure* and the time to act is now.

However, we can only act within the fiscal constraints that are placed upon us and if we are going to take the policy of going into any loan funds, then I think that either directly, or indirectly, we are in fact crippling the potential to provide the necessary infrastructure for our constituents.

If I could now move to the issue of roads as it relates to the Brac and Little Cayman. There is from year to year, a need for the construction of various roads in both of these islands. As all Honourable Members are fully aware, the need for roads on the Brac fall somewhat in a different category than the needs for roads in Grand Cayman. Whereas Grand Cayman is fairly well developed, the need arises out of congestion and in some instances, I dare say lack of planning or putting in place a proper road plan.

The Brac's need for roads is more in the line of labour and planning for the future. I have always believed that it has to be much better to put in a planned road system before the development comes. It is easier and more cost effective to put in roads, and then buildings, as it is more difficult to put roads around buildings (as is now the case in Grand Cayman).

The added need for having funds voted from year to year for roads in the Sister Islands is that, it is not just a matter of a balancing exercise for the Budget if funds are cut for road projects on the Brac. But indeed what this translates to, is that there would be a number of families on the Brac who would be out of work because the Government is perhaps the biggest job provider in the Sister Islands and in some cases the only job provider for many of our people. So, I would ask Honourable Members to continue to look at the Brac and Little Cayman as a matter of priority and to continue to support in this regard.

Looking at the far spectrum of this scenario, if sufficient funds are not provided for roads and other capital projects, and our men once again have to be put in the position they were several years ago where there is not enough work—All this would mean that Government would be taking money from one pocket, placing into the other and that we would have more persons lining up in the indigent category for the Social Services Department in order to meet their daily personal expenditure. I am sure you will agree with me, that our people are very proud yet humble people and would much rather work to earn their living than to accept handouts from the Gov-

ernment. So, I would encourage all Honourable Members to support us in this regard.

Having said that, I fully support proper funding for roads in Grand Cayman. Mr. Speaker, are you minded to take a break? I was not sure...

**The Speaker:** When you reach a convenient position, we would take a morning break.

**Hon. Julianna O'Connor-Connolly:** I thank you. Having said that, I fully support the roads programme that was put forward by the Honourable Minister of Tourism. Although it will cost us millions of dollars, it is perhaps the only solution that we have at this time with the traffic congestion that we are now seeing on a daily basis in Grand Cayman. This simply cannot be allowed to continue. The Ministry of Tourism I felt quite ably set out the needs of the roads and the appropriate estimates for Grand Cayman, which I fully support and hope that all Honourable Members will support as well.

As I said in my introductory remark, I still believe that these Cayman Islands are perhaps the best, if not one of the best, places to live and if we can continue to enjoy this standard of living if we would identify our problems and work together to find suitable, feasible, practical and financially prudent solutions.

With these few words, permit me to close by saying that we should all purpose in our hearts to seek God's guidance, his direction and commit that in so doing we can fully acknowledge and be fully cognizant of the fact that he shall indeed direct our paths that he will provide us with the requisite wisdom, knowledge and understanding and may God continue to bless these Cayman Islands. I thank you, sir.

**The Speaker:** We shall suspend proceedings for fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 11:29 PM

#### PROCEEDINGS RESUMED AT 11:50 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate on the Appropriation (1999) Bill, 1998 continues. The floor is open to debate. Does any Honourable Member wish to speak? The Honourable Minister for Agriculture, Environment, Communication and Works.

**Hon. John B. McLean:** Thank you, Mr. Speaker. First of all I would like to thank Almighty God for us having the opportunity once again to stand in this Honourable House and to debate a Budget of this magnitude for a country the size we are.

I would first of all like to congratulate the Honourable Financial Secretary and his able staff for what I consider a job well done. I have to differ with some of my colleagues when I listen to them. I sat over here patiently listening to them, hearing how they actually thought about such a good budget.

The economy of this country speaks for itself. We are blessed. Persons in this country today who are actually not employed, in my opinion, sir, they are not prepared to work. I believe that this Government has proven itself with this Budget and of course I have also sat on the Opposition Bench, therefore, I am aware of what their job is supposed to be.

When we turn to Education in this country today, we can compare what we are offering to our young people to any territory in this area. As a matter of fact, I have often-times heard foreigners—especially from the United States—praise the system that we have here in the Cayman Islands. The Government has always been very concerned and has tried to do as much as possible to make sure that our young people are educated. I would only encourage young people in this country to take into consideration what is being offered to them today and try to utilise it to its fullest.

Mr. Speaker, when I began attending primary school like others in here, we did not have transportation; we did not have air conditioning; we did not even have proper seats in the classrooms. Today each district in this country can literally boast of having transportation; we can boast of the classrooms being clean and in order; we can boast of the classrooms being air conditioned and all other facilities that are necessary for our kids to enjoy and of course to develop a very good education.

As I said a while ago, in this territory the Cayman Islands have as good, and in some cases better, than other countries. I was in a neighbouring territory just two weeks ago and when I saw children and where they were going to school, and then came back seeing exactly what we are offering here in the Cayman Islands, we have a lot to be thankful to God for. I support the Minister of Education in his effort. I think that his dedication has shown this country, the Cayman Islands, the great effort he has made to make sure that education is promoted in the Cayman Islands.

Once again, I will say that money spent on education in any country, once utilised properly as we do here, is money well spent. I am aware that lots of times persons maybe upset with regard to cost especially when we are talking about constructing buildings or indeed other things within the school, but the pittance being paid is nothing to compare to what is being offered. Any other area, any other school definitely demands more in money than the Cayman Islands do.

There are not too many territories that can boast that if parents are not in a position to give their children lunch money, those children can still go to school with proper arrangements. We must look at all aspects of this; we must look not only at food; we must look at buildings; we must look at the quality of teachers that we have in the Cayman Islands. And regardless of what is said, we have to face reality: if it were not for a good Minister of Education we would not have the qualities that we have.

I have known that good gentleman for a long time and I can guarantee anybody that he only stands for one thing and that's the best. We can look at the quality of passes that we have had in recent times in our schools; it speaks for itself. We can be compared and surpass a lot of people—a lot of territories—when it comes down to these sorts of things. And again I will reiterate: It is simply because of the dedication of a Ministry, dedication of the Education Department, we have excellent teachers throughout our islands and we should say thanks to God that we have such a service to offer to our young people.

The young people of today will be the old people of tomorrow—the persons who will take this country over. I will say again that any funds we spend on education in the Cayman Islands will be funds well spent.

This takes me to Health Services. We have voted a large amount of funds to continue health services in the Cayman Islands, but in any territory where we have healthy people and we have a high standard of health services, you are in good shape.

I recall some years ago, I took a group of farmers to the United States to a farm show. At that show it was thought that there was an outbreak of cholera from persons from South America. I never felt more pleased with myself than when I could go to the Public Health and take my group and say to them, "My group is clean because in my country we take cognizance of the fact that all of these diseases must be treated and our people are treated for them." It cost me a telephone call because I had get documents from home for some people, but the end result was that we were out of there before the quarantine of the hotel was over, because we had no right to be there. This shows that we have a standard in the Cayman Islands that we can be justly proud of.

We can look at what has taken place over the last few years with regard to providing services not only here in George Town, but the government of the day took a stand that we were going to look at all areas of the Cayman Islands. We have very, very nice health centres in Bodden Town, in East End, North Side, West Bay, and it goes on and on. We look here in George Town which is the capital and anyone who has visited our new hospital and does not see the qualities in there, they are blind because it is my honest opinion that when that facility is completed, we will have once again in this territory, a quality hospital. A hospital that will be offering the services that the people of our country need and most important, what they deserve.

It is a known fact that the people—especially of Grand Cayman, have suffered over the years, indeed not only for health reasons, but I would say because the funds were not available to us to do what we needed to do. With the good government, especially with my good colleague across from me, Mr. Tibbetts, we have the support to finish that hospital and we will be providing to this country a service that surpasses all other territories around. We have the dedicated staff, we have the qualities in the building, we have the supplies and we have the necessary things in there to make sure that we offer proper services to this region.

When the Government started the health centre in my district, it was far from my thoughts that when that facility was completed and opened that it would offer the services which it does. Today I am justly proud of what we have there, I am proud of what is in Bodden Town and other districts and I take my hat off to the Minister responsible for health because he has really and truly put his heart into it, well knowing that he had the support of his government.

Speaking of the economy of this country today, we can never lose sight of what tourism means to us. It is encouraging when we can boast and see for ourselves five tourist ships in the harbour some days. This did not come by chance. It took long, hard hours to make sure of what was happening to this country. When we look around at the hotels, when we look around at construction in general, let me say once again that we have a lot to be proud of.

I am pleased to know that tourism is booming in this country – not only by sea. It is encouraging to go to the Airport now. I recall years ago going and seeing two planes. Today you go out there and you can see probably five or six huge planes all bringing tourists to our shores. The economy of this country

speaks for itself; contributing and spending are definitely happening in this country.

Talking about the economy, look at construction in this country today. Years ago we could say that construction was actually only in one area of the Cayman Islands. Today as you drive around Grand Cayman, Cayman Brac, Little Cayman, construction is booming in all areas. Never in my slightest dream did I think that the Queen's Highway would have been the way it is today. One of the best developments in this country is presently under construction and the other one is just about completed. No longer are we talking about Seven Mile Beach, we are talking about something that affects each and everyone throughout the island.

Let me also say that while we have the developments such as the ones I have mentioned which are hotel-related, never before in the history of this country have we had as many private developments, private homes being constructed at this time. Again I say, especially in that area persons who do not have a job do not want a job, because the opportunities are there. The opportunities have been provided by this Government to make sure that our people are in a good position and thank God it has been working.

I would like now to move on to one area that I am responsible for: Agriculture. Let me say first of all that in a few days we are hoping to open our new facility at Lower Valley—the new administration block. It is an open opportunity for all Members to attend. Of course, we will be sending out invitations to each individual, but I just would like to remind them that it was through their help in Finance Committee that I was able to have funds approved and able to give to this country such a facility. It is encouraging to see in this area, the advancement in this country. And I know that a lot of people disagree with me on that, but if they were there from the time I was there, they would realise that what we have today is nothing like what we started off with. And I will say again, we have quality crops and we have quality animals and it is all due to the co-operation of the farmers and the Department of Agriculture.

We have also introduced training for Caymanians and we have had a few that have actually taken it up, but we are aware that this is an area that a lot of our Caymanians try not to get into; I can appreciate that as a farmer. But the fact remains in each country, we must eat and if we have a strong area of agriculture it adds to us not having to spend money overseas. Thank God I can say today that the quality of our crops such as plantains, bananas, avocados, mangoes and of course the animals, surpasses anything that we import. May I say we still have to work towards being self-sufficient in it and that is our goal. We try to offer all assistance possible to our farming community.

It is a fact that we have a serious problem in this country especially with stray dogs. I appeal to the general public to try to assist the Department especially when traps are set not to molest them and instead, to contact the Department and make sure that they come and collect whatever is in the trap.

We have the same problem with other stray animals, such as cows. Anyone who believes that the job of the Department of Agriculture and indeed the Ministry of Agriculture is easy, it is not, because we find that people will call upon us all hours of night for such things as I have mentioned. Sometimes, when we arrive at the scene the traps are empty; however, it was because of some irresponsible person who would go and open the trap. So, once again I appeal to the public to assist the Department and work along with them so that we can try to work toward a happy goal with regard to this.

We also continue to offer services especially to persons with crops such as spraying for insects. We also encourage importers to be sure of where crops are coming from into this

country. I need not say more than if persons who have listened this morning to what the Department actually had on radio... We continue to try to educate the public with regard to the dangers of the Mealy-bug but you know with all of that, I would say it takes all of us working together to make sure that we never have something like that in the Cayman Islands. This is serious. It has actually devastated crops in other islands and of course if we should have it here in Cayman, God knows how we would deal with it because many areas in this country being farmed, do not have proper accesses to them. We would be in serious problems trying to offer control.

We are also hoping to get on our way with the abattoir. This has been something that we have talked about for many years, but in each budget we have never placed the full amount for us to do the job. We have started to prepare the grounds and we are hoping that over the next year we will see that facility the same as the administration block – completed. So that we can ensure that we have a facility that will be as good as what is in the United States and provide proper tools for the farmers to deal with carcasses and make sure that we can cater to our public in a safe manner.

Another area under my Ministry that I must speak on, is garbage disposal. Let me say that this Department has actually asked in the Budget for certain funds to try to improve upon the vehicles we have which are old and out-dated and are costing the country lots of money. I am asking the Members here to consider and to agree and if anything, to advance what we have asked to a greater figure because we must all take into consideration what will happen to tourism and our financial sector if we do not have proper garbage collection. Thus far, again, we can be ready because we have provided a service here—a service that you cannot find in most other territories—a service that even when funds are not paid for garbage collection, the garbage is collected and disposed of.

This brings me to another point, we have a serious problem with regard to an area to get rid of our garbage not only here in Grand Cayman, but indeed in all three islands. It is a serious problem. But yet we are still charging funds way below what it is costing us to collect and what it is costing us to provide new vehicles. I have had the agony of trying to collect garbage throughout Grand Cayman with two trucks not too long ago, because the other trucks are worn out and they have to be in for repairs and of course it takes a while once you are dealing with piece of heavy equipment.

I honestly recommend that we look at providing the necessary [equipment], especially in that area, so that we can continue on the basis we have and not in any way deteriorate, because I have fear of our financial sector, tourism. And, of course, if we are not going to collect it properly we are going to probably end up exactly like other territories where we have outbreaks of diseases of different kinds. I fully recommend that Government realises the situation and that we take a decision and do what we have to do with regard to that.

Mr. Speaker, on Communications: The 911 system is up and running. As a matter of fact the reports that I have received definitely show me and allow me to feel good that that system has saved lives in the Cayman Islands. We must continue to improve upon communications throughout.

You know the other thing I was told about the other day, Mr. Speaker, was with regard to my taking the initiative to go ahead and establish street lights throughout Grand Cayman. Somebody said to me that I had lit his district too much, but of course when I questioned him as to the crime rate in that district, especially in the area that we lit, I was told, "Yes you're right!" Let me say that as far as I am concerned, light in this country has done something in regard to crime and even in the yard of the Hospital.

All of my enemies have sometimes talked about me in regard to streetlights, but my skin is thick; my shoulders are broad; and even those, who have approached me for lights in their various areas, I have done it with the best of heart. Not necessarily because of the individual, but taking into consideration the importance of lighting certain areas and making sure that when the populace of this country are walking or driving on the streets they are somewhat safe. As long as I am responsible for that, I will give the assurance that we will do as much as possible. As a matter of fact I believe this morning I authorised three for various areas.

*[Inaudible interjections]*

**Hon. John B. McLean:** *[In response to interjections]* You've been getting all of them.

Mr. Speaker, I turn to Sports. Let me say that I have to compliment and congratulate Mr. McKeever Bush for his many efforts in making sure that throughout these islands we have sporting facilities—good sporting facilities in place. And at the same time, I say that with the greatest of respect to the present Minister. She, too, has been trying her best to make sure that these facilities are provided.

Let me say that in each district we have an area where our young people can get together and play various games. This is something that was long overdue. I have to say again that Mr. Bush has done an excellent job during his short time in there to make sure that those facilities were put in place. I would say on behalf of the young people of this country that they are grateful for his efforts. And, of course, he had the support of the Government of the day.

*[Inaudible interjections]*

**Hon. John B. McLean:** Mr. Speaker, I turn to the Turtle Farm. May I say once again that I am so pleased with the Turtle Farm because today we can boast of supplying meat to the other islands, which was not done before. Along with that, let me tell you, Mr. Speaker, that we have an outlet at the Farmers Market where on any day anyone can walk in there and purchase it the same way they purchase beef.

Along with that, we have to take into consideration the fact that in order for the Farm to continue to promote turtle meat products and to provide for the people of this country, we have to do some upgrading. Presently, the Farm is in the hands of a very capable young man, Mr. Ken Hydes, and his deputy Joe Parsons. Let me tell you that we have gone from strength to strength and we will continue trying to make the Turtle Farm even better than it is. I am sure that I will have the support of Honourable Members in regard to that. Everybody loves turtle meat.

I turn to the Water Authority. Again, I am so pleased to know that action was taken by the past Minister to start the project going into East End. Of course, we will be going into North Side and we will also look at the Cayman Brac project and whatever is possible we are going to make sure is done.

The people of my district, East End, have provided the necessary water, which is trucked from the reservoir there to all other areas in Grand Cayman. I am so proud to know that Government, with the assistance of the Water Authority, has taken on the project that will pump water into my district.

As everyone knows, I will always continue to support projects for the other islands, Cayman Brac and Little Cayman. I will not go into this because my good friend, the Honourable Minister responsible for Community Affairs, Sports, Women, Youth and Culture, made a good presentation in regard to the district of Cayman Brac and Little Cayman. I am prepared to

help in any way possible to make sure that we offer the necessary support.

I think she touched on something I would just like to reiterate, and that is hurricane shelters. Let me say that this is most important in the each district. I recall when I started the shelter in my district, everyone thought I was crazy. But when we had the hurricane in 1988, it was a good feeling that I could actually welcome tourists and persons from other Caribbean islands into that little shelter. We must take care of our people, and this is one area that makes a lot of sense.

We have to realise that in each district the population has changed from what it was in days gone by. Each district had a little Town Hall that was used for so many things, and has served the purpose. But we must realise that in each district the population has grown and it is the duty of any good government (as we are) to provide for the people in each district.

I realise that this country produces only so much revenue. I realise that the demands on the Government are such that in some cases it is very hard. But, for the sort of community we offer to our people, we must continue to keep our standards high.

Therefore, when we don't have the revenue people should understand that we have to seek loan assistance. The services to our people surpass the dollars. We must provide for our people. We must keep the standards of the Cayman Islands as they are, which we are all proud of when we boast of our financial centre and tourism. God has blessed us with good common sense from a long time ago: we must continue on that trend. While we may have a few voices crying in the wilderness, we must never, ever allow them to deteriorate something they did not assist in building in the first place.

It was rough trying to put this Budget together because of the demands. I must say that we have a very tolerant Financial Secretary who has worked long hours along with his staff, and today we have the document in front of us.

We have to look at areas where demands are made each day, especially when we speak of roads in the Cayman Islands: a necessity with the number of vehicles we presently have on the island. What should we do? No one who has actually talked about spending money on roads has a solution. I haven't heard anybody over there say that we should stop the importation of cars. And common sense would tell us that we can't because the fact remains that this is an area where we have independence in each family. They are independent and definitely decide on what kind of vehicles and when they should move in the vehicles. To change that, somebody would have to be worse off in his mind than I am.

I strongly suggest, as I have suggested before, and as is borne out in this Budget that we continue on a yearly basis to try our best to put in place what was there before and to make sure that each district benefits from roadworks and that we also tackle the highway we are trying to put through known as the Crewe Road Bypass.

We have a lot of critics who talk about the Harquail Bypass. But for those of us who use that bypass we well know that we may have little hiccoughs at the entrance, which is not completed, but you can drive that road and still save yourself 20-25 minutes from one end to the other from what it would take using the main road to West Bay. So the road is working.

I encourage Members of this House to see fit that we look at the eastern districts because, as they say about a tight pair of shoes, the only person who knows that feeling is the person who wears them. I drive that road each morning. Other Members also drive it. Let me tell you that sometimes it is very annoying. But what can we do with what we have?

I have tried my best. In certain areas we put in third lanes and that is still not enough because of the volume of vehicles

that we have on the road. Mr. Speaker, again, I believe that maintaining and upgrading what we have presently is better than allowing it to deteriorate and then having to build other new roads, or going over and capping the full thing. This is what Public Works has tried to promote for a long time, as far as we were concerned, preventative maintenance is better than having to come and ask Government for a lot more to construct something else.

Let me say that with an economy such as ours, with the services we offer in tourism and finance, the monies we would spend on roads to make them safe especially with tourists driving on them, will be money well spent. When I started the road to my district, everyone thought it was a waste of money. But we must plan for the future. I would rather know that in the Cayman Islands we build one mile of road a year at the proper width that would offer our people and visitors safe traffic than for us to build five miles of something that would only encourage accidents.

I am pleased to know that going into my district (and everyone here knows it) thank God I had the foresight. We have opened it up and I only seek the assistance of my colleagues to continue it into that district and to try as we have done in the district of Bodden Town, areas where we can widen, we have been trying with maintenance to widen, and to try to make it as safe as possible. It is almost impossible in some areas and the job of Public Works is never easy. But I must congratulate that department on its work. It has carried out what every Member of this House has actually demanded.

**The Speaker:** Are you going to a new point at this time?

**Hon. John B. McLean:** I am coming to a close right now. Mr. Speaker, as far as I am concerned, we have a budget which is in the capable hands of our Financial Secretary and his staff. We can only work along with it. He knows, as well as the Government, what we need in the country. As we have done before whenever a need arises in any district, it is looked at. I would just go back, for example, to streetlights. When we started that, it was for the thoroughway of the Cayman Islands. But, with a good Government, like this Government, we took the stand that we would look at it from a different angle. Today we can be proud of that.

If we work our Budget as we have it, let me say that it is my belief that with God's help and good guidance of a good Government, we will definitely succeed. May God bless the Cayman Islands.

**The Speaker:** Proceedings are suspended until 2.15.

### PROCEEDINGS SUSPENDED AT 12.45 PM

### PROCEEDINGS RESUMED AT 2.25 PM

**The Speaker:** Proceedings are resumed. Debate continues on the Second Reading of the Appropriation (1999) Bill, 1998. Does any other Member wish to speak? If not, does the Honourable Third Official Member wish to exercise his right to reply?

**Hon. George A. McCarthy:** Thank you.

The debate this year has been a particularly significant one. Throughout their respective contributions and deliberations, Members of this Honourable House have shown not only a very genuine concern for the issues that confront us, but also a willingness to help find solutions to the problems.

I would like to thank each and every Honourable Member of this House for his participation in this important debate. It was, indeed, heart-warming to see Members provide hard-hitting, but constructive criticism on the one hand, but then quickly blend in a special kind of camaraderie and good-naturedness. This is an indicator of our growth and maturity. We recognise that we might have different opinions, but respect each other's point of view. As we all know, the best approach is for us to put our heads together and to work constructively towards the betterment of these islands.

Throughout this debate numerous ideas were presented in many different areas. It is clearly not possible for me to comment on all of these. But I would like to address several Public Finance issues and a few other areas where Members have asked for clarification. Over the past two weeks, three pertinent Public Finance issues have dominated our discussions. Firstly, the size of a realistic capital development programme and its financing; secondly, the debt servicing requirements of an additional \$10 million in loans in 1999 and \$24 million in the year 2000; and thirdly, the controversial area of revenue enhancement measures.

On capital development and its financing, Mr. Speaker, in preparing the Budget each year, the Government, like most other Governments, faces the same problem—many competing demands and limited resources. However, this year the problem seems to be more complex. Resources had to be found for large infrastructural projects costing millions of dollars that are likely to run between the next two to three years.

We have heard about the millions of dollars needed to fund road resurfacing and new road construction. But road works are only one part of the capital development programme. There is a crying need as pointed out by Ministers of Government and other Honourable Members of this Legislative Assembly for a range of facilities to improve our social infrastructure. These are schools, remand centres, and mental institutions, just to name a few. We have to ensure that development for us does not just mean economic development. Promoting social development and maintaining a healthy, wholesome society are equally important.

The point has been made that we need to increase the size of our capital development programme and consider it within the timeframe of two years. This more realistic budget, as it has been termed, will seek to maintain the levels and kinds of services needed in the Cayman Islands. In order to finance the additional expenditure it is proposed that Government seek to borrow a further \$10 million. This is in addition to the \$19.1 million proposed in the Budget. The question this raises, however, is, What type of impact this is likely to have on our debt servicing. Let me explore this issue further.

I would like to make a clarification on the 1998 debt service ratio mentioned in the Budget Address. This ratio was stated as 7.2%, but revised estimates on debt servicing recently made available indicate that this figure is likely to be 7% and not 7.2%. The previous figure was based on the approved 1998 Budgeted Estimates, which showed total debt service payments slightly higher than what are now expected.

In computing future debt service ratios, there are two variables to consider: absolute debt service payments and recurrent revenue estimates. Depending upon the assumption we make in calculating either of these, the results may vary. Future debt service payments are calculated assuming a 6.5% interest rate for the next three years, and a ten-year repayment period. Given the current trend towards lower interest rates, we believe the 6.5% rate is reasonable. It is further assumed that borrowings would be \$30 million in 1999 and \$24 million in the year 2000.

A few loans, including two large ones, are expected to mature in the years 2000 and 2001. These have been taken into account. Annual repayments on these loans are expected to be approximately \$657,000 in the year 2000, and \$284,000 in the year 2001. They include the Cayman Airways Limited recapitalisation loan of \$16.6 million which was taken out in 1993, and the Cayman Brac Port Project Loan of \$1.5 million which was started in 1991. The Honourable Minister for Education mentioned that while debt service payments seem to be quite high, the majority of these loans are short-term loans. And the one especially for the recapitalisation of Cayman Airways bears this out, because as just mentioned, this loan will be paid off within the next two to three years.

On recurrent revenue estimates: Making projections on recurrent revenue is not an easy task. The recent period 1995 through 1998 has been one of relative prosperity both internationally and in terms of the domestic economy. During this time, growth in the domestic recurrent revenue averaged a healthy 11.4%. However, given current global economic conditions it appears that the world may experience slow growth in the future.

As mentioned in the Budget Address, any slowdown in the US economy may not affect us until late 1999, or the year 2000. But, as you are well aware, the US economy, contrary to some predictions, has not yet shown any signs of a slowdown. This is in terms of a decline in consumer spending or lower investment levels. Given this uncertain situation, two different scenarios are painted each with varying assumptions about the future.

The first scenario is a baseline scenario. It assumes revenue growth in 1999 to be in line with the budgeted projections, that is, 17.2%. This 17.2% includes a 12.2% basic growth, plus an additional 5% from the revenue measures. In 2000 and 2001 it is assumed that revenue growth slows considerably to 5% in these two years. The second scenario is a pessimistic one. It assumes slow growth rate of 11.4% in 1999 instead of the budgeted 17.2% and that there will be no growth in recurrent revenue in 2000 and 2001.

Based on these scenarios we now look at the debt service ratio. Our calculations show that the debt service ratio under the baseline scenario is expected to reach a maximum of 8.4% in 2001. Further, under the pessimistic scenario, this ratio increases to a maximum of 9.8% in 2001. In both cases debt service ratio does not extend beyond the 10% limit set by the Government.

We will be circulating a table for Honourable Members to see how these figures were arrived at and to test their logic, to demonstrate that the figures were not 'made' or 'fudged' to come under the 10% limit. Even with the most optimistic scenario, it is unlikely that if the Government implements the full capital development programme, the one referred to as a realistic capital budget, that there would be a need to consider having to borrow the full \$24 million in the year 2000.

It is one of such where we do believe that the landscape in terms of the world economic situation is changing. But we can get an indication from the level of inward investment that is taking place in the Cayman Islands at this time, and what is contemplated, what is on the horizon, as an indication of likely economic growth. So far, I think we have reason to be optimistic.

One of the things I should point out—and we have to be very careful in terms of how we set ourselves up as 'prophets of doom and gloom'—although it is important that we be realistic, there is no point in burying our heads in the sand and thinking that a recession is not within the wider international community. What we have to be careful of, in addition to the vari-

ables influencing that recession, is that we do not add to that by talking ourselves into one.

We see, for example, that when it comes around to a Presidential election in the United States, that country goes into a mild recession. That is normal because the stage has been set and the atmosphere charged, and it could be the political will of the campaigners, but this always leads to a certain amount of fear and doubt. While we have to be very realistic, these are matters we have to consider very carefully.

I am happy to say, judging from all the contributions I have heard from Honourable Members of this House, that they have set out their concerns in a very constructive way. I must say I am very pleased. Members have pointed out areas that should be addressed by Government, and it is very important that Government turn its attention to these areas. We have seen on the fiscal reform side, we know it is very important. We know we are living in a day and age where we don't have to deal with guesswork anymore. We can use scientific reasoning. We know that we have people around with the acumen. We know the expertise exists. We find it very much amongst Members of the Legislative Assembly. It is time for us to sit down and take this better approach.

I should say, the Government is now committed to this. It is not a question of talk. Some of the Members of this Honourable House are active participants, on the committees that have been set up to deal with these reform initiatives.

Turning now to the controversial area of revenue enhancement measures. Mr. Speaker, there has been much discussion on the revenue enhancement measures presented in the Budget. Some Members have questioned the idea of increasing taxes, fees and charges as a form of raising revenue. Others have objected to specific areas of increases, or to the scale of increases. But amidst all of these criticisms, one basic point needs to be emphasised—the goods and services provided by Government cost money and they must be paid for.

One speaker gave concrete examples of how little we pay for some very essential services such as garbage collection. A similar situation exists in many other areas where fees have not been raised for the past 15 or more years.

One area that requires urgent attention is health services fees. The George Town Hospital cost several million dollars to construct and a range of new and improved services is now being provided there. Fees which will have to be increased include administrative services, such as medical autopsy, and medical examination reports; dental and eye clinic services; new services and procedures such as hip and knee replacements; clinics conducted by professionals allied to medicine such as psychologists, occupational therapists, and dieticians, and fees for non-residents.

Throughout the debate, several Members have pointed to alternative ways of generating revenue. The Government welcomes any suggestion Honourable Members of this House would like to contribute in this area. It is clear, as many speakers have pointed out, that the entire revenue situation needs to be examined comprehensively. We have to consider the cost of goods and services provided by Government in relation to fees and charges levied on them. We also have to examine the structure of revenue generation and new ways of generating revenue.

The Portfolio of Finance and Economic Development intends to give this top priority to this area of work in 1999. Connected with this is a proposal for the setting up of a think-tank. That is an excellent suggestion. In terms of the composition of that group, there are Members of this Honourable House who are ably qualified to be a part of that group when it is put together—Members of Executive Council, Members within our

Economics and Statistics Department and within the wider community.

Mr. Speaker, this is one suggestion that is welcomed by the Government and it is one that will be acted upon. Not only in the area of generating revenue or probably putting forward constructive suggestions in terms of Government's overall fiscal management, but it is likely that this group will be able to make significant contributions in other areas.

Mr. Speaker, before closing I would like to comment on a few other points. The first point concerns the need for a National Disaster Fund—a suggestion made by the Elected Member for North Side. As we all know, we were extremely fortunate to have been spared the full wrath of hurricane Mitch. I recall this suggestion being made much earlier by the Honourable Third Elected Member for Bodden Town as well. Obviously, no one likes to entertain the thought of a hurricane passing through our islands. But our location places us at risk of such natural disasters.

We may not have control over the forces of nature, but we can certainly prepare as comprehensively as possible for such an occurrence. The establishment of a National Disaster Fund is very important. Such a fund will help to cover not only immediate needs for food, shelter and medical attention. But it will also assist in repairing and re-constructing essential infrastructure that is often destroyed by hurricanes.

The second point I would like to make is really a clarification on a statement made earlier, on the financial reforms being undertaken by the Government. Let me emphasise that these reforms will not merely constitute a shift from a cash-based to an accrual-based accounting system—nor just a movement towards output specification. The reforms will involve changes in our budgetary processes; in planning and programming our resources; and in improved specification of policies relating to expenditure, revenue, debt and general reserves. In general, they will contribute towards prudent and more effective fiscal management.

Mr Speaker, concerning the specific issue of the Stock Exchange, I would like to emphasise that the Exchange is still in its initial development phase, but has achieved notable success in attracting quality listings and memberships. Self-sufficiency in the long term depends upon the Exchange continuing its current levels of growth, while also maintaining its high standards of regulation. Revenue for the first eleven months of 1998 has increased by 53% over 1997, from \$257,000 to \$392,000. If the current levels of growth and revenue generation are maintained, the Exchange should be self-sufficient in four to five years.

Mr. Speaker, I have mentioned in this House on previous occasions that in setting up our Stock Exchange it was intended that to achieve completeness and to complement the range of financial services (the products that the Cayman Islands offer as an international financial centre) that caution had to be employed because we are still getting out of the gate. We do not want anyone within the international community, or slick operators, to feel that the Cayman Islands are somewhat vulnerable and bring on listings to our Stock Exchange that we will later regret. We are being supercautious. We are being exceptionally careful to ensure that the Stock Exchange is properly developed; while in its infancy we have reason to be quite happy and satisfied with the level of growth that is taking place. And we are experiencing this. It was pointed out from the inception that this was the approach the Government would be adopting.

One Member requested information on the Millennium Bug problem. The Chief Secretary is expected to provide a full statement to this Honourable House quite soon on this topic.

Mr Speaker, I look forward to a very interesting and rewarding New Year in 1999. The Government has a long agenda and many challenges to face. As we face those challenges, I will be reminded of all the constructive criticisms and helpful suggestions made over the past two weeks or so, in this Honourable House.

I would like to thank every Honourable Member for his contribution to this Budget Debate. I would like to thank you, Mr. Speaker, for your patience. I would like to thank the staff within the Portfolio of Finance and Development, the controlling officers who worked very closely with the Executive Council in putting the Budget together, and the Permanent Secretaries for their very valuable input. We are at that time of year when we feel that even the way the breeze is blowing, there is a spirit of goodwill in the air. And we are always mindful of our heritage.

In closing I would like to wish God's richest blessings upon you, the Government as a whole, every Member of this Legislative Assembly, the staff of the Legislative Assembly, the extended members of all of the groups I have mentioned, the entire Cayman Islands community, and to say thanks, especially to the staff within the Portfolio of Finance and Development.

This Budget has certainly been team work, not only for the Portfolio of Finance and Development, but for the Executive Council, Permanent Secretaries, participating for the first time, they, being in touch with their Heads of Departments, everyone was very much aware of the changes that were made.

We know that there are certain areas that Members are concerned about on the revenue measures. We will look at those very carefully. The Government is prepared to sit down with Members of this Honourable House to look at the proposed increases and to take suggestions on board.

At this time, Mr. Speaker, let me say thanks again to you and to Honourable Members. May God bless everyone.

**The Speaker:** The question is that the Appropriation (1999) Bill, 1998 be given a second reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE APPROPRIATION(1999) BILL, 1998 GIVEN A SECOND READING.**

### STANDING ORDER 63(3)

**The Speaker:** The Appropriation (1999) Bill, 1998, together with the Estimates now stand referred to the Standing Finance Committee.

That completes the business on the Order Paper for today. I would entertain a motion for the adjournment of this Honourable House. The Honourable Minister responsible for Education, Aviation and Planning.

### ADJOURNMENT

**Hon. Truman M. Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until Finance Committee completes its sittings and reports back to the House.

**The Speaker:** The question is that this Honourable House do now adjourn until Finance Committee completes its sittings and reports back to the House. Those in favour, please say Aye. Those against, No.



**AYES.**

**The Speaker:** The Ayes have it.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL FINANCE COMMITTEE COMPLETES ITS DELIBERATIONS AND REPORTS BACK TO THE HOUSE.**

**EDITED  
WEDNESDAY  
10 FEBRUARY, 1999  
10.14 AM**

*[Prayers by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation]*

**The Speaker:** Please be seated. Proceedings are resumed. I recognise the Honourable Third Official Member.

**Hon. George A. McCarthy:** Thank you, Mr. Speaker.

As I mentioned to you this morning, your permission is being sought, and Members' indulgence, to allow for a short meeting of Finance Committee to be convened. The reason for this is to consider the Government's end of year financial position and how this will impact upon the proposed borrowings of Government to finance the Capital Development Programme, and also the overall financial position of Government.

**The Speaker:** I shall now put the question that this House suspend until deliberations are completed in Finance Committee — which I hope will be extremely short. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: PROCEEDINGS SUSPENDED UNTIL DELIBERATIONS ARE COMPLETED IN FINANCE COMMITTEE.**

**PROCEEDINGS SUSPENDED AT 10.17 AM**

**PROCEEDINGS RESUMED AT 11.47 AM**

**The Speaker:** Please be seated. Proceedings are resumed.

**READING OF  
MESSAGES AND  
ANNOUNCEMENTS BY THE SPEAKER**

**The Speaker:** This morning when we began, I had received apologies from the Honourable Minister for Agriculture, Environment, Communications and Natural Resources, and I failed to mention that.

Item 3 on today's Order Paper: Presentation of Papers and Reports. The Honourable Third Official Member.

**PRESENTATION OF  
PAPERS AND REPORTS**

**REPORT OF THE STANDING FINANCE COMMITTEE  
ON THE APPROPRIATION BILL (1999), 1998**

*Deferred*

**Hon. George A. McCarthy:** The Report of the Standing Finance Committee on the Appropriation Bill (1999), 1998 is being finalised. Therefore, it is not available for tabling at this time. I would like to move the relevant Standing Orders to ask that the tabling of this report be deferred to a later time in this meeting.

**The Speaker:** The question is that the report be deferred. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE REPORT OF THE STANDING FINANCE COMMITTEE ON THE APPROPRIATION BILL (1999), 1998 DEFERRED UNTIL A LATER TIME DURING THIS MEETING.**

**The Speaker:** Item 4 on today's Order Paper: Government Business, Bills. First Reading.

**GOVERNMENT BUSINESS**

**BILLS**

**FIRST READINGS**

**THE FINANCE BILL, 1998**

**Deputy Clerk:** The Finance Bill, 1998.

**The Speaker:** The Bill has been given a first reading and is set down for a second reading.

**THE LOANS (CAPITAL PROJECTS 1999) BILL, 1998**

**Deputy Clerk:** The Loans (Capital Projects) 1999 Bill, 1998.

**The Speaker:** The Bill has been given a first reading and is set down for a second reading.  
Bills, Second Reading.

## SECOND READING

### THE FINANCE BILL, 1998

**Deputy Clerk:** The Finance Bill, 1998.

**The Speaker:** The Honourable Third Official Member.

**Hon. George A. McCarthy:** Thank you, Mr. Speaker. I beg to move the second reading of a Bill entitled, The Finance Bill, 1998.

The discussion on this subject during the debate on the Budget Address highlighted two very important issues: One point is that our expenditure levels have risen fairly rapidly in recent years as Government has moved to provide a wide range of services and to expand the infrastructure. The second point is that although revenue growth has been healthy over the years, our revenue base is quite narrow. Therefore, the Government's ability to raise revenue through taxation of necessity is limited in scope. We are all aware of the shortcomings of the indirect taxation system such as we have, but the Government is committed to a policy of no direct income taxes.

In this 1999 Budget, the Government relied on two ways of helping to fund the large expenditure bill. Firstly, through the raising of fees and charges, as now being proposed; and secondly, by borrowing. The Government is aware that raising taxes, fees and charges, is not a popular way of raising revenue. The decision to go this route was not an easy one for the Government. It was made after extensive deliberations and discussions with controlling officers, amongst Ministers of Executive Council, and taking into account the needs of all departments of Government. But, as mentioned, if the Government is to provide the quality and level of services needed, and presently being demanded by the community, these services must be paid for. Many of the services provided by the Government, as all honourable Members of this House are aware, are heavily subsidised and fees in many instances have not been raised for quite some time.

Turning now to the specific revenue measures. The package of revenue measures being presented today is expected to yield an estimated \$11.8 million. It consists of fees in nine areas the details of which are contained in the schedule as circulated to Honourable Members at the initial presentation of the Budget Address. I will comment briefly on these.

Starting with alcohol beverages and cigarettes: The last increase in this area was some six years ago. The proposed increase is approximately 25% across the board. We should note that no duty increase was made for one of the most popular alcoholic beverages, and that is beer.

Secondly, turning to school fees: The increases proposed will affect non-Caymanian children only. These rates have not been raised since they were introduced in 1993. The proposed rates are \$750 for primary schools, \$900 for the middle school, and \$1200 for the high

schools. Even with these higher rates, the Government will still be subsidising quite heavily the education of non-Caymanian children in the schools of the Cayman Islands to the extent of between 70% and 75%. On average, it costs Government \$2,705 per year to educate each child in a primary school, and \$4,909 in the high schools. Although the proposed fees may seem high, they are still some 80% less than the private schools.

Turning to garbage fees: With the rate increase of \$100 per year for houses and apartments, garbage collection will still be subsidised by approximately 50%. It costs the Government by way of direct expenditure \$197 per year to collect and dispose of garbage at houses and apartments. This does not take into account notional charges, such as the cost of accommodation and depreciation of vehicles. So when these are factored in this amount of \$197 will be exceeded.

Turning to schoolbook rental fees: These rates have not been raised since they were introduced in 1993. Like school fees, schoolbooks are also heavily subsidised. For example, for primary school children in Year 1, the fee moves from \$5 to \$50, but the cost of supplying these books is \$90 which means that the subsidy is approximately 44%. In the high schools the fee moves from \$17 to \$150, and the cost of supplying these books is \$350. The subsidy is approximately 57%.

Turning to Trade and Business Licensing fees: these fees have not been raised since 1990. A few new categories have been added and others expanded or modified. On the liquor licensing fees, these have not been raised since the mid-1970s. The proposal, therefore, is for the doubling of these fees.

Turning to work permits: With one exception, increases in all fees have been quite modest—just 10%. Domestic, manual and unskilled workers must now pay \$150 instead of \$100.

Turning to company and partnership fees: These fees were lowered four years ago. Increases in most categories are modest, amounting to approximately 15% across the board, thus maintaining the competitiveness of doing business or registering companies in the Cayman Islands.

Finally, on health practitioners and legal practitioners fees, increases have been made in all categories in these two areas.

We are aware of the fact that the motion moved under the Customs Law to put into effect the increases on alcohol and cigarettes has since expired. But as I mentioned earlier during the meeting of Finance Committee, it was never envisaged that we would still be debating the budget at this point in time; I think the best judgment was used in the assumption that all of the proceedings would have been completed before the beginning of the New Year. However, in good faith across the board, the fees have remained in place because although the motion would have expired, the increases to the public were effected immediately by the retailers and wholesalers. So, in effect, what is now being sought is to give retrospective consideration in order to make the fees applicable from the time of their introduction as provided under

the Customs schedule, and in other areas to be effective as of 1<sup>st</sup> January.

At this time I would like to commend this Bill to all Members.

**The Speaker:** The question is that a Bill entitled The Finance Bill, 1998, be given a second reading. It is now open to debate. The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Thank you, Mr. Speaker. The position of the Government at this time with these proposed revenue enhancement measures reminds me of the position of Madame Bovary in Gustave Flaubert's Novel of that name. Madame Bovary was a staid and provincial young wife married to a respected doctor who came to the city of Paris and was awed by her surroundings and strayed from her vows and allowed sensuousness and ambition to destroy her relationship and herself.

The Government, like Madame Bovary, has lost its innocence and can no longer boast that its record of not raising taxes and imposing burdens on the people is intact. And I am quite surprised since that was one of the planks on which what is now left of the National Team, rode to office trying to trounce persons such as me when they published their manifesto boasting that they had imposed no new duties or taxes to burden our Caymanian people. And promising that they were going to reduce spending without causing excessive damage to projects and that they were going to exercise fiscal constraint.

Talk is cheap! And in the throes of election there are many who become euphoric and get taken up by these kinds of promises, particularly when they have audiences. But I say that these things are like chickens—they come home to roost! I wonder what they are going to say next time around. What promises are they going to make? Which government are they going to trounce?

I was even more surprised when the leader published, on October 18, a pamphlet entitled "Issues and Answers—A News Bulletin from the National Team", boasting that the Government's finances showed recurrent profit of \$60.3 million. Alice in Wonderland! I wonder where that recurrent profit is now. I wonder what use has it been put to.

Long ago, the Leader of Government Business, the former Minister for Agriculture, Communication and Works (now the Third Elected Member for George Town), and I, brought a phrase to this Parliament describing that kind of accounting—single-entry bookkeeping! That is still applicable, and I am happy that that Member is here now off my right flank, experiencing a sense of *déjà vu*. I only hope that when it is his turn to speak he makes grand of his opportunity to remind certain people of how the chickens have come home to roost. I hear there are all kinds of proposals for marriages of conveniences. I am just reminding them that it is against the Immigration Law. And it may be against natural politics too!

Mr. Speaker, putting all jest aside, we have to take this seriously because the record of this Government should cause alarm in this country as far as raising revenue is concerned, for it was only in 1997 that the Government set the country in a state of flux and for the first time I saw 3,000 people assembled at the Lions Centre in protest against what the Government was imposing upon them at that time. I have here a pamphlet put out for that occasion by Deloitte and Touche, Vol. 1 No. 1 of March 1997, called "The Cayman Update", and it said it was for clients, staff and friends of Deloitte and Touche and it proceeded to analyse and set out the implications of the 1997 Budget.

What is important, and striking, is this: It set out the impact of these duties, fees and taxes on the Caymanian economic community at that time, and it catalogued them. But prior to cataloguing them it proceeded to make what I call some stark warnings and contrasts of where our society was heading if we did not get a grip on these matters. And it talked about the higher duties and all the effects they were going to have—the stamp duties, the duties on the financial services, the development impact fees, the building permit fees, firearms licences and permits, immigration fees, law school fees, garbage fees. Mr. Speaker, I am going to crave your indulgence to say something about this.

At that time the garbage fees imposed were mainly on larger businesses, hotels and restaurants. Private homes and apartments remained unchanged. Government has now taken the matter across the spectrum. Garbage fees now affect private homes and apartments which serves to indicate that there is a sense of desperation—'We have to catch all and sundry.' Of course, they established the environmental protection fee and then there were demands on the increased contributions from Government agencies, like the Civil Aviation Authority, the Port Authority, and the Water Authority.

The point I wish to make at the outset is this: We cannot continue to burden our people by taxing them through these traditional means. The brunt of these taxes are borne by the proverbial "little man." We on the backbench who have publicly announced that we stand in common against certain of these things which we have articulated through the media realise that this will have a negative effect. I was surprised, Mr. Speaker, when the Minister of Education, the Leader of Government Business—who sets himself up as a proponent of education, particularly education for all—allowed the introduction of an increase in fees which will affect school children.

Mr. Speaker, I want to go on record as saying that this is the beginning of the end. This is how it started in Jamaica. I take note that the Financial Secretary mentioned that it is only 8 per cent [sic] difference between what the Government is requiring and the private schools—80 per cent. That is a significant step. It could have only been one [per cent]. The principle is that it creates a frightening precedent. Here is why: Education, to many in this society, is the one avenue that people have to gaining parity and economic ability and independence. If we take that away from them through in-

creased fees—irrespective of the percentage—we are depriving them of their ability to live in dignity, to be productive citizens and to bear their fair share of the development, and also to earn their way to economic respectability.

In any society people achieve economic social status by two means: either by ascription or by achievement. And we know the levels of those who have it in our society by ascription. Now by imposing these kinds of fees we are eliminating the possibility of a large number of people acquiring this status through achievement. I say 'it is a dark day in our history that this has come about.'

I look forward to the justification put up by the Minister for Education when he gets up; that Minister who in the past was so quick to label persons like me "defunct," and every other thing. I want to pause to interject that it doesn't surprise me. And that behaviour can best be described by an old and wise comparison. Do you know what I believe? There are many wolves running around here in sheep's clothing. Many!

I want to be made to understand why we have departed from all of the advice we have been giving about *cutting our suit according to our cloth*. I want to understand where all those people are who claimed to have been a part of the economic success and to have had part in crafting and designing the course that we had embarked upon. And who from the time I came here, never ceased to remind governments and backbench alike of the elements of our success.

Where are they now? Why this diversion? Why are we now throwing caution to the wind? Or was that plainly opportunistic? Were they speaking with no sincerity? I don't believe that. Indeed, I am convinced that there was much sincerity. I know some of those players and I have reason to believe that they meant what they said. Hence, I am further puzzled now by the change in this disposition.

Why are we entering into this era of economic mismanagement, putting revenue measure after revenue measure on the people? Some years ago (December 10, 1996) a publication put out by the Dominion Bond Rating Service said we were entering a debt spiral. We are now in the debt spiral, but we are also into a tax spiral. I am contending that this is too much for us to bear at this time. And this behaviour that the Financial Secretary spoke about in 1993 when he said "**We will have to develop a credible strategy to effectively place limits on growth in public expenditure without seriously impairing the effectiveness of public sector programmes.**" There is more than a striking similarity to that little excerpt with the position taken by the National Team in their manifesto where they said they were going to reduce spending without causing excessive damage to projects.

So where is the effort? Is it in the revenue measures of 1997? Is it in these revenue measures now? I doubt it. You know what, Mr. Speaker? They have lost the vision, if, indeed, they had it from the beginning. There is one thing I notice here in this forum, myriad persons are getting up and making claims. I stand here a proud repre-

sentative to say that I was in no way fooled from day one—from the 27<sup>th</sup> day of November 1996. I remember that day well, when some people who now seem to be courting the Government took me on, because I said that I would set myself up as a 'watchdog.' My position has been singularly consistent and I have barked every time I have had reason to, with I might add in praise to myself, great sense and logic.

It simply cannot continue. We cannot continue to overburden the people with taxes on the same areas. People are crying out. Tourism is affected. I spoke to some restaurateurs who are complaining. I spoke to other people in the hospitality business who say they are suffering the effects. These things are beginning to become counterproductive. Mr. Speaker, our revenue base, as far as the numbers are concerned, is very limited. The Financial Secretary has made that remark umpteen times. I would have thought that with all of the grey matter, with all of the expertise available to the Government, the political directorate, they would have set up some kind of think-tank, or advisory body which would allow them to broaden the revenue base.

Does it have to take a little rural Bodden Towner, such as this Third Elected Member, to drum the importance of that into them? Other people have been saying it for years. The Third Elected Member for George Town said it long ago. He has echoed it since his return here many times. I have heard my good friend and colleague, the First Elected Member for George Town, speak it numerous times; the First Elected Member for West Bay, and the Third Elected Member for West Bay—but nothing has been done now. You know the only thing that has been done? When certain advertisement hit the public about a group 'gelling' (that's a good old political saying) and forming themselves into a cohesive force, the Government proceeded to take fright and brought out one old scissors and found where it could trim. It now believes that it can come here and *samfie* us into believing that that effort in and of itself is good enough.

Mr. Speaker, I happen to know that when they were strong, the National Team was good at taking polls. They ought to take a poll now! It's easy when you have entities that you can sound off on. It is considerably more difficult when one has to use his or her own intuition and grey matter to craft policies and approaches which are creative and not onerous. The challenge was for the National Team political directorate to have done no less.

And, Mr. Speaker, you will pardon me if I keep playing this note: I remember distinctly in 1995 when some of us were visionary enough to say '*Here is what is happening in New Zealand, maybe we should pay some attention to this.*' Do you know what my good friend, the Minister for Tourism, got up and said—following, I suppose the Leader of Government Business? That it wasn't his duty to know the laws of New Zealand, or to follow anything about New Zealand. After all, New Zealand was an independent country. And do you know what I now hear them saying? Well, if the New Zealand business was so good, tell me how come they are in the position they are now.

Do you know what happened, Mr. Speaker? The public sector in New Zealand went to rock bottom before they decided they had to do something drastic. And the reason they are running into a little turbulence now is because the economy of New Zealand—as every informed person knows—is tied intricately to the Southeast Asian economy. Anyone who reads *Business Week*, or *The Economist*, or listens to the BBC Asia Report, knows that the economy of Southeast Asia is as poor as a church mouse at this time. But, that does not mean that the reform efforts in New Zealand are not working, for if they were not working I want those critics to explain to me how people from all over the world are travelling to New Zealand to study and model the system. Trust me, that is not hearsay.

I said that to say that sometimes in this forum we should be a little less insular and a great deal more cosmopolitan in our thinking. I have a little saying: *'No longer can we run the country with the mentality of a villager.'* We must have a broad mentality now. We have to be able to extrapolate the best. Countries worldwide are getting away from this system of *'beating the same horse all the time'*. We have to broaden our revenue base; we have to effect creative strategies. Our people are taxed to the hilt. Soon we will have earned the reputation of being the highest taxed country in the world—well behind Canada, which I am sure would be glad to yield the reputation to us!

Mr. Speaker, I want to tell you something else, and I can say these things because I am not sure that I have much time in this forum. Do you know what the weakness here is? There are too many people who scoff and put down those who may have ideas to offer. Maybe they should read or re-read the *Desiderata* and they would understand that even fools at times have advice which could prove fitting and useable.

I look forward to the time when I can be extricated from the forum and catalogue the mistakes of all the experts, including the pretenders. I would be a hypocrite if I said that would bring me joy, because it pains me to see my country go down this path. It pains me to realise that the more we engage in this type of behaviour the greater the possibility is that we will wind up on that highway to the IMF and the World Bank.

Mr. Speaker, I am surprised. I am chagrined, that the political directorate of the National Team, which was so quick to boast of its record from 1992 to 1996 . . . and I know, because in my constituency a lesser man would have wilted under their pressure. They were so quick to boast of their success, and have not jettisoned that formula and seem to be masters of what my friend, the Third Elected Member for George Town, called “crisis management”—patching here, patching there; raising taxes on this and raising taxes on that. That is no way to run a country on the eve of the 21<sup>st</sup> Century. You have to have a plan. And the basis of that plan should be a long-term vision where the country is going—the prerequisite of which is a prioritised list of capital works.

I also want to say this, because opportunities for this kind of talk may be lessening for me: Way back in 1978,

when persons like me proposed that the ill-informed and the uninformed (to be charitable) got up talking about socialists, red, pink, that only they talk about ten-year plans. Mr. Speaker, I came from the background where that was the popular trend. Today, the geopolitics of the world has changed significantly. And even capitalist countries, those who were most staunchly so from the very beginning, are the trend-setters now saying that this is the way to go, beginning with the mother of them all, the United States. So, if they can realise that, how much more so should we, who like to boast that we are such prudent managers? I well know that the absence of such a plan causes reactionary behaviour, the raising of taxes and continuous borrowing. And still, no apparent progress is being made.

I won't burden the House by reading and re-reading what has been said by persons when they held certain positions. I only want to say that I can never understand the difference between the preaching and the practising. It is a wide dichotomy. I would have thought that attaining certain positions would have provided a manifest opportunity for some of these practices that were so often preached about to be put in place. Is it lack of political will? Is it political expediency? Is it brinkmanship? Is it a total disregard? What is it? What explains this paradox between preaching and practice?

And now, Mr. Speaker, they are going to come and tell us that they are ahead of us because they are able to do this? Where is the discipline? Is the disciplined approach overruled by mere political expediency? Are we that shallow? Are we that fickle? Men, who stand over six feet tall, saying that we shed discipline for political expediency and fickleness? Is that what we are saying? Are we saying that we masters of doublespeak and doublethink are saying one thing and doing the next?

I am almost tempted to borrow the mantle from the Leader of Government Business and say, as a lawyer, that I submit that is what the Government is doing at this time. There is a trend to everything. I hope it is not that they sense a certain ominous doom and they are muddying the waters thinking we don't have the ability to clear them up. I hope it is not that.

There is a sense that in this kind of debate we should take no prisoners. I have always said that I didn't ask for any quarter, because when it's my turn that I am not prepared to give any—absolutely not. Do you know why? Because all the time I was being thrashed, no one poured any balm on my wounds. I vowed that I would speak my truth fearlessly and forthrightly. And that is what I am going to do.

I am alarmed at the state we are in. Garbage taxes on the proverbial ‘little man’, school fees on those people who are trying and being encouraged to ascribe to an education for their children, and book rental fees . . . Just yesterday a mother with three children in the school system asked me, “Am I going to be expected to come up with all this money one time when I am just a mother who has no help from the father? How am I going to meet these obligations? Were any thoughts given to persons in positions like I am?”

What are we trying to do? Is it good enough to boast that we are the fifth largest financial centre in the world and have the highest tax rate of any country? Is it good enough to say that the Cayman Islands are prosperous, but we have people who are struggling to keep up and are just treading water? Where is our sense of direction? Why should we embark on projects that make it necessary to inflict these kinds of taxes on our people at this time? Yet, when you ask the Government to prioritise it can only come back with a document that is reduced by \$2.5 million. I am amazed. That wouldn't make sense even in the creation of crabs.

I want to pause here to interject. In 1993 the Financial Secretary said, "**We cannot and will not achieve in one year or four years all we would like to achieve. Therefore, we must determine priorities, order them and make choices that are realistic and achievable.**" I have to wonder, as someone who comes from an intellectual background, what happens to these speeches once they are read. What is the purpose? Do successive political directorates go through these prior to embarking on budgets? Or is this just an exercise meant to entertain the audience? Are these things taken from year to year, from budget to budget, from policy to policy? Is anything extrapolated from them? Is any of this wisdom used to chart direction, or are they just folded once the budget session is over? Are they lost, except for people like me who like to peruse and sometimes have a mischievous sense of search? Or is it that the political directorate takes them prior to making up the succeeding one and says '*Now, let us see what we should embark upon; let us see what should be carried over; let us see if it is necessary to make any alterations.*' I bet that at the interim moment when the budget debate and finance committee are completed, they are laid somewhere to gather dust and cobweb.

Past experience leads me to come to that conclusion, and the behaviour of the political directorate now in power confirms that. Because how could these things have been read? Not only was this read, it was underlined—not by me. I highlighted it. It was underlined by the presenter and we so obviously departed from what was sage advice. We have a primary practitioner in the Minister for Tourism. He left us with a lot of wisdom—wisdom that he himself, although spoken by him, did not take and is not taking. Maybe the mathematical equation does not allow him to take it. I don't know.

Politics being what it is, I hope that that Honourable Minister does not find himself in a position where he has to take dictates from the gentleman with 25 years' banking experience. It all boils down to this: If we don't find a different methodology we are going to wind up like so many others in history, who when the opportunities presented themselves, did not avail themselves to the best of their ability.

I want to say... I believe the same is true: One of the weaknesses people have—and it is probably a weakness that I will be quick to ascribe to myself because many of the things I say are as applicable to myself as it is to others. Believe you me, I would not be so

arrogant, or so conceited, as to stand here and let anyone believe that I am without fault and demerits. I want to say that sometimes it is disadvantageous to be an expert because it too easily allows us to turn a deaf ear to those persons who may have good advice to offer, but whom we think may not be in our same category. Governments can learn a lot from people on the backbench, and vice versa.

I know the nature of politics being what they are, that it is sometimes best to be adversarial. But being adversarial does not mean that one is not constructive. The nature of the Westminster system thrives on a certain level of adversarial politics. But that does not mean that the Government should not sometimes heed what the Backbench is saying. I also contend that our country is too precious for all of us to be so taken up that we allow certain kinds of mistakes to be made.

Mr. Speaker, there is no need for me to be anymore long-winded than I have been on this occasion. I would like to record that I do not see it as my duty to impose at this time these kinds of taxes on my people. And with respect to the money, which the Government just recently said is available, I would suggest that that money be used in such a way that we could lessen the revenue package at this time. And, Mr. Speaker, what advice do I have for the Government? Prioritise and plan.

Some of us are keeping our eye on the year 2000, and we know that there is a great temptation to tailor one's political behaviour in such a way as to acquire certain advantages. In many instances there is nothing wrong with that. In this instance it is unacceptable because the country is put at great inconvenience, great expense and a great rift.

I want to footnote all that I have said by asking this question: Where are those people, who for so many years have boasted about their business experience and their business degrees, and their financial background, and who were so unflattering and so ungenerous as to remind some of us on the backbench that we didn't understand because we didn't have the degrees or the experience; who were also so quick to say that those who understood and found themselves qualified on this side had it wrong. Where are they now, Mr. Speaker? They are conspicuous by their absence. Their voices have almost been stilled.

Their behaviour reminds me of the farewell address that Commissioner Gerard gave, "When the weather is rough they batten down below; but when it's smooth they want to come on deck and take the wheel from the captain." The weather is getting rough now, Mr. Speaker. You will understand this. It's getting choppy. But you won't see them on deck with any oilskins; they're down below. I hope for their sakes that they do not get too seasick because I have a feeling it's going to get a little choppier than this.

Thank you.

**The Speaker:** At this time we will suspend until 2.15, and Members let us try to resume at 2.15.

## PROCEEDINGS SUSPENDED AT 12.46 PM

### PROCEEDINGS RESUMED AT 2.22 PM

**The Speaker:** Please be seated. Proceedings are resumed. Debate continues on the Finance Bill, 1998. Does any other Member wish to speak? (Pause) The Third Elected Member for West Bay.

**Mr. John D. Jefferson, Jr.:** Thank you, Mr. Speaker. I rise to offer my contribution on the proposed revenue measures that the Government needs this year in order to fund its massive capital projects programme. Government proposes to raise \$11.8 million in new revenue from many of the traditional sources it has used over and over again. It is always good to remind ourselves as to where we are coming from and maybe get back on the right course.

I am one of those National Team members who has decided to part ways with the Government because it has basically gone off track in regard to the policies and principles that held the team together from 1992. I read with interest the 1992 National Team Manifesto which states the financial policies and principles we had when we started out. With your permission, Mr. Speaker, under "**Our Policy**" it states:

1. **"We believe in living within our country's means and exercising fiscal restraint.**
2. **Any recommendations for expenditure proposed in this manifesto are subject to (a) wishes of the majority of our constituents; and (b) there being sufficient funds available for the projects."**

That is a policy that I have always adhered to since becoming a member of this Honourable House, and I hold to that principle today.

What is sad is that the same National Team, of which I was a part until 1996, basically chastised the 1988 to 1992 Government in regard to revenue measures. On page 8 of that Manifesto, under "**Financial Disaster of Last Elected Government**" it reads, "**They imposed \$20 million new duties and taxes in 1990 and 1991 the burden of which fell mainly on Caymanians.**" I did a rough calculation on what the National Team Government has introduced by way of new tax measures. In 1997 I recall the Government imposed new revenue measures of some \$10 million. And in 1999 we are now proposing that we take another \$11.8 million from the public, from the traditional revenue sources. In my calculations, that is close to \$22 million. We chastised the last Government (1988 to 1992) for imposing \$20 million—we thought that was a sin! And here it is okay for the National Team Government, to impose \$22 million in two years? Is it right because of who is doing it? If it's wrong, it's wrong.

The six Opposition backbenchers who have decided to join forces are not opposing the individual areas of new measures, that is alcohol and tobacco, and even garbage fees. We are opposing it based on the principle. The principle is that the present Government (and we have preached this from day one) has not done any different from any other government prior to it. There is a lack of forward planning.

What happened in 1999 is what always happens: When Government is in the process of putting together its budget, all of a sudden there is a certain amount of revenue recognised and a certain amount of expenditure that you want. There is always a gap. When it first started, I guess the gap was in the region of \$29 million. They said, *'Let's borrow nineteen point something million dollars, and raise the other \$11.8 [million] from the traditional sources—tobacco and alcohol.'*

I also heard the honourable Financial Secretary say when he presented the Bill, that the proposed increases in school fees were not going to affect Caymanian students. That is not so. There are many Caymanians married to non-Caymanians and in a lot of cases there are children involved who belong to the foreign spouse who have been brought to live here in Grand Cayman. Naturally, they have to be schooled. Many of these parents are poor Caymanians. I have had a number of representations from these parents at my office in West Bay. One said to me, *'Mr. Jefferson, I have four children that I need to pay school fees for.'* And at \$750—even though it's per annum, I don't know if you pay it every quarter or every half year, but whenever it is paid it is still \$750, times 4. That is \$3,000 that particular parent has to find that may not be possible to budget for.

One of the things I am proud of in this country is the advancement we have realised in the area of education over the years. When I was growing up education was looked upon as a luxury, especially higher education, because only a favoured few had the opportunity to get a good education or to further their education. Even though it costs this Government to subsidise our schools, private as well as public, I feel that every dollar invested in educating our youth is a worthwhile investment. I would hate to know that a child in this country, be he Caymanian-- having Caymanian parents, or the child of a non-Caymanian spouse is deprived of having an education because that father or mother cannot find the \$750 for the year in order to ensure that his/her child is registered in school.

It is easy to forget that some people have those difficulties when many of us reach the pinnacle of our financial careers and we can find money for anything we need. But I have always been an advocate of the average Caymanian because the rich can go anywhere and survive. So I personally oppose the idea of increasing the school fees for our children.

I was very surprised this morning, but pleased, to learn that Government all of a sudden found over \$7 million. That is enough to take care of the raise in pay. I understand that was supposed to be paid for out of savings. What I am proposing for the use of that \$7.2 million is, . . . and you know, the Government is clever, saying they will put \$2.5 million in general reserves. That doesn't make any financial sense. None whatsoever. When you are talking about putting money on a fixed deposit – probably earning 5% – and then you go out and borrow the equivalent at 10.5% or 11% . . . It would make more sense to use that money to help offset the proposed new revenue measures Government is putting forward. Part of that \$7.2 million could be used to offset the proposed increase in school fees. It could also offset many of the other new measures being proposed.

I saw an article this week about tourism setting new records. That's good. But just this past week I was talking with a business person who depends heavily upon tourism, and I not only heard it from this particular individual, it is around the place that business is off.

We don't seem to see as many people around the place as we usually do. I know, traditionally, the first week or two after Christmas, things are down, and normally come back the third or fourth week of January, and from there it's pretty strong. I hope that trend continues this year. But from all indications and from the people I have spoken to, that is not what was experienced this January. As a matter of fact, I was surprised when I was told that many of the major hotels, even in the month of January were cutting people back to two or three days per week because the business was not there to support their employment. The problem is that we are becoming so expensive as a destination that it is discouraging a lot of our tourists from continuing to come here.



The other comment I hear is that we have changed: we have overbuilt especially along the Seven Mile Beach corridor and people don't need to come here to see concrete, they can do that wherever they come from. I believe that we have to be very vigilant and sensitive of the fact that people do have a choice. I do appreciate those visitors who come here every year. The one positive comment I hear is that even though the place is becoming very expensive, the people are still very, very friendly as a whole. That will probably carry us for some time, because there is nothing worse than spending money for a vacation in an environment where you do not feel welcomed.

I don't see the need for the immediate sense of urgency the Government has suddenly adopted in regard to all of these capital projects. They are all good, but we cannot afford to do everything at one time. The problem is that when we come to the annual budget when the goodies are shared up, they all have their shopping lists. Everybody wants everything on his list. Not me! I was prepared to give up one of my projects in West Bay because I realised that Government could not do everything at one time. But that is the problem.

When I was part of the National Team, when we were sharing up the goodies, the only Minister who was prepared on a regular basis to make concessions was the Minister for Education. But we can't provide all things at once. I like Cayman Brac, and I have always supported Cayman Brac, and will continue to do so, but how many concessions have we seen in that area? I really don't understand the sense of urgency that has all of a sudden been adopted by the present Government.

Do you know what I believe it is? I believe we have become so conscious of the fact that the year 2000 is an election year, that we want to make sure that we do as much as we can so that when our people go to the polls we will be re-elected. That's the whole plan. It is a good thing that we have in this Legislative Assembly the type of opposition on the Backbench that we have. Otherwise things would be much, much worse. I have had to even question myself as to why I have not changed because I have been preaching the same message since 1988: We have to learn to live within our financial means. Okay? I believe that over the years that was one of the keys to our success. I recall the battles and the messages that the former Financial Secretary (the present Minister for Tourism) had. Year after year his budget address reminded the Government of the day of the importance of fiscal responsibility and constraint.

Personally, I was a little surprised and disappointed this morning . . . I don't know why they chose the Minister for Tourism to do it – maybe it was because they thought he could get more support on the Backbench. But for Government to come proposing initially that we borrow some \$52 million over two years is totally ridiculous and unacceptable. And for it to be proposed by the Minister for Tourism on behalf of Government is disappointing, because I know that deep down that gentleman understands the reason for our genuine concern. We are not debating the Loan Bill, but I did a little rough calculation. This Government, the National Team Government, from 1996 to the year 1999 would have borrowed some \$70 million. And we preached, and we pounded the last Government with the idea of excessive borrowing.

Many times when we sit until 7:00 or 8:00 in the evening, I leave early because I have commitments in my constituency of West Bay. Let me say that John Jefferson, Jr. does not have to buy any election. The people know where I stand and I believe that at the end of the day our people are prepared to return those Members whom they believe have a genuine concern for their financial, social and otherwise, welfare. As the former Member for Bodden Town would say, "Taxes, taxes, taxes." It would be bad enough if it ended with this year (1999), but I

guarantee you that when the budget for the year 2000 comes around, Government will have to come back and borrow more again.

They have the numbers, Mr. Speaker. Even some on the Backbench will support these new revenue measures. But, you know, you can't talk out of both sides of your mouth at the same time. You are either for it or against it. The Fourth Elected Member for George Town has given his support for the capital projects, but he's already told the Government *'I'm not voting for your Loan Bill, I'm not voting for your new revenue measures.'* That's sad. You either support it or you don't.

We have definitely – not 'we' – let me rephrase that. The National Team has definitely gone off the rails. Some of them are very close friends of mine. And I have a lot of respect for some of those Ministers, but they have gone off the rails. If I were in the position they're in . . . And I hear a lot about polls, but they haven't taken any recently. But if I were in the position they were in, I wouldn't worry about any re-election. I would do what I know is right for this country. Mr. Speaker, after you and I are gone, our children and their grandchildren are going to be left holding the bag financially. Debt! Taxes!

We have proposed this for so long, but nobody listens. We have proposed that Government establish a think tank committee to look at new sources of revenue. There are many new sources that we could be tapping at present if we would just take time out and forget about strutting around promoting how important we are into really recognising what is available. I was talking to a gentleman recently. If we ever put forward that committee, I am going to recommend him as a member of that committee. I am of the firm opinion that if Government had taken that advice we wouldn't be here today talking about borrowing any \$26 million, or raising \$11.8 million in new taxes. We wouldn't have to.

But we are so caught up with the idea of campaigning and local politics because *'we have to be re-elected'*—forget about the country, we are prepared to sacrifice the country to promote our own personal political interests.

**Mr. Roy Bodden:** Go Johnny. Preach!

**Mr. John D. Jefferson, Jr.:** It angers me, Mr. Speaker. It really does, because we all know better.

I have always been a very practical person, very reasonable. But what is being proposed is not reasonable. It is obvious that the ministers of Executive Council do not circulate very wide in their communities because if they were to circulate like we do . . . the feedback out there is not very positive at all in regard to the financial pressures of life. It's very, very difficult. People are still genuinely interested in earning an honest living, but it's becoming much more difficult.

The comment that I always get is, *'Yeah, everything keeps going up. Government needs more money for its projects and that type of thing, but nobody is looking out to ensure that our wages keep pace.'* We can go around boasting about having one of the highest standards of living of any place in the world—and that's probably true; but the one thing that we keep failing to mention is that the cost of living here in the Cayman Islands is probably one of the highest of any place in the world, and it's becoming much more expensive on a daily basis. And, Government, through the measures now being proposed continues adding to that cost of living.

I don't drink, but I think it's ridiculous when somebody has to pay \$4, \$5, \$6, \$7 or \$8 for a glass of wine or a beer. That is a common thing here in the Cayman Islands. But we get around that by saying, *'We're not catering to everybody, you know. We are catering to the elite!'* Nonsense! I see many, many people visiting the respective restaurants and they are

just like you and me, Mr. Speaker: they save all year to have a little vacation for a week. They then take the rest of the year to pay for it.

I think we have to develop a sense of consciousness. We have to be much more sensitive. Mr. Speaker, I don't know what it is about Executive Council, and I tell you what, if I am going to change the way I have seen some ministers change since they have been there, I don't want to get there. I really don't. It appears that once you get into that little ivory tower you seem to lose all sense of reality, or lose touch with the people around you.

In closing I want to say that, based on principle, I oppose the new revenue measures. I believe that if Government had, as we preached for so long a time, some policy of forward planning they wouldn't find themselves in the position they are now in, where they have to borrow some \$26 million. And that's only because through some streak of luck or a blessing from God they found \$7 million.

**Mr. D. Kurt Tibbetts:** That's because they never got a chance to spend it — time ran out!

**Mr. John D. Jefferson, Jr.:** They have to borrow \$26 million rather than \$32 million. We said that we were prepared to support \$25 million.

*[Members' laughter]*

**Mr. John D. Jefferson, Jr.:** But, Mr. Speaker, do you know what is interesting? I heard a comment the other day on television. It was regarding the new NBA season. The reporter had apparently met with Michael Jordan who had insight into what was going on with the negotiations. And he made a prediction. He said the NBA season would start on the 1<sup>st</sup> of February. It wasn't long after that when the NBA commissioner announced that the NBA had resolved its difficulties with the players' association and the league would start on the 2<sup>nd</sup> of February. The only reason for that was to somehow portray the fact that there was a sense of independence.

I think the Executive Council is doing the same thing. What's the difference between \$26 million and \$25 million? Why not bring the Loan Bill for \$25 million and do those things we suggested with the \$7.2 million they all of a sudden found — as a gift?

I am quite sure that after I sit down there will be some who will be anxious to speak, so I thank you, sir.

**The Speaker:** The floor is open for debate. Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause)

If no other Member wishes to speak, does the honourable Third Official Member wish to exercise his right of reply?

**Hon. George A. McCarthy:** Thank you, Mr. Speaker.

I would like to thank honourable Members for their support. We heard the comments and views expressed by the various Members who spoke. Their comments mirrored the contributions that were made on the Budget Address. The Government recognises quite a number of concerns as expressed to be valid. Attention is now being given through the reform initiatives to making a close examination of our revenue base.

At this time I would like to thank those Members who spoke, and those who did not, for their tacit support.

**The Speaker:** The question is that a Bill entitled The Finance Bill, 1998, be given a second reading. Those in favour please say Aye. Those against, No.

**AYES and NOES.**

**The Speaker:** The Ayes have it.

**Mr. Roy Bodden:** Mr. Speaker, may I have a division please, sir?

**The Speaker:** Certainly.  
Madam Clerk, please call a division.

**The Assistant Clerk:**

**DIVISION NO. 20 /99**  
(Second Reading of Finance Bill, 1998)

**AYES: 8**

Hon. James M. Ryan  
Hon. David Ballantyne  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. Julianna O'Connor-Connolly

**NOES: 6**

Mr. John D. Jefferson, Jr.  
\*Mr. D Kurt Tibbetts  
Mr. Linford A. Pierson  
Dr. Frank McField  
Mr. Roy Bodden  
Mrs. Edna Moyle

**Absent: 3**

Mr. W McKeeva Bush  
Mr. D. Dalmain Ebanks  
Miss Heather Bodden

*\*Mr. D Kurt Tibbetts: One thousand times No!*

**The Speaker:** The result of the division is eight Ayes, six Noes. The Bill has been given a second reading.

**AGREED BY MAJORITY: THE FINANCE BILL, 1998, GIVEN A SECOND READING.**

**The Speaker:** Bills, second reading.

**THE LOANS (CAPITAL PROJECTS 1999) BILL, 1998**

**The Deputy Clerk:** The Loans (Capital Projects 1999) Bill, 1998.

**The Speaker:** The Honourable Third Official Member Responsible for Finance and Economic Development.

**Hon. George A. McCarthy:** Mr. Speaker, I beg to move the second reading of a Bill entitled, The Loans (Capital Projects 1999) Bill, 1998.

As I mentioned earlier, in moving the second reading of this Bill, honourable Members will recall that when this Bill was presented initially it was for a value of \$19,150,000. As expected, there will be an amendment forthcoming. When the amendment is made it will have

the effect of increasing the proposed borrowings by \$6,850,000 to a value of \$26 million.

This \$26 million, when combined with other inflows into the capital development fund, as pointed out this morning in Finance Committee, will prove adequate to meet the financing requirements of the \$42.53 million proposed under the capital development programme. The effect that this borrowing will have on the public debt, if the full amount is drawn down in 1999, will be to increase the end of year balance (combined public debt balance) to \$101,566,450.

When this balance is broken down between the central government debt and the self-financing loans the specific balance as at the end of the year 1999 will be for central government, as at 31<sup>st</sup> December 1998 (or balance brought forward as at 1<sup>st</sup> January 1999) \$70,760,134. Assuming the full amount will be drawn down \$26 million; less repayments in 1999 of \$11,035,405 (and this is repayment on principal only) therefore the central government debt if all of the borrowings are used up will be \$85,724,729. The opening balance of self-financing as at 1<sup>st</sup> January, is \$17,051,155. The proposed repayments in 1999 will be \$1,209,435; therefore the expected end of year balance will be \$15,841,720. This, when combined with the central government indebtedness of \$85.7 million gives the overall public debt position of \$101.6 million.

I should point out that as a part of its cash flow management Government will watch very carefully the inflow of revenue during the course of the year, and will keep the draw downs against the borrowings only to what is necessary to ensure that the capital development fund is fully funded at all times, thus avoiding an overspending against that account. As honourable Members will recall, when that fund was set up it was agreed that a separate bank account would be established. So it is necessary to monitor that account very carefully.

Members are fully conversant with the details of the projects as set out in the capital development schedule which will form a part of the estimates. As a result of that, I will not go into detail on an item by item basis because it is publicly known what the composition of that schedule is. A breakdown by broad classification can be found on page 194 of the estimates as follows, and this takes into account the amended amount per item:

|                                    |                     |
|------------------------------------|---------------------|
| Public buildings                   | \$ 19,390,200       |
| Roads                              | 13,862,500          |
| Recreational & Cultural facilities | 2,983,800           |
| Cemeteries                         | 270,000             |
| Harbours & Docks                   | 320,000             |
| Purchase of Lands                  | 1,750,000           |
| Landfill Development               | 100,000             |
| Healthcare Facilities              | 3,600,000           |
| Agricultural Development           | 258,100             |
| <b>TOTAL:</b>                      | <b>\$42,534,600</b> |

This gives an overall total of \$42,534,600.

I commend this Bill to honourable Members.

**The Speaker:** The question is that a Bill entitled The Loans (Capital Projects 1999) Bill, 1998, be given a second reading. This is now open to debate.

The Fourth Elected Member for George Town.

**Dr. Frank McField:** Thank you, Mr. Speaker. I was almost going to say "Mr. Chairman" because we were in Finance Committee for so long I forgot we had a Speaker in this Chamber.

I am going to begin to try to set a new precedent. I am going to try to make my speeches shorter and make the content of the speech the character of the speech, rather than the words that I might use.

In going through some notes for my Public Eye programme (which airs tomorrow night at 8:30 on CITN) dealing with questions of identity and nationality, I came across a statement that I think is very important. When, in fact, can we consider ourselves to be a society? We can consider ourselves to be a society when the particular interest becomes subordinate to the general interest. That is short and precise. When we talk about the rule of law, the necessity for the institution of government, it is in order that there is fairness once we hand in those particular interests in favour of the general interest, or the extent to which we do that.

All being that, when we talk about the general condition of a country, the improvement has to do with the ability of the government which is the collective consciousness of the people and their agreement to come together. It has to do with the institution of government being able to collect revenue, have resources at its disposal in order to disburse them for the general, not the particular, improvement of the population as a whole.

I did not get up to speak to the revenue measures because I said before that I would oppose them. But in regard to the borrowing, when I first started to debate the Budget Speech, I am quite sure that I was indicating that I might not be supporting the government's desire to borrow money. Two months have passed, and I have had some time to re-think this position. I have also had some time to reconsider what would be in the best interest of the people; what would improve the general interest rather than the political interest. Beyond a doubt, the improvement of roads at this particular time would improve the general interest.

The improvement of educational facilities would improve the general interest. Now, if we said at the same time that people were being burdened by this desire to improve the general interest, then the question must be whether or not the government at this particular time is reflecting what the people want them to improve in regard to the state of the country.

So, if people want schools, if people want improved education for their children in order for them to become more mobile socially and economically, it doesn't pay for us to argue that things are bad because we know things are bad. But things would be worse, the assumption is, if the general interest of the people was not improved by Government.

There are so many members of the Opposition at the moment, that I would not dare to compete to have the title of being a member of the Opposition. I leave that to the members of the National Team who are on this particular side; I leave that to members of the National Team who served in the National Team Government for almost six years. I leave the critique of their Government to them. What I would like to concentrate on is how short-sighted this whole political concept is. If we are not going to talk about money, we certainly cannot talk about services. The money must come from someplace. If I tell the Government that this indirect form of taxation will not be supported by me, and if I believe that these projects they have brought before Finance Committee and this honourable House are worthwhile, then I must support them in borrowing the \$26 million. I will go on record as supporting this at this particular time because I know of no other way that Government could get the money to complete the projects that need to be started as soon as possible.

I have been an advocate of the Road fund. I have been an advocate of people paying for services directly. If people are going to use roads, that the taxes for roads are specifically used for those services. I do not understand with the type of tax base we have, how we have the good Members of the so-called Opposition arguing about the need to extend the revenue base. We need to know from them what these extensions will entail. But until we have the extension of the revenue base, we need to get on with our lives here; we need to continue to enable industry to function by not having congestion on our roads. Therefore, that is one of the main areas. We don't need to wait until the eleventh hour to build the additional primary school in George Town that is so badly needed at this particular time.

We need to take on many projects before it is too late. This does not excuse the Government. This does not excuse the performance of the National Team Government in my eyes over the last six years. But who am I to criticise them? All I am saying is if we don't have an alternative, if we don't have a way of delivering the goods and services the people have become accustomed to and badly need, we will create anarchy and chaos.

It is important to realise that in terms of borrowing at this particular moment in our history that there can be an alarm. I do believe that I have disagreed with the way in which the Government's finances have been presented, the way in which they do not take certain things into account. But while they don't take into account that they are responsible for the pension fund (which I so well called to their attention), at the same time they don't take into account the fact that the roads they build are assets. Once they borrow the money and build the roads they have created an asset in the country that has some value.

So when people go around saying the Government is broke, we have to be careful that we don't create havoc and anarchy because the assets are there. They might be cash poor. One reason why I am saying that

now, is because of the peculiar way in which Government's finances are organised, that we allow Government to borrow \$26 million in order to complete these projects.

All I can say is that it appears that Members of the Opposition, have suggested that \$25 million be borrowed. Now the Government is saying \$26 million. Are we going to split hairs between \$25 million and \$26 million? Or is it, *'as long as you can reach my formula I am going to move the goalposts'*? I am not interested in that type of politics.

I have had to deal with my conscience, and I have done so very well. When the roll is called, when history is written, when we have to account, I am going to count because of the context, the character of my speeches and not because of the volume or flowery language or the flattery. I am going to go down with having an analytical approach to this whole situation.

If what we are dealing with here is the particular interest of the struggle for power then we can continue to split the hairs. But if we are going to deal with the general interest then the difference between \$25 million, saying that they can borrow \$25 million and they can't borrow \$26 million is neither here nor there. I stand with my position as an independent Member of the backbench that is critical of the Government and its performance and will criticise other members as well in their professional capacity rather than their personal capacity, but I reserve the right to make critiques of their contributions as well, as they will make critiques of mine.

We don't have political parties in this country. We don't have political ideologies. The Opposition, as it is organised, doesn't have any alternative to what the Government has presented. I must vote along with the Government. Thank you.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, you will appreciate that this is a forum for democracy and that members are at liberty to state their positions and to vote as they wish. It is a privilege and a right that I would deny no man irrespective of my feelings. But I for one have always tried to base my positions on being consistent, and the records of this Parliament will show that there have been many times when I stood alone on issues, and have never been afraid. I have always been guided by my sense of what is best for constituency and country. In taking that position I am not saying that I have never been wrong. I have been wrong many times. I am saying that I have been led purely and primarily by my conscience and my assessment of the issues as they were presented.

Indeed, my position is so well-known that members of the National Team tried to destroy my political career that on many instances I opposed for the sake of opposition. My position, and the position of my colleagues, on this matter is based on principle. I say that there is a significant difference between borrowing \$25 million and borrowing \$26 million.

I am reminded of an anecdote. In 1969 I went to visit my favourite cousin in New York. We had much in common. He was then a student at Columbia University, and I had just graduated from college. He, his brother and I, were very close: we grew up here before his family emigrated to the United States.

We took a drive. He always kept a can opener in the car -- a little five cents opener -- because we were always stopping to buy refreshments on our trips to and fro upstate. Between his brother and me, we managed to misplace this opener. When Charles went to look for the opener and couldn't find it, he asked his brother and me to account for it. Neither of us could. He promptly opened the door on the passenger side and invited us to get out.

So, I, coming from the West Indies, tried to play on his good conscience, and asked him if he was going to do this to his cousin who was unfamiliar with the streets and behaviour of New York for a five cents opener. He, not being short of retort said, "No, my good cousin. It's not the value of the opener, but the principle of the thing." Even at five cents there is a principle involved.

So, Mr. Speaker, that is the position of us on this side. We are talking about a principle which, in spite of the Fourth Elected Member for George Town, was articulated very well -- I would say articulated flawlessly. How could we be responsible at a time like this encouraging the Government to borrow money, saddle the country with debt when they clearly have not prioritised their objectives? Do you think that as responsible people we should be party to this kind of financial management? I say No! One million times No! Six representatives can't be wrong. In this instance they are not wrong.

We will prove that we are not wrong. We have articulated our position clearly and flawlessly. I like to read. And I want to read from the *Official Hansard Report* of 1991, Volume III. In a debate which was taking place on the Appropriation (1992) Bill, 1991, this is what the Leader of Government Business had to say, and he was quoting the Financial Secretary. **"On this basis I have concluded that there has been a marked divergence in the growth trends between realised local revenue and actual recurrent expenditure particularly in 1989 and 1990, and that if this trend is allowed to continue unchecked, public finance would be drifting in the wrong direction."**

The Minister for Education, the Leader of Government Business, went on to say, **"That statement is a very important statement because it points very clearly to the fact that this country is now reaching a stage in which it is spending so much more than there is made in revenue that the trend cannot continue in that direction. Something must be done to check it."**

Mr. Speaker, he went on. **"What it comes back to is that the Elected Members of this country must stop wasting public funds on their pet projects."** Presumably he meant the Elected Members of the government. **"They must understand that it is not only good economic sense, but it is basic common sense that they cannot keep spending year after year far more than they make and that they are heading the country towards bankruptcy."** That was on the Appropriation (1992) Bill, 1991.

Now, let us look at the record of the National Team Government over the past years. In 1993 they borrowed

\$17.5 million; in 1994 they borrowed \$4.7 million; 1995, \$1.8 million; 1996, \$22.4 million; 1997, \$22.5 million; 1998, \$20.6 million; and now they have a proposal to borrow \$26 million. What kind of record is that? Did not the Fourth Elected Member for George Town notice? Borrowing every year, yet they are preaching prudence!

It is simple, basic common sense good housekeeping. No good housewife or manager goes and buys up more than she can afford. The logic in this is that we should have been prioritising. Why do we have to be borrowing at the same time we are raising taxes? That's a double no-no. Our people have always been practical. We have been the most practical people in the Caribbean if not in the world. Springing from a nation of seafarers, we know what frugality means.

We are not saying that we shouldn't have roads; the six Opposition members said what we think needs to be done. We said that: development of the Crew Road Bypass, second phase of the Harquail loop and other road works. And as for education, we made it clear that we wanted those policies and plans to go ahead because we realise that it is on that basis that the future of the country, particularly, works on. But we would be reckless, stupidly so, if we would encourage the Government to borrow and to borrow as they have been borrowing. We will not allow the National Team political directorate to take us down with them when they're swamping (by supporting them on that).

It's a simple principle. And so you ask, What is the difference -- 'splitting hairs' is what the Fourth Elected Member for George Town calls it -- between \$25 million and \$26 million. The difference is on a point of principle, which unfortunately escapes him, for whatever reason. But that is his business if he does not choose to see. And as for the business of accounting, I have been accounting for ten years now to my constituents. Obviously, they must have seen some merit in me; they keep returning me--last time in spite of overwhelming odds. So here is one Member who is not afraid to stand on his principles: Even that principle which is so meticulous that it insists on distinguishing between \$25 million and \$26 million when it comes to loans.

I am saying, as the Government has been saying, that we should live within our means; that we should prioritise. Why? Why should we insist on borrowing this amount at a time when we are raising \$11.8 million in taxes? And they would have been borrowing more had they not seen our ad and gotten frightened. They had the target set at \$35 million and then came down to \$32.5 million. I am happy that they are now down to \$26 million, but not happy enough to give them my green light. And I have friends over there, Mr. Speaker. Every one of those honourable Members are friends are mine. But you understand, politics being what it is, that if they want to commit political suicide, hey, . . . you know? I would hate to see them go, and perhaps I will shed a tear or two, but I am not going to jump in the grave with them, sir; not at all. I am not going to share their funeral pyre as the Hindus do. Not me, sir. Not me!

So, Mr. Speaker, that is what it comes down to: a point of principle. I am glad we have someone who can lecture us into the absence . . . or presence of political parties. I am always entertained by that kind of stuff. I am a good listener. Heaven knows, there is something about academia that always intrigues me. I can listen to that all day.

But that doesn't remove the fact that there are differences. There are philosophical differences, and it's true that we have no party system. But if there were no differences between us over here and the Government, we would be operating a one-party state. And I am sure that is not an idea that would please Westminster. So there is nothing wrong with some of us banding together because we see ourselves sharing common dispositions, common philosophies, and articulating those positions. Heaven knows there are places for independence. I respect a person's position. But you have to remember that when you walk in the middle of the road, you get hit by the traffic from both sides. There is a danger in that too.

I suppose I should say that I will not allow myself to be one-upped. So I am going to cut my speech short too. As a matter of fact, I started doing that a long time ago because the *Hansards* are full of my speeches. But there is one good thing about my speeches -- flowery words and all -- they make sense! They have substance and they always articulate my position, whether that position is against the majority or with the majority. I have every confidence in that. And you know what? I am a product of the institutions where I went and sat and sweated and toiled, and I am happy. Believe you me, if I were to stand up here and do any less than I do, there are those who would say that I would not be doing the institutions from which I came, justice.

I take a certain pride, and my constituents look forward to that. But even more than the flowery sounding words—and I consider it flattery—is the seriousness of the position that I hold. I am sensible enough to realise that the world's finances are shaken up; that the time has come for us to be very careful. It's not only me. We have people qualified and experienced in finance and accounting. We have successful businessmen echoing the same thing, expressing it much more accurately, and cogently than I could ever express it. They are saying the same thing. So it's not my vision alone, Mr. Speaker.

Why? Tell me why. Go and take a poll and find out how many people in the public are pleased that the Government is borrowing money and saddling them with taxes at the same time. Find out why, Mr. Speaker. I bet you if I were a wagering person, that you could not find a majority. They are concerned. We get representations from our constituents and the wider public. That is why we planned that we could not accept the raise because we are borrowing money and taxing the people and want to give ourselves a raise at the same time. The two are incompatible. That is principle, and I am happy to be associated with people who are so principled because I would have been disappointed if my colleagues had taken any less of a stance.

We are not scared. We are in for the long haul. And the people, our constituents and the country, are going to be the ultimate judges. When history is written we are not afraid to stand around and hear it interpreted and read out because we know that our principles are going to put us on the right track.

I will not support the Government in borrowing money at this time, placing a burden on my people at a time when they are already cringing—pumping up the national debt, putting taxes on them. No! We have to prioritise. We have to get this thing straight. It must be done.

I am not afraid. The country understands the problems with roads; they understand the traffic problems we have; they understand all these other infrastructural problems and needs. And they are practical. They are saying that we have to develop some order and arrive at some prioritised position. And we cannot, as I read out, continue because these loans add up. We cannot continue to borrow irrespective of how insignificant it might seem; someone has to pay. Do you know what? While we party, our children and grandchildren are going to have to pay.

I will not be party to that. I was not elected to yoke anyone, and I refuse to do that. I am confident that my constituents understand. I look forward to Thursday evening because I know that we are going to have a captive audience and I know that the six of us can not only deliver, but deliver convincingly.

I am always impassioned when it comes to these times. I like that. I am at my best when the country is on the line, when it is necessary to make a distinction, to take a stand. I am confident that this is not in the best interest. Whether or not some people call it splitting hairs, I call it principle and I stand by my principles. I have been doing so, and I will continue to do so. Thank you.

**The Speaker:** We shall suspend proceedings for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.45 PM

#### PROCEEDINGS RESUMED AT 4.23 PM

**The Speaker:** Please be seated. Debate continues on the Loans (Capital Projects 1999) Bill, 1998. Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause)

**Mr. W. McKeever Bush:** Mr. Speaker, by my watch it's 4.30.

**The Speaker:** You are a little bit fast.

Does any other Member wish to speak? (Pause) I do not want to deprive anybody of his or her opportunity to speak.

**Mr. W. McKeever Bush:** Mr. Speaker, seeing that the Government is not ready, maybe you can adjourn until 10.00 tomorrow morning.

**The Speaker:** It was my understanding that we wanted to go later this afternoon. So, we are not near the adjournment time.

Does any other Member wish to speak? (Pause) I can't delay it much longer.

The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Speaker, I didn't have any understanding that we were sitting late. I thought that you were going to adjourn at 4.30. In fact, I made appointments with my constituents for that time.

The Bill before the House is seeking for Government to borrow, first of all they said \$19 million, and now there is an amendment for \$26 million. I don't know whether they believe this satisfies the House and in their juggling of funds they now say they are even borrowing less than they contemplated. It is good, as I said before, that they were able to find money, though I don't know why they didn't find it before. I do believe that what happened to the Government, having come under pressure from the House and the general populace they went scurrying and came up with the funds that they were going to use for pay increases.

The Government, while they will have the votes in the House to carry on, is in a bad position generally, not knowing that what they put forward can stand the test; not knowing from day to day what they are going to do. And that is obvious because they proposed a budget for one thing, set it all up, had their Financial Secretary put it in place, had the honourable gentleman come down to the House and deliver his magnificent speech. And then, Lo and behold all of a sudden they rose and said *'No. What the Financial Secretary said is not what we need, not what we are going to spend. We are going to do otherwise. We are going to borrow much more money because all these things need to be done, and need to be done now.'*

There are no two ways about it. Many of them have been talked about over many years. But over many years the Government has said that it would prioritise and spend what the country could afford. This is not what is happening. I am not going to claim to be an economist because I am not. I don't know a whole lot about mathematics, but I can certainly add 1 and 2. And I certainly understand the trend that develops in Government. As sure as we borrow today, and as sure as they are raising fees—

**The Speaker:** First Elected Member for West Bay may I interrupt you for just a moment? We have reached the hour of 4.30. Under Standing Order 10 (2) I would like the House to decide how long we intend to sit, and we will have to suspend Standing Order 10 (2), (4) and 11[4] in order to continue beyond the agreed hour.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I think there was some discussion about 5.30.

**The Speaker:** The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, that was discussed very briefly from the Government side with some of us. Not all of us were here, not all of the Government was here, and we left the discussion for Government to get back to us to let us know. We heard nothing more, sir. The Member who is speaking, if truth be known, was not even prepared to speak this evening. But because he didn't want it to close down. Because the Government is so lax and refuses to get up and speak, they forced this on us this evening.

**The Speaker:** Okay, let's solve one problem at a time—

**Mr. D. Kurt Tibbetts:** I am solving it, Mr. Speaker. I am saying from our point of view, sir, 4.30 is 4.30 and we have no other provisions, not today.

**The Speaker:** Shall I put it to the vote? I would entertain a motion whichever way we go.

**Mr. W. McKeeva Bush:** I made appointments with some people.

**Mr. Linford A. Pierson:** Mr. Speaker.

**The Speaker:** The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** I think it's quite obvious from the numbers that if you took a vote now the Government bench would win the vote. I am not sure that's the spirit that you want to have in the House. I think we should have a better spirit of cooperation. If there was a misunderstanding as to the time, some members felt it was 4.30, others felt it was 5.30, perhaps we can make a compromise without having to do it in an adversarial manner.

**The Speaker:** I would be prepared to suspend for five minutes, but that usually goes into thirty. I am in the hands of the House. Whatever motion is entertained—

*[Inaudible interjections]*

**The Speaker:** The Honourable Minister responsible for Tourism, Commerce, Transport and Works.

**Hon. Thomas C. Jefferson:** Mr. Speaker, I don't believe that it sets any example for us to have rancour and fighting over an issue as simple as this. If the First Elected Member for West Bay who is now speaking has made appointments, if there was some discussion on the issue of 4.30 and it wasn't generally agreed among everyone, then I don't think we should behave in that way.

**The Speaker:** Would you move the motion—

**Dr. Frank McField:** Mr. Speaker.

**The Speaker:** The Fourth Elected Member for George Town.

**Dr. Frank McField:** I would believe that most people here should be prepared to speak. It's our job. Certainly there are enough numbers on the backbench in the Opposition for somebody who didn't have appointments to have taken over and to speak. So, if the Government refuses to speak, as it was just now . . . I mean the attempt has been not to close the meeting down, but I don't see what's so unreasonable about spending the extra time. I am quite willing to spend that time if Members want to spend that time. And I do not take lightly people making suggestions that are almost like suggestions of intimidation.

**The Speaker:** I would entertain a motion for the adjournment of the House.

**Mr. W. McKeeva Bush:** Mr. Speaker, I am going to continue, sir.

**The Speaker:** If that's—

**SUSPENSION OF STANDING ORDER 10(2)**

**Hon. Thomas C. Jefferson:** Then, Mr. Speaker, I would move the suspension of Standing Orders to allow the First Elected Member for West Bay to finish his speech.

**Mr. W. McKeever Bush:** I want to thank the honourable gentleman for his kindness. But 'they' are not going to play games with me. I see what has happened between them and the Fourth Elected Member for George Town. They are not going to put me . . . I know what they are trying to do now. When we had an opportunity to behave they are going to come now with a load of – and try to soft soak us. No, no! Not to allow me to finish, for us to continue to the time they said. I am prepared to forgo . . . I will call my people and tell them I can't make it. I am here to finish this debate.

**The Speaker:** The Honourable Minister responsible for Tourism.

**Hon. Thomas C. Jefferson:** I thought I was helping the Member. If we want to move it on to 5.30 that's fine. I can move a motion that we go on until 5.30.

**The Speaker:** I shall put the question that the House continue until 5.30. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDERS SUSPENDED.**

**The Speaker:** The First Elected Member for West Bay, please continue.

**Mr. W. McKeever Bush:** Mr. Speaker, wonders never cease! The Government is moving in the wrong direction and is taking the country down a path that will cause generations to come suffer. This Government is no different from the last one with borrowing and raising taxes. They complained. We all complained, and we went to the public and the public said "No." We put out a policy that we would not spend what we did not have. This is what they said; they would exercise fiscal constraint. That is not what they said, that is what we said. This is what the public asked us to do. Now, having caught the winds of change they digress.

As I said earlier, I am not going to get into economics or mathematics, I am no economist. But the fact is that the Government should not spend what it does not have. It's no different with any of us in our own homes. We know when to say yes to expenditure and when to say no. All of us could want new cars, new clothes, a lot of new things all the time, but we know we cannot afford it. Therefore we shouldn't attempt to spend it. The Government is doing otherwise. I really don't see much sense in it trying to grab up and do everything at one time.

We have to consider that generations down the road will pay. They are saying that we can afford to pay. Is that what they are going to say next year? Is that what they are going to say the year after? All the while having to borrow and raise taxes on the people. Mr. Speaker, this is the trend the Government is now on. It is not something that they must do. Sure we can talk about needing more roads. I maintained a long time ago (and a lot of people disagreed with me), that building roads to the tune of the vast expenditure that we intend to do (not saying that we don't need to spend some because we know we do), is not going to cure the traffic ills in this country.

I take a different approach. There is a human element to Government—or there should be—and where those human

elements have to suffer for these kinds of expenditures I don't agree. To do this they have to put school fees on people who are barely meeting their present costs. In fact, some of them have to borrow from others to do so. And we might think that in this country that is not so, and that McKeever is only blowing wind and stirring up people. You could form all kinds of excuses and give all kinds of reasons as to why I am saying that. But that's a fact. That's the kind of economy we are living in. I hope that Government will take a look at that particular aspect.

All they will say is that education is costly. Sure it is. But we started out on a 'free' foundation in this country and it has withstood the test of time. It has helped this country along, government after government. Without it being free some of us would be no better off and could not brag about this type of country. We would be no better off than other neighbouring islands that have a high rate of illiteracy.

Government should heed the warning bell. It is putting too much strain on the people of this country who can least afford it. Consider a person having five children, making \$1,000 per month, but has a loan to pay, children to feed and clothe, electricity, gas, transportation costs. These are the necessities of life. If we don't do something about it and help to decrease the ever-increasing cost of living in this country, woe onto us!

I have people in my constituency who have come and laid their complaints on my desk. They ask '*What are you expecting us to do? Go out and steal?*' I can't be part of that. And it's not just in my constituency. Those situations exist in every one of our constituencies. Every one! And they are not small numbers; we have to be truthful. We are not dying from poverty, but it is rising in this country. The poverty scales are on the increase. When you go out on the highways and byways of this country you see it. We face an ageing population. While we have a lot of younger people, the ageing ones are those who cannot help themselves: the vast majority of them.

Government has to spend on roads and other infrastructure. We all want that too. But it doesn't have to spend the vast amounts proposed at one time. I can't agree with the attitude '*Oh, we've asked for them for years and years and years; now we must get them cost it what it will.*' I don't agree with that. Mr. Speaker, you might wonder where I am heading because this is the Loans Bill, and not the revenue raising. Ah ha! Well, Government can't do one unless it does the other. I know that, even if my friend the First Elected Member for George Town doesn't. One is dependent upon the other.

The other aspect that I would like to mention is that it is high time that Government sought lower interest rate loans. I believe that the honourable Financial Secretary goes out and does his best when Government says he must borrow. He does his best to get the best rates existing. But in this day and age, when it seems that interest rates are the lowest ever, why should we be borrowing at the interest rates that Government does? Why? Surely there must be other institutions, other means to lower interest rates.

The amount of money saved could do a lot of things that need to be done. So overall the policy is bad. Overall that is because the management of the policy is bad. So I can't agree, having put out a statement with other Members of the House concerning the capital works projects, the revenue package and the Loans Bill. It says:

**"We, the undersigned backbench members of the Legislative Assembly wish to set out our position as follows:**

**"Capital works projects: We are not in support of the Government's capital works projects amounting to approximately \$42.5 million as this places too great a strain on the society at a time when the private sector is operating at full steam. Our proposal is for the Government to**



move on with the needed capital works projects for education, which we estimate to be \$12.5 million. We believe that these are necessary for the continuing progress of our young people. We propose that Government develop the Crew Road Bypass, estimated at \$5 million, and further extend the Galleria Loop of the Harquail Bypass estimated at \$2.5 million, which we see as essential to alleviate the congestion caused by traffic flows from the eastern districts and along the West Bay Road.

**“We also support continuing capital development projects comprising public works, road works, public buildings, recreational cultural and healthcare facilities totalling almost \$18 million. Further capital works development [and this is important] must be supported by our prioritised listing and the development of the Medium Term Financial Strategy (MTFS) as well as the Public Sector Investment Program (PSIP). These efforts must be complemented by a properly thought out strategy to broaden our revenue base.**

**“Revenue package: We are against any rise in taxes at this time as we believe that this places too much financial strain on our people. However, under Government’s current policy, or lack thereof, where recurrent expenditure outpaces recurrent revenue, our people can look forward to a future under the National Team Government of taxation, borrowings and unbridled expenditure.**

**“New loan package: We propose a \$25 million ceiling on borrowing and are opposed to the Government’s proposal to borrow \$32.5 [million]. In taking this position [and this is most important] we have many concerns which includes the rising level of national debt as well as the position of Cayman Airways Limited. Cayman Airways Limited is our prided national airline and we must find a sensible way to deal with its accumulated deficit of \$45 million and its current liabilities of \$22.5 million. This does not appear to have been given any priority by Government.”**

The statement goes on to say everyone is invited to a public meeting on the Court steps in George Town this Thursday, February 11, at 7.30 PM. That is tomorrow night. I give you a special invitation to come, Mr. Speaker. Even the Government is going to be there!

*[Members’ laughter]*

**Mr. W. McKeever Bush:** Mr. Speaker, in all of Government’s workings to find money, it hasn’t given a thought to the national airline. A lot of people – or let’s say not a lot, but there are people who might feel that we can do without it. I never ever took that position, and I will have to be shown how to take that position, but all we have to do is look at what’s happening with American Airlines. That’s a good example of what could happen to a small economy having to depend upon another airline. Government should be paying attention to how they are going to deal with this matter.

The Minister comes here and lets us know what the position is. So it is left for the Government to deal with this because it cannot continue the way it is going. Yet, it hasn’t found a way to deal with this in its borrowing. To be fair, nobody has spoken yet, but I will bet you that Government is not going to deal with it. It does not figure in its policy and it will have to ride the same wave hoping for the best. That’s not good enough. Either they have to make up their minds to pay off the liabilities and put it on a sound footing, or just let it drop to pieces. I don’t believe that’s what anybody in this House wants . . . The Minister comes and lets us know? . . . It has to take the position to do what is necessary; it cannot continue in the current situation.

I can’t agree with their borrowing. I didn’t agree with the taxation measures. Therefore I can’t agree with the loan package. The Backbench – the six of us – put forward a position that stated clearly what we would do, but the Government has ears that do not listen; it has eyes that do not see; it has a conscience that cares not, or else it would not be down this road today. Someone is asking what the Government feels with. Dare I say they have no feelings in this matter?

It is good for any government to have a policy to try to follow through on. But in following through on its policy it also has to explain it. A Government must not only explain its policy, it must also rebut what anyone in opposition has put forward. I dare say that Government cannot rebut the position that was put forward by the First Elected Member for George Town and the Third Elected Member for George Town, together with the six of us backbenchers in this written statement.

**Mr. D. Kurt Tibbetts:** *[Inaudible interjection.]*

**Mr. W. McKeever Bush:** No, that’s right!

Rome was not destroyed from without; all of us who read know it was destroyed from within—its policies—the way it did things—the way it would not listen to others. Therefore, that’s the crash course the Government is on. Borrowing and unbridled expenditure to save their electoral seats.

We have heard for a long time about broadening the revenue base. All the time that I was there, and all the time before and up until now, no one has come up with any measures that can bring the kind of revenue that we expect to spend. There are things that Government can do. Yes. And its job is to do so. As I said earlier, it cannot keep saying that it has not reached the level that the IMF has set as our economics, that is 10%. But we are well on the way there. What’s going to happen next year? Because this is what they have been saying every year.

From the time the Minister for Tourism was there, and the Financial Secretary before him, we remember them saying, *‘Oh, we don’t need to worry. We’re at low level.’* Remember when it was 2%? Then it crept up to 3% and it kept rising because all that had ever been done was to put a little bit more on the fees that taxed the poor people. So it kept rising a little bit more. What happens? Ten years from now we will be saying the same thing. It’s not an easy thing. I know that. We say so. I know it’s not easy. But there are things they can do that need to be done. One of these days, perhaps sooner than later, they will be told how it can be done.

I understand from what the honourable Financial Secretary has been saying that they will put together a group that will look at alternative ways of generating revenue. This is what I said in March 1997 in agreeing to put up fees on cars and get it stretched out according to the cubic capacity of the engines so that the smaller cars will not be taxed as much as the larger ones.

I also talked about the need to set up such a group, and this is what I had to say, on pages 84-85, 19 March, 1997: **“There needs to be ideas and deep analysis of any proposal that would impact on long term growth and development. The truth of the matter is that no such mechanism exists. That is a fact. Operating in the 21<sup>st</sup> Century in a sophisticated economy, we need that mechanism.”**

I went on to say, **“We need to bridge the gap between the Government and the private sector. I feel it is necessary to tap into the experience of knowledgeable people in the private sector to create some form of communication between these two lines.”**

**“I want to propose that we create the economic council we talked about right away; that it consist of the private sector and all Elected Ministers. This matter of going to**

**one Minister, with one Minister saying one thing, then going to the next Minister and he says something else, cannot facilitate proper communication. I believe that this economic council should be created forthwith."**

**"From an economic council ideas could come across . . . people who can give reasonable and rational debate and put forward reasonable and rational ideas that can work."**

Some people thought that I was denigrating the people in the budgetary process and I nearly got my head beaten in for that. If Government had such a group and had sat down with that group before the budget and said, *'This is what we need; this is what we propose to do'*—rather than coming here with a hopscotch situation— it would have been in a better position.

That has not been done because if they met with their economic council and the economic council told them to do this hodgepodge, hopscotch policy, then I would say to them *'Get rid of them and get somebody else.'* But I believe that they did not run this situation through any economic council, and they are supposed to have one. After I left Executive Council I understand that something of this sort was created.

Well, if they have one, they didn't meet with it. If they have one, what did it tell them, if they met with it? Did it tell them to go ahead and raise taxes? Did it tell them to borrow these vast funds? They campaigned on setting up such a council. Did they do that? Have they listened to what their economic council has said?

And if they are not listening, why are they not listening if this is what the council is for? It would be good to hear how they handled it. I certainly believe, although this has been said many, many times, that at this point in time we have reached the position and we have said that we don't want to get to the position where we are saddling the future generations with growing amounts of debt. I try to keep up to date as much as possible with situations and events around me; internationally and regionally, we don't have to go far.

We don't have to go far to see examples that tell us that the path Council is taking us on is going to ruin us. Countries before that had millions of dollars in surplus are at the point where they must put their budgets in the hands of the International Monetary Fund and the World Bank. And they said McKeeva was just talking. But they read too, they've been around, some of them longer than me. They know the situation. I heard some of them saying the same thing in times past.

It is no different now from 1990. In fact, we should be better off in 1999 than we were in 1990. So they know what I am saying is true. Now, they can all come behind me and say something completely different to counteract what I am saying, but they well know the truth. No matter how much they try to explain away their actions, *the proof of the pudding is in the tasting thereof.* No one thought that some of those countries with their vast amounts of natural resources, and the vast amount of surplus would today be in that kind of condition. We are on the road to Hell and damnation, be it paved with good intentions or not. That will not suffice at the end of the day.

Mr. Speaker, taking one item . . . And someone said I wasn't ready to debate. They are going to have a lot of fun following my debate because I know it has not been in sequence.

I often wonder, when we say we need certain projects, how much have we looked to see what the need really is. Having looked in our suggestion, will those new roads, for instance, do the trick? Will that take up the slack? How much will it ease the traffic congestion? And for how long will it ease the traffic congestion? Some time ago, the Minister for Tourism said in a debate that he was going to get a study. I am not quite sure if they gave us the papers on that study or not, or if it has been completed. What did that say? What did that tell us? Are we

sure that continuing the Harquail Bypass is going to cure, if not cure, how long will it stabilise the traffic congestion?

How many buildings do we know—

*[Inaudible interjections]*

**Mr. W. McKeeva Bush:** No, I'm not going to finish this evening. That's right.

How many buildings do we know on West Bay Road causing the traffic congestion? It can't be condominiums because we build them hand over fist. Nobody complains. Do we know whether it is the large shopping centres that cause the traffic congestion? We certainly know that in and out of the two larger ones there is a tremendous amount of traffic. We know that. Are we putting in place any measures to stop the same thing from happening? Or are they afraid to touch that because it will rile up the people, or hurt someone's feelings: businessman, motorist, man on the street, whoever.

When we spend the kind of money we are proposing to spend, do we know what the end result will be? And for how long will it positively impact upon what we are trying to do? And what is the negative fallout?

It is easy to say *'We need this and we need it now.'* I said we needed a lot of things when I was on the backbench before, and I said so when I was in Executive Council but we did what we could out of general revenue the vast majority of the time.

When you borrow money or raise fees, you tell the public this is what you are going to do with it, you are going to do item A. If you don't do that, you haven't been good to the public. We put vast increases on transportation. And what that money was supposed to do was to help to do something with the problem. That was two years ago. Today we are raising more—not on the same items—and borrowing more and the problem still hasn't been addressed positively.

When we talk about broadening the revenue base, have we taken into account how we are going to broaden it? Where we are going to get it? And have we taken into account how much we are spending and what we are spending it on and what the results will be? Those are the questions Government must come to grips with. There is no use telling us that we asked for years for a road in the sky and now that we can do it you are going to give it to us. That's what some of this amounts to: dreams of Alnaschar!

Mr. Speaker, can I call it 5.30?

**The Speaker:** I would think so. I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Mr. W. McKeeva Bush:** Mr. Speaker, I propose that we stop the debate now and begin tomorrow at 10.00 AM.

**The Speaker:** I need a seconder.

**Mr. Roy Bodden:** I beg to second that, sir.

**The Speaker:** The question is that this Honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AT 5.31 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 11 FEBRUARY, 1999**

**EDITED  
THURSDAY  
11 FEBRUARY 1999  
10.29 AM**

*[Prayers by The Third Elected Member for George Town.]*

**The Speaker:** Please be seated.

Proceedings are resumed. Item 2 on today's Order Paper, Reading by the Speaker of Messages and Announcements.

**READING BY THE SPEAKER  
OF MESSAGES AND ANNOUNCEMENTS**

**The Speaker:** I have received apologies from the Second Elected Member for Bodden Town who is off the island.

Item 3 on today's Order Paper, Presentation of Papers and Reports. The Honourable Third Official Member Responsible for Finance and Economic Development.

**PRESENTATION OF  
PAPERS AND REPORTS**

**MOTION TO DEFER TABLING OF REPORTS**

**Hon. George A. McCarthy:** Once again I would like to move the relevant Standing Orders and ask that the tabling of these reports be deferred. They are presently being finalised by the Clerk, and they may become available to be reviewed today and thus available for tabling.

**The Speaker:** Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: REPORT DEFERRED.**

**The Speaker:** Item 4 on today's Order Paper, Government Business, Bills, Second Reading. Continuation of debate on the Loans (Capital Projects 1999) Bill, 1998. The First Elected Member for West Bay, continuing.

**GOVERNMENT BUSINESS**

**BILLS**

**SECOND READING**

**THE LOANS (CAPITAL PROJECTS 1999) BILL, 1998**

*(Continuation of debate thereon)*

**Mr. W. McKeeva Bush:** Thank you. I am sorry that I was a little late this morning.

At the close of business yesterday afternoon I said that while I didn't get a chance to debate the revenue measures, I considered that the loan proposal and the revenue measures went together, as one depended upon the next; I also said that I was in complete disagreement with Government's proposals for revenue measures; and that Government had not fully thought out where it was going, that it was 'hodgepodging' and 'hopscotching' in its policy seeing that it made the Financial Secretary present a budget and then came afterwards tearing that apart and presenting its own budget.

I also reminded the Government of its sacred pledge to the country, "**We believe in living within our country's means and exercising fiscal constraint.**" And the policy of having sufficient funds available for projects that those projects would depend on sufficient funds that the country was in possession of. This is not what Government has done.

Their claim is that people want these projects and have been asking for them for years. So they must now give them these projects. That's a vast departure from a written manifesto which says, "**We believe in living within our country's means and exercising fiscal constraint.**"

The new leaders over there have somehow forgotten that they (and when I say "they" I include myself) pointed out the financial position of the country at the end of 1992. The conclusion to those reminders to the public at the end of 1992 was that the new Government would inherit this horrendous public debt. That was the reminder of the National Team to the country. Well, if that is so, what are they saying now? What do they believe will happen at the end of their term? New governments will inherit this vast public debt.

They have not thought their policy out. I know that is so. It's a fact, because in times past they made pledges. For instance, not to increase the fees for a domestic helper because of the situation in the country. So many people who would not normally have helpers have them because of not wanting to put their children (and not being able to afford to, especially when they have more than one child) into a pre-school. It is cheaper, somehow, from what people have said to me to have these helpers. The situation is that at the end of the day the people who can least afford to pay, are going to pay dearly.

In talking about this increase on domestic helpers, I am very glad that the church I am a member of has chosen to put out a statement in regard to the treatment of

domestic workers. Perhaps I will get beaten with a stick for what I am saying, but it's not my policy to treat people badly. I know that some like to paint me that way, but those who know me know the difference—and that's a lot of people!

The situation that exists in this country in regard to domestic helpers is atrocious. People believe that because they hire them they can do as they please with them. Now I am not telling you that all of them are angels, but I do know that without them this country would not survive in more ways than one. The domestic help is one; but the fact is that a good many of them take care of the elderly in this country, and I count them as domestic helpers; not just those hired by Social Services, but also those employed by individual elderly persons.

People believe they can curse them and push them around; they believe that they don't need a good place to stay; they don't believe that they need any time off. Many of them have a tremendous responsibility in the country of their birth, or else they wouldn't be here. They are here to make a living.

I don't think I am preaching to the House, but I trust that the listening public will hear and not take it that I am talking down to them, but I hope that they understand and believe that I am talking some sense. We cannot continue in this country to treat domestic helpers this way. They play a great part in the upkeep of the country. Some people don't believe that, but that's a fact.

Years ago many Caymanian ladies could only do domestic work. That was all they could get. I am not ashamed to say that that's the end of the street that I come from. It's no disgrace. Today that is not the situation. Caymanians are being educated, there are jobs for all who want to work, so nobody is doing domestic work, as such. That is why we have so many of them. As I said, people who normally would not, have one for different reasons.

We have the situation where everybody is saying that we have too many people here: that the immigration problem is just too terrible with these Jamaicans. I will be open and frank. But everyone wants a domestic helper; everyone wants someone to help him or her in his shop; everyone wants one to be his gardener. So, Mr. Speaker, you are bound to have a lot of them, if everyone wants one. People in this country just cannot continue treating some of them the way that I know some of them are being treated. Especially those who come from the same side of the street I come from, who have domestic helpers; they should know better than anybody else how they need to treat people.

Perhaps this is a good place to say that I hope I can get enough support this year (not from Government, but within the community) to recognise the domestic helper in this country. I will say more about it in a different forum, and I believe there are people, and Members, who will join in to do something to show appreciation. There is nothing in the world like showing someone you appreciate what he or she attempts to do, or what he or she has accomplished.

The Government can say that the cost for a permit for a domestic helper is too low, and therefore they have to increase it. I said yesterday that Government can come with all kinds of excuses as to why they had to put on these tax measures. But those excuses don't cut with me. Government must prioritise. That word must have been said thousands of times in the last couple of months. But it is to our argument very germane. It is a fact that you can only spend what you earn.

The other matter that I think is part and parcel of these loans and Government's attempt at revenue measures is the argument that certain Government services are too costly. There is the argument that you have to take the financial assistance away from some and give it to others. The time that Government takes—for instance two years talking about looking at who's getting from who's not getting—this exercise must be costly indeed. People going around making these inquiries must cost the country a lot. It would be more cost-saving to spend that time doing rehabilitation work and getting people back into a position where they can be self-supporting, if only to a certain extent.

One of the most wasteful expenditures in my opinion is the probing into people's affairs by means tests and needs tests and other inquiries, quite apart from the indignity involved. It is no good waiting until next year to raise the financial assistance to the level we promised. I do not knock the minister; it is his responsibility. But it is a collective responsibility. It is not only at election time that people need. The cost of living continues to rise, and while salaries are increasing for some, and profits increase for others, old people on fixed income—or no income—fall further and further behind. We must be able to give to the elderly a sufficient amount to provide a modern standard of living in the face of today's cost of living. We should be able to guarantee them an amount to live in dignity and enjoy the winter of their lives, and help them to stop worrying how they will keep body and soul together. Surely we can do this for those whom we say have built the country.

There is the constant cry that children must do for their parents. It is even said that they will take children to court. We must remember that this society has changed so much—as much as any other society—that it is no longer possible in a great many cases for children to assist their parents financially, especially if there are two parents. I believe that the will and desire to make such assistance available when needed is still strong. And I have to ask if there is a child who has enough but would see his parents lacking anything? Usually it is just not possible for the average working person to do anything more than to try to take care of his own financial obligations. In days gone by, children and parents would live together until parents passed away. But apartment-living, smaller homes, or no home sometimes, has made this a thing of the past in most cases. The cost of living is so high that all most children can do is to support their own families.

I keep talking about the human element, and it's a fact that the Government is drifting in this matter. We talk

about the amount we give in financial assistance, and because we spend some funds on social services and other programmes, we must not just up and say that this expenditure is sufficient. We have to consider, in looking at the human element in this country, not only the high cost of living in these islands, but the limited income and acute needs. The increases are going to hurt the poor people in these islands: the people least able to afford them.

The needs of families are greater today than ten or twenty years ago. In some instances salaries are less than what some people were making in the late 1970s and 1980s, for whatever reason. I consider it a shame and a disgrace in this country that up until now there is still nothing done about the salaries in the hotel sector. To think, Mr. Speaker, that we could contemplate raising Members' salaries by 30% and Executive Ministers by \$40,000 a year, but they on that side do not have the gumption to deal with a situation that is glaring them in the face day in and day out. The minimum wage needs to be set in the hotel industry.

We completed an exercise, and albeit a new Minister took over, there has been sufficient time for that to be well underway. And if they were as serious as they said they were when I brought the motion for them to do something with the Committee's report. Remember that they amended my motion to bring it to the House. Up until this point, we have heard nothing about it. I said yesterday (and I will say it again) that the same dollar that Executive Council has to spend for gas, for their children, for food, for education, the poorer people outside have to spend that same dollar, but they have less means than those of us in this House.

These two matters really 'get my goat'—that is, this aspect of the financial assistance and what is happening in the hotel industry, especially at a time when there's an off season. This is the time when the hotel rates are lowered, they take home less, they get less days to work. There are fewer gratuities at this time. Government has to be innovative. If it can't support a total minimum wage, it has to be innovative and do something about that period of time as was my intention—as I said in this House, as I said in Executive Council, as I said on the street. But there doesn't seem to be any innovation as far as Government is concerned. It borrows and it spends; it taxes, and it spends; but never a raise in the income of the people we serve. And they say this is good enough? Not for me!

When we consider that this small country pays \$5 million in interest on loans (that was last year's figure), yet we can't give our elderly people \$400 per month, this is a tribute paid to financing on more loans. No matter what we say now, the Government will not change course. My mother used to say, "You can't hear? You can feel." At the end of the day they will feel. In closing, I will remind them of their sacred pledge to the people of this country, "**We believe in living within our country's means and exercising fiscal constraint. Expenditures proposed will depend on sufficient funds available for the projects.**"

The country seems to be going full speed, but the revenue is not in tune with the expenditure. Therefore, we have to conclude that management is at fault. Those who say otherwise will have their chance now to say so. I will finally close by saying that the position put forward by the Backbench cannot successfully be challenged. A Government's duty is to explain its policy. Its next duty is to explain to the country the alternatives given by anyone. There was an alternative: Government cannot explain it because it can't.

**The Speaker:** Does any other Member wish to speak? (Pause) Does any other Member wish to speak? (Pause) I do not want to deprive any Member of the opportunity to speak; does any other Member wish to speak? (Pause) The Third Elected Member for George Town.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

I feel that I would be remiss in my duties as a representative if I did not take the opportunity to speak on this Loan (Capital Projects 1999) Bill, 1998, that is before us. But to say, in the same vein as the previous speaker (the First Elected Member for West Bay), that this Loan Bill cannot be taken in isolation as it forms a part of a general revenue package. So it is most appropriate for any Member speaking on this Bill, in my opinion, to also make reference to the taxation measures and indeed the manner in which these measures will be used.

But before dealing with these particular issues, I wish to make my general position fairly clear regarding my future actions and behaviour in this honourable House. While I will continue to show the very highest respect and regard for you, Mr. Speaker, and Members of this House, I want to make it abundantly clear that I will not sit back and allow any Member of this House to make unwarranted attacks on me and expect me not to say anything. I know that some of my colleagues refer to me as "the Pope" because they feel that I am longsuffering and that I try to make peace—

**Mr. Roy Boddén:** You always conduct yourself with a certain dignity.

**Mr. Linford A. Pierson:** And I always try to conduct myself with a level of dignity. But sometimes that can be taken for weakness. Those people who know me, who have followed my political career, know that there is one thing they should not be mistaken about, and that is my ability to speak and defend myself appropriately, if necessary.

There is a certain Member of this House who feels that his way to the throne in the year 2000 is to pull down his fellow colleagues. It seems that every time he gets an opportunity, that honourable Member tries to attack me. It seems that he feels that his way to winning in the year 2000 is by attacking me. Real threats have also been made in and out of this House regarding that Member's future plans to derail me. Let me make it abundantly clear to that honourable Member—and the reason I am saying this on the microphone is so that the listening

public will know that if they at any time hear me defending myself on this microphone, or in any public forum, against that individual or anyone else, then that individual cannot come crying on their shoulders.

I am putting it in the *Hansards* that from here onward I will be vigorously defending myself against him, or any other Member of this House. I hope that Member understands that this is not a veiled threat, this is a promise. I will defend myself whenever necessary. He feels that he is riding high on the wave of popularity at present, but I have been through many rough seas and have come out alive. With the help of God I intend to complete this term, and another (term) in this House. The people of this district in the island will be the judge as to my stewardship between now and then, and my past stewardship. I am not going to sit down and allow that Member (I won't call his name now, but I may have to do so at a later time) to in any way abuse me in or out of this honourable House. I think I have said enough on that.

I would now like to turn to The Loan (Capital Projects 1999) Bill, 1998. As I mentioned, this Bill cannot be taken in isolation. It forms a part of a revenue package which includes taxation and borrowings, and indeed the revenues that have been utilised to defray the cost of Government's expenditures, not only the recurrent and statutory expenditures but indeed the capital development expenditure including the continuing projects under capital acquisitions.

In trying to determine how the revenues and the expenditures are made up, I have gone through and done a simplified breakdown. This includes the surplus brought forward by the honourable Financial Secretary of \$7.21 million, the taxation package of \$11.8 million, the revenue package before the taxation package was included of \$271.37 million giving a grand general total of \$283.17 million. The borrowings that have been agreed upon of \$26 million, total fund receipts of \$9.87 million, and the breakdown of that is that \$2 million came from the environmental protection fund and \$7.87 million from the other infrastructure development fund.

Then, there was another amount of \$4.06 million that came from the capital development accumulated balance fund. This gives a total general revenue position of \$330,310,000. I will show you how this total \$330 million will be utilised, and I will also show how it is a fallacy for any Member to get up in this House and say that he does not support the revenue package, but he supports the recurrent and statutory expenditures; he supports the contribution to reserve funds and public pension funds; he supports new services and capital acquisition; he supports the capital development fund, but he does not support the taxation package. It shows a lack of understanding of the finances of this country because out of that \$330 million, \$326 million is being used in expenditures with a surplus of only \$4.53 million. You can check the table and you will see that this is correct.

So, Mr. Speaker, the mere fact that we are looking at a surplus of \$4.53 million suggests that at least \$7 million has been taken from the \$11.8 million. Anyone getting up in here saying that he does not support the tax

measures, but supports all other expenditure measures is either (1) misleading the public, or (2) displaying a lack of understanding of these figures.

That surplus that was brought forward of \$7.21 million, I appreciate that this has been allocated to three areas. I will come to that as I go through my debate on this Bill, but the point I want to make very clear is that at least \$7 million had to be taken from the taxation package. If any Member is supporting the recurrent and statutory expenditure (I will repeat it again), contribution, new services, capital acquisitions, and capital development fund, then they would have had to support at least \$7 million of the taxation package.

I refer the Members of this House to Table 1 of the summary of the 1999 Estimates of Revenue and Expenditure that shows an accumulated surplus carried forward to the year 2000 of \$4.3 million agreeing with the figures I just mentioned. All I have done was to rearrange those figures so that the public and the House will know that we are not just talking about two hundred and odd million dollars in revenue, we are talking about a grand total available to this Government of \$330.31 million, the total expenditures of which are \$325.78 million, leaving a total of \$4.53 million. If anyone cares to dispute that, I am willing to give way at any time during my debate.

Another point I want to make on that \$7.21 million is that (and this is based on the information given by the honourable Minister for Education) . . . he, in fact, said that we shouldn't worry, or something to that effect, about the taxation measures because \$5 million was coming from exempt companies. That still leaves \$7 million because the taxation package was approximately \$12 million—\$11.8 million to be exact.

Then our argument on this side of the House was that if there were \$7 million remaining and Government had this big windfall of \$7 million that they found at the last hour, why was that \$7 million not used? I know some of my colleagues don't like the term 'applied' but why was it not applied to the taxation package to reduce that amount so that it would not be a burden on our people?

**Mr. D. Kurt Tibbetts:** Good argument!

**Mr. Roy Bodden:** Good argument!

**Mr. Linford A. Pierson:** Why was that not done if they have the interest of the people at heart the way they say they do?

**Mr. Roy Bodden:** They must be doing single-entry accounting!

**Mr. Linford A. Pierson:** As I mentioned, the Loan Bill is only a part of the total revenue package. The wild borrowing is only a part of the imprudent taxation package.

**Mr. D. Kurt Tibbetts:** Unbridled spending!

**Mr. Linford A. Pierson:** And unbridled spending! The Finance Bill, 1998, has and will create much hardship on

our people. And it will have the effect of pushing up the cost of living. There is no question about that. Where do we think those who are being taxed will pass it on to if not the general public or their consumers, or clients? They are not going to absorb that in their overhead; they will pass that on. And if they pass that on to wherever, it is going to have the negative trickle down effect, hurting the end user which is invariably the less well-off individuals.

One Member got up and reminded me that I had said I could support increase on alcohol and cigarettes. I am not denying that, and that Member doesn't need to remind me – I have a good memory. I am not denying that, plus it is in the *Hansards* of the House. That same Member should have reminded the House that I also said that I would be vehemently opposed to any increase in school fees and book rentals. I went across the floor and told the honourable Ministers that I would not support the taxation bill unless something was done to reduce those fees. Knowing the honourable Members that they are, I feel sure they would be quick to say 'Yes, you did in fact say that.'

It was my intention to speak on the Finance Bill, but somehow I did not get that opportunity. I do not intend to utilise this opportunity for that purpose, but as I mentioned earlier it is relevant in that it forms a part of the whole capital projects bill as this is the funding for that. I think it is unconscionable for anybody to increase, regardless of the quantum involved, a fee from \$14 to \$150. That is over 900%. We may say that it's not a lot of money, but I contend that it is a lot of money when you are talking about a poor family with four or five children, having to budget every penny they are using. It means a lot. I also know that there are some families that have to even get assistance from the Social Services Department because they cannot afford to pay the present costs.

It is unconscionable to increase a fee from \$5 to \$50. Why was this not done in a more gradual way? You are looking at 900%. But they would be glad and quick to say, 'But the total amount from book rental fees is only \$247,000.' My retort to that would be, If it was so insignificant, why put it on in the first place? And why could this not be taken off the backs of the poor people? This is the sort of thing that the honourable Member who always looks to have one-up on me should be talking about and trying to get some relief for the constituents rather than playing politics. And I am going to come to the question of playing politics.

One Member got up and said we were playing politics. But if that Member, and all others who believe as he does, feels that we were playing politics in this House with the MLA salaries (and I will come to that) then out of genuine concern and strength of character those Members should have voted against the motion brought by my honourable colleague, the First Elected Member for West Bay, and seconded by my honourable colleague, the Third Elected Member for Bodden Town. Who is playing politics when you get up in this House and vote against your conscience just because you think that if

you don't do it you might lose some votes? Who is playing politics?

I am going to move on. I will now show that ever since the National Team Government came to power in 1992 that there has been a consistent trend of imprudent taxation, of wild borrowings, and of unbridled expenditure. Our people should say no to imprudent taxation, wild borrowings, and unbridled expenditure. I asked the question earlier: 'Why was the newly acquired windfall and surplus of \$7 million not used to relieve the tax burden on our people?' Just for the record, let me say that I am aware of how that \$7.21 million was used up—\$2 million were placed in general reserves; \$2.7 million went to the capital development fund; and \$2.5 million went to defray the overseas medical expenses into a reserve. That is the \$7.2 million. I assume that the \$10,000 remains on the account.

As far as I am concerned, nothing has changed about that \$7.21 million. The only thing that would have made any significant change is if that amount had been applied to the taxation package. It has worsened the situation because of the track record of the National Team Government. They will now go into the reserves, the capital development fund, and the \$2.5 million for overseas expenses and use it if the necessity arises. But if it had been applied to the tax package we know that the chance of this happening would have been very remote.

Mr. Speaker, I have to ask, Can those who supported the revenue package, even the \$7 million out of it, honestly say that their actions of imposing these taxes, the horrendous increase in book fees, even though they could get up here and say it's for expatriate children, they are non-Caymanians . . . there are many non-Caymanians who have made major contributions to these islands. Their children were born here and know no other place besides the Cayman Islands, why should they suffer? Is that the kind of country we are becoming?

We might say that the book rental fees will affect everybody, but have we sat back to talk? And I know some Members like to play on the term 'little man.' But they know the 'little man' when election time comes. To satisfy those Members who don't like that term, let me say the less well-off individuals. Have they sat with them to determine what impact this will have on those families? How many of the Members of the Backbench have spoken to the families about this, and told them that they voted to increase these costs on them? Are they being that honest with them? They are always talking about integrity and honesty. Well, tell the people who were a part of this taxation package. They might say that they didn't do the whole of it, but the amount of at least \$7 million – which cannot be disputed – was agreed upon by certain Members of the Backbench.

On the question of Government's capital works programme, the main reason why this Loan Bill is in place is that a certain Member tried to poke fun at us, saying "What's the difference between \$26 million and \$25 million?" Maybe one million dollars doesn't mean much to that Member, but it certainly means a lot to our people,

and it would mean a lot to me. But what the Member lost sight of, what totally escaped him and those who spoke like him, was that we were speaking about the principle of the matter. We are not here talking about adding up dollars and cents. We are speaking about the principle of the whole thing.

I want to make it quite clear that we on this side supported the total package, what we called the C package (for capital acquisitions of some \$18 million), the continuing projects and an amount of up to \$20 million. This wasn't something we came up with after a good night's rest and a good dream. We sat down and worked it out. The country could not afford the higher loans and borrowing that they were getting involved with together with the taxation package. It was based on that that we said there is already \$10.18 million in the budget and we were prepared to agree to an additional \$25 million at that point in time.

Somebody will quickly say, *'Well, that's a difference of \$2.82 million.'* That was also added in our calculations because we were told that there would be a surplus. At that time they did not know how much it would be. The \$20 million we agreed on would have covered capital projects for education. We see that as a top priority of some \$12.5 million. We put a full-page ad in the *Caymanian Compass*, so it's no secret. The Crew Road Bypass, \$5 million; and the Galleria Loop of the Harquail Bypass of some \$2.5 million, giving a grand total of \$20 million, plus the \$18 million on continuing projects.

That is exactly the position we have put forward. It wasn't guessing. So when anybody gets up here and asks, *Why are the Backbenchers kicking up, it's only a difference of one million dollars?* One million dollars means a lot to our poor people out there. To any of us it would mean a lot. It could provide needed facilities for our young people and for our poor people. It could provide housing for a lot of our people in need. Is that the kind of representation we need in this House?

Mr. Speaker, there is a Member across from me wanting to interrupt me. If he wishes, I can deal with him on this microphone too.

**The Speaker:** When you reach a convenient place in your speech, maybe we could take the morning break.

**Mr. Linford A. Pierson:** Yes, Mr. Speaker, thank you.

**The Speaker:** You have reached that point? We shall suspend proceedings for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 11.40 AM

#### PROCEEDINGS RESUMED AT 12.05 PM

**The Speaker:** Please be seated. Debate continues on the Loans (Capital Projects 1999) Bill, 1998. The Third Elected Member for George Town, continuing.

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

On the break, I had just finished mentioning the details of clause 4 of the Finance Bill, 1998, which amends the Education Law (1977 Revision), and I had given some of the increases and the percentage applied to those increases.

The honourable Financial Secretary had also prepared comparative figures for this honourable House and last night in researching this I came across these figures. I will deal specifically with the school fees and the book rental fees before moving on. But even though it may be said by Ministers of Government, or the Government as a whole, that the school fees will apply only to non-Caymanian children, I see this as creating a hardship.

It should not be felt that these children are not now paying a significant sum to Government for the privilege of obtaining an education at the primary, middle and high school levels. The current rate at the primary school level is now \$450 per year. And that rate has gone up to \$750 per year. At the middle school level, it is \$540 per year (and I am reading these figures from the information circulated by the honourable Financial Secretary), and the new rate will be \$900 per year. At the high school level it is \$630 per year, and that will go up to \$1200 per year.

I did go through the increases in book rental where you find Primary, Year 1, going from \$5 to \$50; and in Years 2 to 6 a similar trend. The Middle School, first, second and third forms, show a major increase and then in the High School from the third, fourth, fifth and sixth forms also showing a major increase. I will not read these in detail. If anyone wishes to have these figures, I will be happy to provide this summary.

Mr. Speaker, as part of the whole expenditure programme, was the increase of the salaries evaluation exercise and this is believed to be obtained from savings. To date we have not seen any indication of exactly where these savings will come from. My contention is that in the absence of that information I can only conclude that we may have to come back here to Finance Committee to obtain the funds for the salary re-grading.

Mr. Speaker, I would just like to reiterate (because it was done before during Finance Committee) that it was not because the six backbenchers involved felt that we did not deserve the increase, or that we were somewhat below those others included in the same salary scale. Far be it from us. The reason was that it was our opinion, and I believe it is shared by the mass majority of residents that these islands cannot afford it at this time. We felt that as good representatives we should set the example. Indeed, one Member—and I am sure she doesn't mind my mentioning this—the Member for North Side had already said that she intended to utilise her increase for the good of her people in North Side.

The second thing on that was that we felt that the whole structure had a weakness in it in that it was not spread evenly across the board. The middle income persons within the service were almost completely left out. I think one person told me he got as little as \$2 increase, some people got nothing in that middle management. The explanation I got for that was that their salaries were considered by those who did the evaluation to be fairly in



line with the private sector. I cannot buy that, especially when you have some of the higher income people getting such a high increase in salary. It has to create some amount of concern among the service when some of them are left out.

That was the reason why a motion was brought by the First Elected Member for West Bay, seconded by the Third Elected Member for Bodden Town, and supported by six Members from this side. We intend to speak more on this tonight at our public meeting on the steps of the Court Building which starts at 7.30. We are giving a cordial invitation to all Ministers of Government and their supporters to be there. They will see that we will conduct a very good meeting, one we hope they will emulate so that we will set the right tone from here on to the next election.

When we oppose on this side, we try very hard not to involve personalities. We want to deal with the issues. I think it was Winston Churchill who said, when he was accused of giving some person hell, or the dickens, he said, "Mr. Speaker, I don't give them hell; I tell the truth and it just sounds like hell." We try to keep our debates at a very high level. There comes a time when we have to deal with issues like I did this morning. But that is part of the whole political process.

If I were asked to describe the National Team Government, the present Government . . . I have nothing against them personally. They know that. I respect every one of them over there. But I am sure my good friend, the Minister for Education, remembers when he was sitting over here, and I was a Member of the 1988 to 1992 Government, when he would look across at me and say "You know nothing personal. I am just dealing with the issues." So I just want to remind him that I am dealing with the issues now.

**Mr. D. Kurt Tibbetts:** He didn't tell you that in Hong Kong too?

**Mr. Linford A. Pierson:** He told me that in other areas, that he doesn't have anything personal. And I believe him, because he and I go back a long way.

**Mr. D. Kurt Tibbetts:** Rather you than me!

**Mr. Linford A. Pierson:** But I think he would agree that his Government, since 1992, has been a Government of management by crisis. I think that the 1999 Budget emphasised and highlighted that. It was the first time in my period of Government and in politics—and I spent a number of years in the Finance Department as Deputy Financial Secretary and acted on many occasions as Financial Secretary, so I know about the budget—that I had seen two budgets coming within the same budget session.

The honourable Financial Secretary brought what I thought was 'the' Budget, and later on a revised capital expenditure budget was brought by my good friend the honourable Minister for Tourism, who was also a former Financial Secretary.

**Mr. D. Kurt Tibbetts:** One of them was Truman's budget, you know.

**Mr. Linford A. Pierson:** My good colleague here said that one of those was Mr. Truman's budget (the Financial Secretary's budget) the first one. But the second one was the budget of the Minister for Tourism.

*[Members' laughter]*

**Mr. Linford A. Pierson:** But what was so frightening about this was that almost three months later (we started on 16<sup>th</sup> November) we have another \$7 million that is being applied to the budget.

*[Inaudible interjection]*

**Mr. Linford A. Pierson:** The honourable Minister for Tourism is quite correct: the 16<sup>th</sup> of February hasn't arrived yet, and that is why I said almost three months. It's not far off. The longest budget session in the history of these islands. And it's not finished yet. I won't be too critical on that because I know that preparing the budget is not an easy job and it's even more difficult with the fiscal system that we have in effect right now.

Two things are needed. We are dealing with an old antiquated system; it's like our Constitution almost.

**Mr. Roy Bodden:** Truman, I hope you're writing that down.

**Mr. Linford A. Pierson:** But I won't say much about that because I don't want to be misquoted. But we are dealing with a budgetary system that has been in effect ever since we started moving our financial sector ahead which would have been around the mid 1960s; around the time that the Bank and Trust Companies Law came into effect. The only difference is that there has been a bit more volume to the budget. But the same principle applies: You need a little money, you tax the people. They call it revenue enhancement measures. It sounds good but it's still taxation—a rose by any other name . . .

I want to make two points here right now, and I hope that honourable Ministers and the Financial Secretary will take this into account. Until the Government has the strength of character to bring forward a medium term financial strategy (I like to refer to it as a medium term economic strategy) together with a proper public sector investment programme, then we will continue to have the problems we see before us. We use these words, medium term financial strategy, public sector investment programme.

What does that really mean? I will tell you my understanding of it. A medium term economic or financial strategy will set the sort of guidelines that are required for the necessary revenues needed within a country to provide certain infrastructure facilities and other needed expenditures. It would also include the think tank that was proposed in this House many years ago and more recently in my budget debate.

I know that the honourable Financial Secretary has been very busy here with the budget and hasn't had time to properly deal with it, but it is important that it be put into effect, not tomorrow, but today because come November, or even in August as the budget is being prepared, we will be scrambling to find money again. And we will be scrambling to get loans to take care of additional capital expenditure. One only has to look at the projection from 1999 to 2001 and it is quite clear that for each one of those years vast amounts of capital expenditure is being projected. Where is that money coming from? Let's get that think tank into operation right away.

But, Mr. Speaker, the medium term economic strategy is the overall strategy that will determine what this country can bear – how much finances can be taken out of this little country. Then, only then can we say, *'If the country can only afford X amount, we can only spend X amount. We can't spend X plus Y.'* So the public sector investment programme must be geared to the medium term financial economic strategy. That's the only way. That's the type of plan the Government needs to put into effect as quickly as possible. I know that my good colleague, the First Elected Member for George Town, has been asking for this for many, many months, even before I came back here in 1996. He has been promised that this will be put in place. But, to date, nothing has been done. At least if it has been done, it hasn't been brought to this honourable House.

One has to wonder why there is such an inordinate delay in bringing such an important plan for the guidance of these islands to this honourable House. Is it because of a lack of fiscal discipline? There is no use for us to talk about fiscal reforms if we are not prepared to look at the whole underlying question of our revenue base. We have to look at that and find ways and means of broadening the revenue base. That might require diversification into niche industries and so on. But so be it. We cannot continue to have increases that will be borne by our people.

Imprudent taxation, wild borrowings, and unbridled expenditure have been the history of this Government since 1992. One has to ask, Where are we headed? Is the present trend leading in the right direction? Where on average, expenditure exceeds your revenue? Is this the right direction when your current statutory and capital expenditure is every year exceeding your recurrent revenue? And, as I mentioned earlier, in order to find sufficient revenue we have to tax and we have to borrow.

Mr. Speaker, the irony of this whole thing is that these islands are experiencing the highest boom that the world has seen, or at least these islands, because of the United States. I don't agree with the National Team manifesto when they say they were responsible for the boom. They had nothing to do with it. We are affected here if America sneezes: we already have a cold. Whatever happens in these islands is caused by external influences, it is nothing that we do here. Just like when we had a recession from 1987 to 1992—and I will deal with that because my honourable colleague is always trying to capitalise on that.

We had a recession from 1988 to 1992 during the time I was in Government. At the same time the United States came out of that recession in 1992, we started benefiting, and we have been benefiting for the last seven years—just like the United States. It's one of the longest boom periods in the history of the United States, similarly in the Cayman Islands. I will deal with that and I will show that even during the recession that the last Government (1988 to 1992) experienced, we were able to put aside more money and I want the Minister for Education to hear this: We were able to put aside more money in our general reserves than they have done during the boom period. And you call that good management? Mr. Speaker, it is frightening when they will tell you that they have only \$10 million in reserves which equates to just about two weeks of recurrent expenditure. On the outside that's what it is, Mr. Speaker.

They had promised for many, many years to bring the reserves up to at least three months of recurrent expenditure. That would be equivalent to \$50 million–\$60 million.

**Mr. W. McKeever Bush:** Yeah, promises, promises.

**Mr. Linford A. Pierson:** But they are just telling you that they are going to put another \$2 million onto it.

**Mr. Roy Boddan:** You have to be frightened.

**Mr. Linford A. Pierson:** That would make it a little over two weeks. But that's after shouting for four years. They take the credit for the boom, but what they don't tell the public is that they have spent all the money. There's nothing being saved for a rainy day.

**Mr. Roy Boddan:** I wonder if my friend is writing that down too?

*[Inaudible interjections]*

**Mr. Linford A. Pierson:** Mr. Speaker, I hear one of my colleagues on the other side trying to bribe my good colleagues over here with queen fish. But that's not going to work, Mr. Speaker, because he is not going to ease him up when he gets up to speak.

*[Members' laughter]*

**Mr. Linford A. Pierson:** Between the years 1993 to 1999 the National Team Government will have spent \$118 million in loans. I will refer them to the financial summary 1984 to 1997 that was circulated in Finance Committee by the honourable Financial Secretary so that they will know that these figures are real. In 1993 the loan amount was \$17.5 million. And they said that some of that had to pay off CAL's debts. But I wonder what they said in 1996 when they borrowed \$22.4 million. Was that also to pay off CAL's debts, or are there more debts accumulated by CAL? In 1997, \$25.5 million. In 1998 \$20.6 million. And in 1999, \$26 million. Where are we

headed? This country cannot afford to go in that direction. Management by crisis. We cannot continue.

The Government would also have people believe that they were so prudent. As a matter of fact, they talk about prudence in their 1996 manifesto. Let me remind them that during 1988 to 1992 these islands went through the worst recession in decades. But our records show that in 1998 (sic) we had general reserves of \$11.2 million. In 1989 we had reserves of \$18.2 million. In 1990 we had to draw down because of the bad recession, we had a balance of \$12 million, but in 1991 it was \$13 million. In 1992 we had the equivalent—in the worse period of our recession—of what they have at this present time in the best period of their boom period. Those figures speak for themselves.

But look at what they did when they got in in 1993: they tore the general reserves down to \$3.5 million. Then in 1994, they didn't do much better, they had \$4 million. In 1995 they had \$4.4 million. In 1996 they had \$7.6 million. In 1997 they managed to go to \$9 million, and they are now telling us that they might carry it to \$12 million.

Mr. Speaker, it is a very bad indictment on this Government that during seven years of economic growth in this country that they could not have saved more. And if they had, there would be no need for this loan bill today; there would be no need for the taxation package. What we have had since 1993 is a period of imprudent taxation, wild borrowings, and unbridled expenditure.

There is a little word that my honourable colleague from Bodden Town, the Third Elected Member, uses many times. I always have pleasure listening to him. I tell him he has such flowery language. But he knows, as an ex-school teacher, how to put it together. The word he uses is *déjà vu*. And just to make sure I used it right, I looked up the meaning this morning. It says, "Tedious familiarity; of having experienced the present situation." I think it is *déjà vu* all over again because the same problems we were experiencing during a crisis time in this country, a recession, the National Team Government is now experiencing in the very highest economic boom these islands have ever known.

In 1996 the National Team Government came out with a very impressive manifesto. It was called "Building for the 21<sup>st</sup> Century." The question has to be asked whether or not they understood the real meaning of the word "building." What I have seen, and what I have just read out to you would show more of a trend of tearing down.

One Member said (in the very best interest, I know) that perhaps I could rejoice because the National Team removed the Government of which I had been a part with the promise that they would make life better for Caymanians and other residents. But it is not hard to see that what they have done since coming to power in 1993 was to make life more difficult to the point where it is becoming unbearable.

The National Team said in its manifesto—

**Mr. Roy Bodden:** Read it! Read it! Read it out.

**Mr. Linford A. Pierson:** They told everybody about the financial disaster of the last Government (referring to the 1984 to 1992 Government, the same Government that will replace them in the year 2000.)

**Mr. W. McKeeva Bush:** Hear, hear!

**Mr. Linford A. Pierson:** They said that that Government imposed \$20 million in new duties in taxes in 1990 and 1991, the burden of which fell on Caymanians. Now, when they get up I want them to explain why between 1993 and 1999 the budget is \$118 million when in fact they were telling the public that \$20 million was such a bad thing.

**Mr. Roy Bodden:** *Déjà vu!*

**Mr. Linford A. Pierson:** And they were so brazen! They didn't even use a little diplomacy. They said in their manifesto "The last Government 1988 to 1992, of which Mr. Linford Pierson was a part, spent \$52.6 million . . ." I mean, they weren't even a little kind to me. They put my name in print.

**Mr. D. Kurt Tibbetts:** Do that with Truman!

*[Members' laughter]*

**Mr. Linford A. Pierson:** So, Mr. Speaker, it really doesn't hurt my heart when I have to remind them of their mismanagement. It doesn't hurt my heart when I have to (in the words of my good friend, the Third Elected Member for Bodden Town) remind them that '*the chickens have come home to roost.*'

**Mr. Roy Bodden:** Oh, how true!

**Mr. Linford A. Pierson:** I think that the crowning glory of my good friend, the honourable Minister for Education, is that the Emperor is naked!

He said here, "**Our accomplishment from 1993 to 1996 recorded [Mr. Speaker, I want to wait until he gets in; he's coming in the door now] a recurrent surplus [and he put in brackets (or profit)] of about \$60.3 million.**" The honourable Minister knows better. He knows that I recognise him as a highly qualified person. Not only is he a lawyer, but he's a banker, and he knows a lot about accounts—he's an accountant. But if he had been a member of my society, the Society of Professional Accountants, and he had made that remark, he would have been struck off!

*[Members' laughter]*

**Mr. Linford A. Pierson:** He knows. He's a smart guy, I have to hand that to him. He can put figures together. But he knew he was giving the wrong impression. But what was worse, a gentleman for whom I have so much respect—even though I have to hit him sometimes—the Minister for Tourism, he came out and supported what

he was saying. That is when I really got it right between the eyes because I thought he would have said, 'No, Mr. Truman. You can't tell the people that.' But he came out and said, 'Yes, that's true.'

And, do you know what? Because of their high profile positions people believed them. But now they are saying that if you had all of that \$60.3 million, why do you need loans? Why are you not using some of that? Why do you have to tax people for \$11.8 million? And why do you have to get a \$26 million loan? Why not use some of that \$60.3 million?

Mr. Speaker, the written word: it's all here in writing. I don't know how they meant it. I can't read their minds. I can only say what was written in their manifesto. There was no \$60.3 million.

What was equally as bad was that the honourable Minister for Education came out with his version of what the overdraft position should have been like. What was bad about that is that his version was confirmed by the Accountant General!

[Members' laughter]

**Mr. Linford A. Pierson:** Even some of the 'little people' on the street were confused. They said to me, "Mr. Pierson, if I have \$100 in the bank, and I draw cheques for \$90, even though those cheques are not all cashed, how much do I really have left?"

I said, "You really only have \$10 left because those cheques are going to be cashed some time."

But, No! The Accountant General, and the now Minister for Education and the Minister for Tourism said, "No! What you have is the balance in the bank even though those cheques are not cashed. That is really the amount that you have."

Mr. Speaker, anybody can see that that is incorrect and false accounting.

**Mr. D. Kurt Tibbetts:** That is *no entry* bookkeeping!

**Mr. Linford A. Pierson:** That is not even *single entry* bookkeeping. If you have \$100 in the bank and you draw cheques for \$90, you have \$10 left—whether those cheques are cashed or not.

They would not handle their own personal business like that. So why should Government handle its business like that? Hear what they had to say: "**The 1995 Auditor General's Report, page 6 item 1.8, deals with the Treasury cash book position which reflects a \$7.48 million cash book overdraft.**" And I am reading this because it relates to the whole question of, Why do we need to borrow if we apparently have so much money available to us? The \$60.3 million is recurrent profit and all of this money in the bank.

"However," he says, "the more favourable position at the bank is attributed to un-presented cheques which amount to about \$6.4 million as at 31<sup>st</sup> December 1995. This means [let's hear his explanation now] that the overdraft at Barclays Bank was in reality less than \$1.2 million, i.e., \$7.48 million minus the overdraft figures which was well below [listen to this now] the authorised limit of \$4.5 million approved by the Legislative Assembly."

Now, my colleagues, most of you are not accountants, but you are very bright. Can you in your reasoning agree with the position that the National Team Government took in 1996? They are saying that the Legislative Assembly only approved an overdraft limit of \$4.5 million. They had spent \$7.48 million—way above the overdraft—but because a lot of those cheques had not yet been presented for payment it was okay; they were well below the limit. That is misleading. No question about it. I don't think I have to say a lot more about that, but it was very misleading.

Just for clarity, I wish to make it abundantly clear that we now have an Accountant General for whom my colleagues and I have the very highest regard. And it was not Mrs. McLaughlin who prepared these figures; it was her predecessor. She did not give this information. I think we are lucky to have such a fine person heading up our Treasury Department.

**The Speaker:** Would this be a convenient time to take the luncheon break?

**Mr. Linford A. Pierson:** Thank you, Mr. Speaker.

**The Speaker:** We shall suspend proceedings until 2.15.

#### PROCEEDINGS SUSPENDED AT 12.50 PM

#### PROCEEDINGS RESUMED AT 2.34 PM

**The Speaker:** Please be seated. Debate continues on the Loans (Capital Projects 1999) Bill, 1998. The Third Elected Member for George Town, continuing.

**Mr. Linford A. Pierson:** Thank you.

I had reached the point where I was going to comment briefly on the economic outlook of these islands and in so doing to quote the sage words of our Financial Secretary in his budget address delivered on Monday, 16<sup>th</sup> November, 1998. He said: "**Mr. Speaker, growth forecasts for 1999 will depend to a great extent on the state of the world's economy.**" I couldn't agree with that honourable Member more. He did not say that it would depend upon the workings of the National Team or anything they might attempt to impress upon this House or the listening public, but upon the state of the world's economy. And that is so true.

I made the point earlier that our economic situation is dependent upon, in particular, the economic situation of our good neighbour to the north of us, the United States of America. He went on to say in that speech, "**If there is a slowdown in the US economy, this may cause growth to moderate in the domestic economy.**" The reason I mention this is to extend the warning that I gave earlier in my debate that Government should save up during the time of plenty for that rainy day that could be on the horizon.

We have seen the devastating effects of the recession globally; the global economy has been falling apart. The only strong economy on the west right now would have to be that of the United States, which has been do-

ing very well. Even with the United States economy, it is generally felt that the vagaries of the economic situation of countries in Asia and South America and soon in Europe will have a negative effect on the United States economy, as much of the economic growth in the United States depends upon its exports. If those countries which import from the United States are in an economic shamble, it has to have a major negative effect on the United States balance of trade. So, my warning would be that Government should make every attempt at this time of plenty, to improve general reserves and other reserves within Government.

Based on our gross domestic product which is estimated at around \$1 billion in 1999, it is estimated that the per capita income of our people will be in the region of \$32,000. That is a lot of money when compared with other countries in this hemisphere. However, the question lingers: How many of our people are enjoying this prosperity? More importantly, what has the country done to put away sufficient funds for that proverbial rainy day?

As I mentioned earlier, Government had set an estimate of around \$60 million, or three month's recurrent expenditure, as an appropriate general reserve for these islands. Sadly, even with the \$2 million recently transferred to our general reserves, we are looking at approximately \$12 million, which is just about two weeks' expenditure and far away from the three months that has been established as adequate for these islands.

I would also remind Government that it should look very seriously at the recommendations made in regard to putting top priority on the preparation of the medium term financial strategy and the public sector investment programme. Because without those bases and important guidelines it is impossible for Government to know from one day to the next what direction it is going in.

Such a guideline would avoid imprudent taxation. It would avoid the wild borrowings we see going on now, and hopefully with the public sector investment programme in place there would be a guideline as to what type of capital expenditure would be put in place thus avoiding the unbridled expenditure we now see going on in these islands. I know that the Government bench will be quick to say, *'But we're not outside the ceiling that has been set for the debt service ratio.'* I would caution that Government should not just rely on that because when you look at the baseline scenario of debt servicing prepared by the finance department it is easy to see that if we continue the trend that we have followed in the past, the pessimistic scenario shows that by the year 2001 we could be up to 9.8% of the 10% ceiling. This is a serious situation. Caution and prudence is advised at a time like this.

Another serious point is the whole question of the cost of living in these islands. The question has been asked and deserves repeating: Are we pricing ourselves out of the financial and tourism markets? That subject could take a very long time to debate. I will leave that hanging, but repeat the question: Are we pricing ourselves out of the financial and tourism markets? And what are we doing to rectify the situation?

As mentioned, it is not good enough to say that we are putting in place financial reforms because in addition to financial reforms there are certain basic short to medium-term financial strategies that should be put in place immediately. An immediate and short-term strategy should be the establishment of the think tank that was mentioned earlier. I already mentioned that a medium term strategy should be the medium term economic strategy and public sector investment programme.

It is our intention at our public meeting tonight to mention and discuss a number of these topics including Government's capital works programme and to ask and answer the question, Can we afford it? We will also be discussing the MLA salary increase, and why we rejected it. The tax package: Is it hurting the people? The proposed loan bill: Are these loans driving up our public debt? And most importantly, the whole question of fiscal responsibility and an examination of our revenue base.

For the reasons stated, and in particular Government's inflexibility on the whole question of the taxation package, I now find myself unable to support this Loan (Capital Projects 1999) Bill, 1998. Thank you.

**The Speaker:** Does any other Member wish to speak? The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Boddén:** Thank you, Mr. Speaker. I would first like to welcome to the House the honourable Attorney General, the Second Official Member. He is leader of the Bar, a very able and experienced attorney. Sir, I am sure that all Members look forward to working with you, in the future.

Mr. Speaker, after months of Government being criticised by Members of Opposition about not running things right, and building up 'doom and gloom', the headlines in today's newspaper must surely have been a very pleasant surprise! The proof of the pudding is in the tasting.

Last year this country had a surplus of \$7.2 million. And the public surely knows that if a country is not well run, and extremely well run . . . and I congratulate the honourable Financial Secretary and also the Accountant General despite the criticism made. Those figures are right and it surely must have brought shock to some of the critics to see that the country is in such a good financial position.

I have listened very intently, not only to the budget debate, but also to the different measures that have been before the House (the one prior to this, and this one).

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on a point of order, please, sir.

#### POINT OF ORDER

**The Speaker:** Let me hear your point of order please.

**Mr. D. Kurt Tibbetts:** My interpretation of what the Minister said just a few minutes ago is that there were criticisms levelled at the Financial Secretary and the Accountant General. My understanding of what he said was that we intimated that the figures that would show the surplus were not correct. If that is what the Minister is saying, that is not true, and the Minister is misleading the House. If that is what he is saying, sir, he must withdraw it because that is not what was said.

**Mr. Roy Bodden:** No! Absolutely No! And you know it!

**The Speaker:** The Honourable Minister responsible for Education, Aviation and Planning.

**Hon. Truman M. Bodden:** Mr. Speaker, that was what I understood the gist of that to be. What I would like to do is ask the honourable Financial Secretary to get—because he defended it—to get the transcript and look at that. And if I am wrong I will apologise, let me say that. If I am right I would like to go on. But what I do remember was that earlier figures were referred to as voodoo economics, or something to that effect. I remember the Financial Secretary basically defending those figures, sir. But I don't want to waste a lot of time. I don't want to get into a lot of arguments. I will leave it for the Financial Secretary to look at the transcript, and then we can go on.

**Mr. Roy Bodden:** Mr. Speaker –

**The Speaker:** Just withdraw it for the time being and we will come back.

**Hon. Truman M. Bodden:** Sorry? I will just leave that . . . is that what you said, sir?

**The Speaker:** I would like you to just withdraw it and then you can bring it back if you have just reason to bring it back.

**Hon. Truman M. Bodden:** [laughs] Well, Mr. Speaker, I don't want to waste time. But if that is the case, rather than withdraw it and bring it back (because that's only going to rake it up a second time) to just ask that the transcript on both the voodoo as well as the Finance Committee where the Financial Secretary defended be brought and have you look at them sir, and just let me know. Whatever you rule, I will abide by it.

**The Speaker:** Please continue then. In the meantime I will get the transcript. I will look at it carefully.

**Hon. Truman M. Bodden:** Mr. Speaker, the Opposition obviously . . . and I sat here and never took one point of order throughout all of the pounding that I got on this side. But sometimes I guess when one hits things like the \$7 million surplus; when the forecast was so gloomy by the Opposition, I would expect reaction to it. But facts are facts.

**Mr. D. Kurt Tibbetts:** [*Inaudible interjection*]

**Hon. Truman M. Bodden:** Well, you will get your opportunity, my friend, so . . .

And the public knows, Mr. Speaker, that when a country in a year turns a surplus of \$7.2 million, the country is in good shape. And one of the things that was brought out very early by the Fourth Elected Member for George Town—and I endorse and support what he said—was that there are no solutions put up; no alternatives to the budget and the cuts that the backbench called for. The Opposition has had two months (and they have some good figureheads with them because half of the Opposition are ex-National Team Members), so when the Third Elected Member for George Town criticised the National Team and the manifesto, he has to look at the smiling faces on the front of that and realise that he is criticising not just the Government but half of the Opposition. And they are all still smiling over there so the National Team must have been good if they can produce both Government and backbench at the same time. [*Members' laughter*]

**Hon. Truman M. Bodden:** And in fact, Mr. Speaker, with the exception of two Members over there, they are all National Team and they are all still in the House, so I think we have had a very good basis for that.

But the bottom line is, despite all of the criticism there is no alternative. There is no solution put up by the Backbench. I will say this: Normally anybody can criticise, but it takes good, able people to not just criticise but come up with a solution. Most of the criticism is 'You haven't done this. You haven't done that.' To do things, one has to spend money. It has to come from somewhere. At present the difference between what the Opposition is saying, to borrow \$25 million, and the jolt that they got when they realised that we only had to borrow \$26 million to still do the large amount of capital works, that, together with the profit, has floored any argument that may be put forward by them.

To be frank, it was raised several times, and the question was asked, If you wish us to cut (in the days when we would have had to cut say \$8 million or \$9 million) what do you wish us to cut? But there was no solution to that. Basically we were told that we must do the cutting and bring it within the \$25 million. So, indirectly, and with the help of a lot of hard work on our part, the same large amount of capital is now capably being done with the \$26 million loan only.

I will show as we go on that this is not large compared to the amount of budgets now. I am going to look back at some of the past budgets, and I can assure the public that there has never been (from what I have seen from the records given to me by the Accountant General or the Financial Secretary), any time in the history of this country that the recurrent revenue has paid for all recurrent expenditure, all statutory expenditure, and all capital expenditure. If anyone can produce those figures, I would be grateful.

And I will also be able to show that only twice in the history of this country has the recurrent expenditure exceeded recurrent revenue and that was back in 1991 and 1992, I think. I will go into details on that further down. I will also be able to show that after the settlement of the losses that were left over earlier on (at least five or six years back in 1992), that what remained of the reserve was a little over \$3 million. But we have consistently built that back up and I will show that as well.

Now the question of not borrowing an extra million dollars—and that's the only difference between what the Opposition is saying and the Government as far as borrowing goes \$25 million as against \$26 million—is really not much of an issue. Even at that, there is no solution put forward. If we are to cut \$1 million, or cut all the taxes, which projects do we cut? And still we have not seen that. If the Opposition has which projects are to be cut to deal with these limits they have talked about, then I would say they should have shown these to us a long time ago.

If we look back to 1989—and I am dealing first with the reserves, and I have here an appendix V that came out with the Accountant General on November 9, 1994 . . . And I hope my good colleague, the Third Elected Member for George Town, takes this in the same vein that he mentioned to me. But I am just going to deal with the facts.

If we go back to 1989 we will find that Sir Vassel and Capt. Charles' Government left a reserve account of \$18.2 million and a surplus of \$11.8 million, totalling \$30 million. If I have to I can put this in. When the 1992 accounts were brought in, it showed that the reserve had been reduced to \$10.2 million, as the Third Elected Member for George Town quite rightly said. But it left a deficit of \$7 million. So, from the \$30 million in reserves and surplus, that honourable Member's Government had left only \$3.2 million in total when it was balanced out.

Now, from that time, what happened then was that there was an adjustment of that \$7 million deficit from the reserve account which left only \$3.5 million in reserves in effect when the National Team Government took over in 1993. And the reserve has been moved, increased (and this is important), between 1989 and 1992 the reserve reduced considerably some \$27 million of surplus and reserve was spent. And in 1990, for the only time in the history of this country, there was a recurrent deficit of \$1.2 million and in 1992 a recurrent deficit of \$3.6 million. These are all facts. Nobody can challenge these. If necessary, I can put in the tables.

So, it is hard for a Member of that Government to criticise this Government. And let us look at where we have come from. It clearly shows that at the end of 1993, after the adjustment of the \$7 million, we began with \$3.5 million in the general reserve. A bit was put aside each year and every year there have been increases. The first year what went on would have only been interest, but since that time the reserves have moved up to \$10.5 million and this year \$3 million will go in. Then we're up to \$13.5 million. But more importantly, along with those general reserves are (and I am only dealing with . . . well,

this would be 1998) . . . there is not only the \$10.5 million reserves, there is \$7.2 million in the general revenue fund. In other words, the surplus that we just referred to. We have \$4.1 million in the capital development fund and also in the infrastructure fund another \$3.9 million, making a total of \$26.5 million.

But if we had done what Governments in the past did, and not built up the public service pension fund, which was a massive contingent liability, we could have put another \$33 million in general reserves. In 1992 the public service pension fund stood at \$6.2 million and today . . . well, as at 1998 it stood at \$39.9 million and there is another \$9.71 million going in this year. It will be up to \$49.61 million—approximately \$50 million. So, at the end of this year, if we had followed what other Governments, we could have put close to \$44 million into general reserves. But it's short-sighted to build up a general reserve and not cover a reserve for areas where we have a definite contingent liability.

So the total of our general reserve, of our revenue fund, and the other funds we have, now totals \$26.5 million. And you cannot take that in isolation to the general reserve because it was only since 1997 when the Fourth Elected Member for George Town suggested the infrastructure fund that this was established, and the fees as well as the environmental protection fund has money in it which would otherwise have gone into general revenue and could have been put into reserves. They don't show up on this table I have, because prior to 1997 those reserves did not exist.

But if you take together the general reserves and these other funds we have, as well as the public service pension fund, you are looking at approximately \$76 million that sits there. This is important because at the end of this year the \$49.6 million that's in the public service pension fund is money that Government would have to pay out in the future for public service pensions. Nobody can challenge that as not being good financial and economic planning.

**Mr. D. Kurt Tibbetts:** It's only right!

**Hon. Truman M. Boddan:** It's only right, as the First Elected Member for George Town admits. It is the right thing that we did. I do support that.

It therefore accounts for \$44 million that we could have put into general reserves which is now reducing our contingent liability. It was a real problem. It's one that was criticised, by the way, by the United Kingdom especially after the problems they had in Gibraltar with pensions. This is money that has to be paid out. Back in a question answered in 1992, it stated that the Government's financial position in March 31 1992 there were contingent liabilities of \$71,251,061, of which the larger part then was pension contingent liability. And no effort was made to touch that fund.

I will be frank. I was in two governments for eight years before that that did the same as the two governments that came after. Money was not put into the pension fund. I am being honest. We didn't put it in there

because it looks better to put it in the general reserve. But it is money that has to be paid out and it's only fair that that money is isolated. Basically we cover our debt for contingent liabilities before we build it up in the general reserve.

So I hope I have made it very clear to the public that at the present time, if we had not established the capital development fund and the infrastructure development fund (there are two smaller ones, the environmental protection fund and the housing reserve fund), which altogether with the general reserve, the general revenue fund add up to \$26.5 million, if we had not established those funds and contributed to the public service pension fund we could have had in the area of \$76 million sitting in that general reserve fund. But it means that the general reserve fund would have to be used in a crunch to pay for civil service pensions as they come due.

What we are now doing is continuing to fund civil service pensions, and these have been accumulated over the past 15 or 20 years. It's not just this Government, or the Government of my colleague, the Third Elected Member for George Town, or the Government before him, or the Government prior to 1976. This has accumulated over the years. But it is money that ultimately has to be paid out. So I say it is wrong to try to isolate the general reserve fund from where contingent liabilities have been reduced by the use of the public service pension fund.

The public service pension fund . . . let me be honest because I fought to isolate that. It is money that is basically held for civil service pensions and it should not be gone into by politicians; it should continue to be built up. I can't remember what we are building it up at, but I think this year there were probably \$8 million or \$9 million that went (most of it) into this fund. So it is going to increase quite rapidly.

Despite the gloom and doom we have \$7.2 million of surplus and when that is added into these funds we have about \$76 million sitting between the general reserve and the public service pension fund. And nobody can dispute that. If anybody wishes to dispute it, I am happy to lay on the Table what all the Members have a copy of, which the honourable Financial Secretary handed out just recently.

So in the country there has been prudent planning. The thing I want to say about planning—and I think it was the First Elected Member for West Bay who said it in a different light—is that no matter how good planning is, or how good the intention is, at the end of the day the test is, What are the results? We have gotten good results and there can be no doubt. In fact, I was so proud of my colleague, the Third Elected Member for George Town who admitted that the country is in a boom.

If the country is badly run it cannot be in a boom. I accept what he says, partially, that North American economics play an important part with us. That's quite true. I have no qualms about that. But while the world around us, especially the far east (and I am sorry for countries there), while they are going into an economic downturn,

an economic recession in some places, our economy remains strong.

And there's no doubt between the Government and the Opposition. The truth is the truth. The economy of this country is booming, and it has been doing so for the last four or five years which is very unusual because normally it's about a three or four-year economic cycle before it goes down again. So this has been a very long period of economic boom. Obviously, if North America gets into trouble, especially the United States, it will be felt here. That is a fact. It's not just us who say that. It has been said for years.

When I come to deal with the loans situation it will be clearly seen that there is not that much change, as has been made out, between the accumulated loan figure—in other words, the full amount that is now borrowed. I will show the amount of that which was inherited and also what the relationship of that was to the budget then, which was very significant at the time.

As far as being prudent, a lot of money has been put up for a rainy day, whether that rainy day is demands for paying pensions . . . and they are going to come on, Mr. Speaker. We had to bite the bullet and it hurt us, and continues to hurt us politically because the Backbench has made a lot of this. The general reserves are only, this year alone, \$13 million or \$13.2 million, whatever. That's true, but you have to look at the whole picture. And they have the whole picture before them, which is what I mentioned earlier. There are funds and reserves that total \$76 million. When you look at that against a debt in the area of \$100 million, of which a substantial amount was inherited, it is not all that worrying. In any event, no Member of this Government is going to do anything at all that is going to hurt this country financially. We would be naïve to do it.

I live in a world where I am very close to the financial centre aspects: the insurance, banking, funds. I also stay quite close to businesses generally, and whenever problems arise that we are moving away from the economic boom that we have channelled this country into. I admit that North America has helped, but believe me, Mr. Speaker, with North America being good, if the country isn't run right you will see a totally different economic picture in this country. Take it from me. Anyone who looks at business, a business that is badly run, no matter how much capital it has it will suffer. This country is in a good economic state.

**Mr. D. Kurt Tibbetts:** Look at the countries surrounding us now.

**Hon. Truman M. Bodden:** Mr. Speaker, my colleague reminded me to look at the countries surrounding us in the Caribbean. They are subject to North America the same as we are. North America is in a boom; unfortunately many of them (and I am sorry for them) are in an economic recession.

I went to the Bahamas in February or March of last year to an economic conference, and I must tell you, it hurt me for the countries in the region because they are



suffering and suffering considerably. Now some of them are similar to us in economic base, some are not. Some are agricultural. But there can be no doubt, with us having had the economic boom for the length of time that we have, it can only be achieved and retained with good government and the public is smart enough to know that.

If the Opposition were the Government they would be extremely proud of the position the country is in. I know they are really proud of it, but some things one can admit in politics, and some things one doesn't say. I am satisfied, and I believe that the public is satisfied that the country has moved forward. And we can't please everybody.

I would like to go on to touch on what has been said about the revenue measures. I think these have to be put in the right perspective, because only about half of the \$11.8 million (and I am reading here from the Financial Secretary's estimates), the larger part of what is coming forward, is in companies' fees which are on non-resident and exempted companies despite a bit of a hiccough in the companies amending law. That will fall on offshore companies. That takes out (not quite) substantially half of it. So we are left with \$6.5 million of which some will fall in some areas and some will not.

The things such as work permit fees, and I have heard the Opposition say this many times, put a percentage on. In this case it has been on the vast majority, I think it has been a 10% increase which is not very heavy. And it does make sense to gradually increase this. I don't disagree with that principle put forward by the First Elected Member for George Town, and on some of these one can take that approach, and this is an instance where we have.

A lot of the other fees locally are spread. But what I think is significant is that the \$6.5 million, when taken on a base of \$290 million recurrent revenue, works out to about 1.7%. But when we go back to 1990 and 1991 when \$10 million were put on each year which worked out at that stage (because the base was much less, people were a lot worse off financially), to about 12% of the revenue. In fact, what was put on in 1990 and 1991 . . . and Mr. Speaker, I opposed that then as Opposition are opposing it now. It is merely the basic duty of at least some Opposition members to take this approach. But that was not just put on in one year, it was followed in the following year by a further \$10 million which meant (in the second year) \$20 million bit home, which would have been a bit less than double of the 12% of the revenue, probably 20% to 25% of the revenue. They were very large amounts. Without those amounts in 1990 and 1992 there were already deficits.

A lot has been said. In fact the main target has been levelled at me because I am the Minister for Education. But when we look at the fact that we are spending about \$25 million on schools in recurrent and this year will be another \$12+ million on capital or about \$40 million on education, what is being raised is \$160,000 on school fees in total, and \$246,000 on school books. Let me say that if there is anyone out there who cannot afford either school fees or the book rentals, they get it free. I want to

make that clear in the beginning. There is a method [available for those] who can't afford. Children will not go without books and they will not be put out of school as such, if there are problems. And that's Caymanians and non-Caymanians who may hit problems from time to time.

Even over and above that, we actually assist children who can't afford breakfast or lunches so it isn't as if this is a harsh system: it is a very loving and kind system. Children are looked at from the point of view that they should not suffer. Sometimes people can pay the fees, but they don't. And sometimes they may not be there to give their children breakfast but it doesn't matter. The schools make sure that the children have breakfast, that they have their books, and that life goes on for them in a very normal way. That is important.

And I don't believe that \$50 a year in the Primary [schools for book rental fees] moving up between the Middle and into the High schools through \$100 on to \$150, are large amounts. People who have it and can afford it, I don't think will feel that this is not justified. To be frank, it either had to increase or be totally abolished because to collect \$5 in this day and age is not worth the paper it is written on. So, it isn't as if this is a large amount. I would just like to repeat the school fees, as well as the book rentals—the large amount the \$25 million is the book rentals.

I guess what it would come to is that those who can afford to pay \$50 per year for their child, or \$100 for their book rentals, Government . . . one of my colleagues just pointed out that that is about \$4.17 per month. I really don't think they would ask Government to subsidise that for them.

Nobody likes touching this area, but people in this country understand (I believe) that if we are subsidising \$35 million or \$40 million per year in education, the payment in total of the \$246,750 for book rentals surely is not going to hurt anyone when we know that those who can't afford it . . . the children will get their food, the children will get their books and will go to school. I don't think anybody in here can say that that is not what every school strives for. Into this are many other things, which are free, such as transportation and the cost of the school.

And, by the way, looking at the other area, if the private sector was that unhappy about the increase on liquor and cigarettes, which only raised \$2,420,000, there would have been a serious outcry as before. But we have to remember that—

**Mr. D. Kurt Tibbetts:** [*Inaudible interjection*]

**Hon. Truman M. Bodden:** [*Addressing The First Elected Member for George Town*] You'll get your turn.

**Mr. D. Kurt Tibbetts:** [*Inaudible interjection*]

**Hon. Truman M. Bodden:** Why good order is kept in a court, is because one lawyer is not allowed to say anything to the other when he is speaking . . . there is a

method by which one breaks one's train of thought by injecting these things. That's about where I am now. I have been trying to figure out what the Member has been saying, and I can't figure out where I was.

I was dealing with when the duty was last raised on liquor and I was trying to find my paper on that . . . I may just have to come back to it.

**The Speaker:** Would this be a convenient time to take the afternoon break?

**Hon. Truman M. Bodden:** It sure would, sir.

**The Speaker:** We shall suspend for 15 minutes.

#### PROCEEDINGS SUSPENDED AT 3.35 PM

#### PROCEEDINGS RESUMED AT 4.06 PM

**The Speaker:** Please be seated. Debate continues on the Loans (Capital Projects 1999) Bill, 1998. The Honourable Minister responsible for Education, Aviation and Planning, continuing.

**Hon. Truman M. Bodden:** Mr. Speaker, as I was saying when I was so nicely interrupted by one Member of this House, whom I won't name . . . I have actually found what I was looking for. I was dealing with the alcohol and cigarettes which, as I pointed out, was really quite a small increase. I think that is the reason why it has been, with a few exceptions here and there, tolerated by the industries. But there had been no increase on alcoholic beverages since the 1991 Budget when they were really substantial, and I want to really point that out. What was put up last year, as the public knows, we withdrew after there was opposition. They were very small amounts.

For example, there was an increase of 38 cents on a litre of wine coolers, 84 cents on table wines per litre, which would be per bottle, sparkling wines \$1.13 and on champagne 25% of the CIF value. So these are quite small. For example, if there are ten glasses of wine in a litre it would work out to eight point four cents per glass of wine. What's important is that beer has not been touched at all.

The large amount did come in on things like champagne. But there, people who buy champagne normally do not mind the extra amounts that go on. On a glass it would be very little, as I showed on a glass of wine it was only eight cents. I am sure that should not cause alarm, and should not cause prices to go up. If Government adds on eight cents . . . well, what people put it up to, as one Member is saying across the floor . . . maybe it went up \$1.00. The thing is, only eight cents can be contributed to Government. You can add something to that, but even if you doubled it, say that they may have a bottle of wine on the shelf for a few weeks then it would only be sixteen cents per glass. I am saying it was very little, and there was nothing put on beer. And cigarettes went up 35 cents a pack. So I must say that was a fair amount.

There were increases on some other areas. Spirits wasn't in that list. Spirits went up \$3.00 per litre on sweetened, flavoured, and that sort of thing. What was put on was small in several areas and well-spread. So it wasn't as if the massive amounts that were put on in the past were put on this time, and with the other increases in garbage fees, that only raised another \$800,000. That was not heavy. The health services fees, I think, are actually new services that are being introduced with the new hospital. So, really, that area doesn't come into an increase; these are new services and therefore new revenue measures. So that million dollars is not an increase on any present services.

Really, only small amounts would have gone on. I should point out, because so much is levelled at lawyers: in the law the lawyers got probably one of the biggest increases on practising fees.

**Mr. D. Kurt Tibbetts:** Ahhhh!

**Hon. Truman M. Bodden:** Whether that was put on for me, or to justify . . . it went up from \$500 to \$800. It's quite a—

**Mr. D. Kurt Tibbetts:** That's one of the larger ones?

**Hon. Truman M. Bodden:** Yes.

**Mr. D. Kurt Tibbetts:** Ahhhh!

**Hon. Truman M. Bodden:** So, everyone was sort of caught up in that, and it's well-spread.

Mr. Speaker, as you know, you're a seasoned legislator yourself, it is never easy to do this. But when it is being done, provided the public can see where that \$6 million being raised is going—and they will see it—while I don't want to go into these now, what has been done with the hospital, with million dollar clinics (just about) in each district, roads that have been done, and a lot more—schools, civic centres, playfields . . . you know, a lot has been done for small amounts that have been raised.

I find it a bit hard when you look at what was put on in the past, and you realise that what will impact locally is less than 1% of the gross revenue of the country, it is indeed quite small. The services continue to expand each year and I must say that I have heard very few complaints about these fees. I think most of the complaints that I have heard have been in here. People realise that in the real world out there, there has to be some increase as the services expand. These have been kept very realistic.

One of the Members mentioned that the small increase in offshore companies may affect, and there may be fewer companies. I make my living out there, because believe me I don't make my living solely out of my time in here, and the impact is not anything significant. There have been no outcries. The bringing it on quicker than usual, without maybe a year's lead time, was an area where I did get some complaints. But I know that this increase, which has been small, is not going to affect our

position out there in the offshore centre and the forming of companies.

In any event, our offshore industry, like the tourism industry, deals with clients and tourists of higher incomes. We are really not in the business of forming very cheap international business companies as such, where some of the other jurisdictions do. It is costly to do that, and therefore we are basically not in the same bracket as some of the other territories in the Caribbean who are in mass tourism or the cheap, one-transaction companies. We just don't compete in that area because it's important to the professionalism of the offshore industry that we are well regulated. Doing that with 40,000 companies is one thing, trying to do it with 300,000 must surely be a nightmare. So I have no doubt that the impact of these revenue measures will not really be that worrying.

I guess I should say that the public would see the wisdom in the essential services that this \$6 million will be put to. Things like the George Town Airport Park, the enhancement in the medical services, the schools that are going to be done. I don't believe anyone in here would say that what is in the capital budget should not be done. With only \$1 million difference in the loan, it's just not worthwhile trying to look for \$1 million to cut out of the budget to come down to \$25 million because that seems to be a better rounded figure than \$26 million.

To be frank, the Opposition should have taken the approach, *'Look at all these things the Government along with us will help you get,'* rather than opposing the budget and taking the approach that for the \$1 million difference between the \$25 million and the \$26 million that they would vote against what will be funding these capital projects. When these projects come on line, I hope that I don't hear the Members who took . . . I am not going to get into that area. But I think the public understands what I am saying.

To put it in a nice positive way, the public can thank the Government when that \$40 million of capital comes on line for having stood all of this relentless pounding over the last three months; sacrificing part of our political careers to build the schools; to build the roads; to provide the health services; to keep the economic boom that everyone admits is going on. And they know who did all the work and fought the battles for them. That will affect not just the big people, but to use the words coined (I believe) by one of my colleagues from George Town, the "little man." Everyone uses the roads, not just the legislators, but the benefit is felt throughout.

Look at the increases the civil service has gotten. The politicians weren't very smart: they managed to lose what little they were getting. But I have found that in politics these things sometimes happen. The public generally will benefit from this.

It's different to put on revenue enhancement measures at a time when the country is in an economic recession—as we know it was, before this Government. It has been admitted that North America had a lot to do with it. But there's a difference putting the equivalent of 12% of the revenue in taxes from putting less than 1% now in an

economic boom when the Government has provided the climate that people all have jobs; they are all doing well; their businesses are doing well, and the country is in a boom. So if there is a time when the country can sustain this best, it is at this time.

I believe that all of the hullabaloo that has been made over this very small amount of revenue enhancement measures . . . and a lot has been targeted at me because of education. But I am satisfied that what has been done was reasonable and necessary and that the vast majority of people understand that as we go on there will be times when the increase in services and capital expenditure does require smaller amounts.

While I will do that in the morning, I think that the amount of money, the twelve-odd million that is being spent on capital for schools, is money well spent. I think that is why the Opposition really has no solution to cutting the loan because it means that some projects will have to be cut and I don't think any Member of this House wants to go through and start taking a knife at cutting the schools and cutting things like important roads and the other measures that are in there.

Something was said about the minimum wage in the hotel industry. Quite frankly, since 1976 when I came into politics, I have heard talk about minimum wage. While it has never been my direct responsibility, I hope and I know one day it will come in. I believe the honourable Minister will deal with it. But we must remember that the Minister has just recently taken over a very difficult area such as this, which no Minister in the past has been able to effectively deal with, and there have been attempts. I think the First Elected Member for West Bay mentioned that. But it's not that easy to deal with and there's always a question whether there should only be a minimum wage for the hotel industry. What happened to all the other areas where people should also have minimum wages? One day the honourable Members of this House will probably have the task of looking at and determining what should be done in that area.

*[Inaudible interjections]*

**Hon. Truman M. Bodden:** Mr. Speaker, I am beginning to lose my train of thought again. There are rumblings on things that don't even relate to the people who are rumbling on the other side. (laughs)

**Mr. Roy Bodden:** That's your conscience bothering you!

**Hon. Truman M. Bodden:** My conscience is like my memory, Mr. Speaker, it's good!

On the minimum wage, I believe memories could be a little bit short, but really, I think that quite a bit has been done in this area that has been for the benefit of the public.

From there I would like to move on to a couple of other areas that were raised. There was mention about world economies and pricing out of the financial and tourism markets. I have heard that story time and again.

But, as I mentioned earlier, the markets that we are in clearly show that reasonable increases can be taken. I know the Third Elected Member for West Bay mentioned about not seeing people around George Town, that tourism must be down. But that's because we have been in the legislature for three months and it's very hard to figure out what's going on outside in the tourism world when we are in here answering questions.

All I can say is that the figures once again speak for themselves. The Minister for Tourism has done a sterling job. There are very good increases. Occasionally people complain, but by and large there has been a good steady increase, and I want to emphasise that. It's not a see-saw type of increase, but four, five, six, seven percent increases over the years which is a sustained increase that you get in a sustainable economy which the National Team Government, with the help of some of the back-bench National Team members, helped to put together to bring us forward with.

#### **MOMENT OF INTERRUPTION—4.30 PM**

**The Speaker:** May I interrupt you for a moment? We have reached the hour of 4.30. I would entertain a motion for the adjournment of this honourable House.

**Hon. Truman M. Boddén:** Yes, sir, I know that most of the Members need to go to a meeting. So I'm giving them a little bit of free advertising there.

[Members inaudible interjections]

**Hon. Truman M. Boddén:** A long time! I haven't touched the question of where the country has come as a result of our good government. I will deal with that in the morning.

**The Speaker:** Would you move the motion for the adjournment please?

#### **ADJOURNMENT**

**Hon. Truman M. Boddén:** Mr. Speaker, I move the adjournment of this honourable House until tomorrow at 10.00 AM.

**The Speaker:** The question is that this honourable House do now adjourn until 10.00 AM tomorrow. Those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House is accordingly adjourned.

**AT 4.31 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 12 FEBRUARY, 1999.**

**EDITED  
FRIDAY  
12 FEBRUARY 1999  
10.19 AM**

*[Prayers read by the Honourable First Official Member responsible for Internal and External Affairs]*

**Mr. Speaker:** Please be seated. Proceedings are resumed.

Item number 2 on today's order paper, Administration of Oaths or Affirmations. The Oath of Allegiance to be administered to Mr. A. Joel Walton, JP, to be the Honourable Acting Third Official Member.

Mr. Walton would you come forward to the Clerk's table? Would all members please stand?

### ADMINISTRATION OF OATHS OR AFFIRMATIONS

**Oath of Allegiance**  
by Mr. A. Joel Walton

**Mr. A. Joel Walton:** I, A. Joel Walton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**Mr. Speaker:** Mr. Walton, on behalf of all Honourable Members I welcome you to the House for the time of your service here. Please take your seat as the Honourable Temporary Acting Third Official Member.

Please be seated.

The Elected Member for North Side.

### PROCEDURAL MATTER

#### PROROGATION OF THE LEGISLATIVE ASSEMBLY

**Mrs. Edna M. Moyle:** I am rising on a procedural matter regarding the prorogation of the Legislature. The Constitution provides that the House has to prorogue within 12 months of the appointed day of the beginning of the Session (s.46(2)). I wonder if the Honourable House is prepared to meet until the conclusion of the business on the Order Paper so that the House can properly be prorogued for the new Session to start on the 19<sup>th</sup> day of February 1999.

**The Speaker:** The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** The Constitution, subject to looking at it, does not give any specific time for the proroguing. I would prefer to discuss the matter with the Member and with other Members to determine the consensus.

**The Speaker:** I would seek the co-operation of all Members to conclude the business on the Order Paper.

### READING BY THE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

#### APOLOGIES

**The Speaker:** I have received apologies for absence from the Second Elected Member for Bodden Town who is off the Island.

#### INTERIM REPORTS OF SELECT AND STANDING COMMITTEES

**The Speaker:** There are yet to be reported to the honourable House six Interim Reports of Select and Standing Committees. They are:

1. Minimum Wage
2. Freedom of Information/Official Information Act
3. To take input from the public on the Review of Dependent Territories
4. Privileges
5. Standing Orders
6. Elections Law

In the interest of time, I would entertain a motion to suspend Standing Order 81(1) to enable the Interim Reports to be considered and laid on the Table of the House following the commencement of the 1999 Session of the Legislature.

The Honourable Minister responsible for Education, Aviation, and Planning.

**Hon. Truman M. Boddén:** I move the suspension of Standing Order 81(1) to enable the Interim Reports to be considered and laid on the Table of the House following the commencement of the 1999 Session of the Legislature.

**The Speaker:** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: STANDING ORDER 81(1) BE SUSPENDED TO ENABLE THE INTERIM REPORTS OF THE FOLLOWING SELECT AND STANDING COMMITTEES TO BE CONSIDERED AND LAID ON THE TABLE OF THIS HONOURABLE HOUSE FOLLOWING THE COMMENCEMENT OF THE 1999 SESSION OF THE LEGISLATURE:**

1. Minimum Wage
2. Freedom of Information/Official Information Act

3. To take input from the public on the Review of Dependent Territories
4. Privileges
5. Standing Orders; and
6. Elections Law

**The Speaker:** Presentation of Papers and Reports. The Honourable Acting Temporary Third Official Member.

## PRESENTATION OF PAPERS AND REPORTS

### MOTION TO SUSPEND PROCEEDINGS

**Hon. Joel Walton:** I move that the House suspend its proceedings to enable the Standing Finance Committee to meet to consider its reports.

**The Speaker:** I shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THAT THE HOUSE SUSPEND TO ENABLE THE STANDING FINANCE COMMITTEE TO MEET TO CONSIDER ITS REPORTS.**

**PROCEEDINGS SUSPENDED AT 10.28 AM**

**PROCEEDINGS RESUMED AT 11.18 AM**

**The Speaker:** Please be seated. Proceedings are resumed. Item 4 on today's Order Paper, Presentation of Papers and Reports. The Honourable Acting Third Official Member, . . . you wish to defer this presentation?

## PRESENTATION OF PAPERS AND REPORTS

**Mr. Joel Walton:** Sorry about that, Mr. Speaker. Yes, if I could. Until the report has been changed and circulated, I would appreciate it if we could defer it.

**The Speaker:** I shall put the question. Those in favour of it being deferred until later please say Aye. Those against No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: REPORT DEFERRED.**

**The Speaker:** Item number 5 on today's Order Paper, Government Business, Bills. The Second Reading of The Loans (Capital Projects 1999) Bill, 1998, and The Appropriation (1999) Bill, 1998, with debate continuing thereon.

The Honourable Minister for Education, Aviation and Planning.

## GOVERNMENT BUSINESS

### BILLS

### SECOND READING

#### LOANS (CAPITAL PROJECTS 1999) Bill, 1998

*(Continuation of debate thereon)*

**Hon. Truman Bodden:** Thank you, Mr. Speaker.

The financial position of the Cayman Islands Government is the best that it has ever been. It was so good to see the newspaper headlines yesterday, "Budget Surplus \$7 Million." As we know, that \$7.21 million was surplus that the Government had last year. When you are showing surpluses, when you are showing profits of that size, it's not something that comes about without very hard work on the part of the Government as a whole—both the official Members and the elected Ministers, and also (I would have hoped) the other Members of the House who voted against the previous measures. Perhaps if they had known that such a rosy situation existed, they may have re-thought their position of a few years ago.

Mr. Speaker, the editorial in today's *Caymanian Compass* (and I must say the *Caymanian Compass* has to do its job, but it does take a fair stand when it feels that is justified) . . . I would just like to read a few parts of this, Mr. Speaker, and adopt it as it relates to this Bill before the House.

On page 4 it says: "**Budget Surplus. Many people have expressed surprise at the discovery of a \$7.21 million surplus in government finances announced in Finance Committee on Wednesday. The announcement came in Finance Committee just before the Legislative Assembly debates on a Loan Bill, which many think is too ambitious, and a new Revenue Law, which many think demands too much from the pockets. There is nothing suspicious in the discovery of the surplus.**"

This is what I want to stress: "**There is nothing suspicious in the discovery of the surplus. The Budget proposal was prepared last year, long before the end-of-year figures for government finances were available.**"

So what they are saying there is quite right. How can you know what your surplus is at the end of the year before you get to the end of the year?

**Mr. McKeeva Bush:** Is that the editorial?

**Hon. Truman M. Bodden:** That's the editorial.

**Mr. McKeeva Bush:** Oh yeah?

**Hon. Truman M. Bodden:** Yeah.

**Mr. W. McKeeva Bush:** You must have had a big input into that!

*[Members' laughter]*

**Hon. Truman M. Bodden:** No, I was watching television last night. I didn't have time to read it. *[Laughter]*

It goes on to say, sir. **"The Budget session is usually concluded in November or early December, well before the existence of a surplus can be established."** Quite true!

**"This year's budget process was the longest ever, extended to a time when government accountants could say with some degree of certainty what the year-end position is. The figure is not yet audited but it should be fairly reliable."**

That, I think, is a fair statement. I think it is unfair to criticise those figures in any way. And definitely, I have full confidence—as does the *Caymanian Compass*—in these figures. And I think, as they say, that they are reliable figures.

It goes on to say: **"The distribution of the surplus is a legitimate matter for debate. It seems only right that in a year of prosperity some of the surplus funds should be moved into general reserves to be kept for a rainy day."** Again, endorsing what Government has done.

And we know we are putting \$3 million, which, as I showed yesterday and I will develop a bit further today, brings our general reserves up to about \$13 million. But the overall total reserves, adding in the pension and all of the others, goes up to \$26 million with the pensions, and another \$49.7 million, up to \$76 million of cash or securities that is sitting there. So they are quite right. You have to build up—

**Mr. Linford A. Pierson:** Mr. Speaker, on a point of order.

**Mr. Roy Bodden:** Please. Give me a break, Truman.

#### POINT OF ORDER

*(Misleading)*

**The Speaker:** Let me hear your point of order.

**Mr. Linford A. Pierson:** The Honourable Minister, with all due respect, is misleading the House. He knows that general reserves are available for use by the government and the country at any time. But funds set aside for pensions and other matters are locked in and not available for use. So he is misleading the House. It cannot be touched.

It would be much clearer to the listening public if he would make that distinction. What we are talking about is general reserves that are available to be used by the country.

**The Speaker:** I understand what you are saying, but I think he is saying the combined total. He is actually saying that there are two different entities.

Honourable Minister for Education, Aviation and Planning, please continue.

**Hon. Truman Bodden:** Of course, Mr. Speaker. They are all the different funds. And I am going to deal with

that in depth. I am glad that the honourable member raised that. It gives me an opportunity to fully explain it to the listening public.

The money that is put into the funds is cash, or, in the case of pensions, cash and securities. That \$76 million is money that can be used to pay pensions that Government owes. This is the important thing. If the fund isn't built up, it has to come out of general revenue.

Yesterday I showed clearly that that \$50 million at the end of this year (\$49.6 million rounded to \$50 million) is money that this government, if it had not been prudent and had followed the imprudence of the past governments, would have taken and either applied it towards loans . . . in which case I am going to show that this government (when you take that amount) has not increased the borrowings of the country when you offset the \$50 million against it.

We could have taken the money and put it either into general reserves and it could have been used for anything else—but that would have meant that politicians would have spent it. So we were prudent. We blocked it in for civil service pensions and the other funds that are there. And what is being said here . . . (let me just move on because I got side-tracked, but I am going to come back to that very important point).

The *Caymanian Caymanian Compass* is saying: **"It seems only right that in a year of prosperity some of the surplus funds should be moved into general reserves to be kept for a rainy day. It would be dangerous to get carried away by the long period of steady economic growth to a degree where one would disregard the certainty that a slow-down will come some time or another. It is also high time—"**

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** Well, Mr. Speaker, the Third Elected Member for George Town—who is a professional, a qualified accountant—stated very clearly, the country is in a boom. So I hope that the rumblings I hear are not detracting from that. This country—the Cayman Islands—is in an economic boom, there can be no doubt.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** Well, I showed you, we have the \$76 million.

**"It is also high time that the bulk of the long outstanding overseas medical bills should be dealt with.** *[This is where a part of it has gone.]* **Without doubt a good proportion of these outstanding bills will never be recovered and these should be written off."** That's what we are doing, Mr. Speaker.

And it goes on to say, **"Using some of the surplus funds to cover those bills that cannot be recovered would eradicate an anomaly that has been continuing for too long."**

You see, Mr. Speaker, we can't have our cake and eat it. And that goes for the Opposition. They can't say you must pay these hospital bills because there are too many outstanding, and on the other hand say you shouldn't take the money and pay for it. What we have

done is very clear. The public understands that we are very prudent in what we are doing. And the *Caymanian Compass* fully endorses it in a very good editorial. I compliment them. One day, a budget surplus headline of \$7.2 million, the next day saying we did the right thing with it.

I would like now to go on to deal with this heavy question of public debt that has been raised, and in doing so I need to refer to some tables. I will give copies to be laid on the Table.

The first point I would like to make is on a table that has been prepared by our very competent Caymanian Accountant General for the Honourable Financial Secretary. And I assure you there is nothing voodoo about this either, Mr. Speaker. These are very good, capable, civil servant figures. It begins showing the debt, the principal, and the interest. And to deal with the \$26 million of that we only need 7.1% of our recurrent revenue. That's way under the internationally acceptable 10% standard.

Mr. Speaker, look at it this way, if you go to a bank as an individual to borrow a loan, say, to build a house, they normally will allow you a loan that 40% of your income can service. Okay? That is normally what they will allow you, up to [40%] of your revenue to service on a house. I can assure that if you go to a bank and you say to them, '*I would like to borrow X amount of dollars and all I need is 7% of it to service my debt,*' they will give you that money right away.

We have to think of it in the context of an individual going to borrow. No one could afford a house, Mr. Speaker, if it had to be only 10% or even 20% of their income to service it. When you really think about it 7% of a person's salary is a very small amount. And that is why, Mr. Speaker, the lowest amount that has been internationally set is this 10%. And I hope the public understands that the amount of borrowing is very small. If any one of us can service all of our loans—principal and interest—on 7% a month (or 7% a year however it is), then we are in an extremely good position. It leaves 93% of our salary to be spent on other things.

About a year back, Canada's percentage (and that was of the GDP which in ours would be a bit higher than the 7% if you related it to that) was around 50%. And I know that at one stage New Zealand's was 37%. So this is a very small prudent amount. Nobody can dispute the fact that we are way under the amount it costs to service this. That is prudent.

On top of that, Mr. Speaker, the cost of the servicing of these loans is much higher than it is in most countries because they borrow over long periods. Some of these loans are only eight or ten years. They are between short- to medium-term, some of them. In fact, one of the largest loans I am certain was somewhere between eight to ten years. Had that been spread over 20 or 30 years, that 7% would come down.

I hope I am relating that it is like going into a bank to get a mortgage to buy a car over five years. You pay nearly as much as you would pay on a much larger sum, say, to put an addition on your house over 30 years or

over 20 years. So when we look at this in the light of other countries, the 7% to service it is very low.

I would like to just point out the way that this will be reduced over the next few years: In 1999, the servicing of the total debt—this is all of the debt, sir, what this Government inherited. . . which I am going to show is a very large sum. It was quite a sizeable sum. And I am going to put those accounts in. Again, this is from the Accountant General's summary.

The balance when the Cayman Airways loan went in in 1993 (and this would be in 1993 because as you remember that could not be borrowed in 1992) was \$54.1 million. And at the end of 1998, the total loans were \$93.5 million. This is very important, Mr. Speaker. There was a little bit less than a \$40 million increase in the loan since 1993 to 1998. So what we are paying here (the bulk of what was paid all the years) has been on a sum that is much larger than what we added on when you take our repayments from it.

The debt service ratio that I want to put in (I only have one copy of this, unfortunately) shows that the cost of servicing this will reduce in 1999 to 6.4%, and in the year 2000, 6.6%. In the year 2001, 5.4%. And it moves down, Mr. Speaker, in the year 2005 it will only take 2.8% of the government's recurrent revenue to service the debt.

This is very comprehensive. It sets out principal and interest. And the reason why it reduces so rapidly is because many of these are medium-term loans. They are not long-term loans, therefore the repayment is a lot quicker. (And I would ask the Serjeant-at-Arms, please to just put this on the Table.)

That 7% that was over 20 or 30 years, would probably be maybe 4% or 5%. There is no doubt about it. I mean that makes sense. You go and borrow the money for a car over five years and you pay a very large amount. If you borrow it for a house over 30 years, you can probably get three to four times the amount of money for the same repayment.

So, prudence dictates that you borrow medium-term and you pay it off faster. But you have much higher payments to make.

Now, Mr. Speaker, not only is the surplus of \$7.2 million upsetting some members on the other side of this House, but I think the other shocking revelation was when we looked at the amount of cash that sits in the general reserves, and cash and securities in the Public Service Pension Fund that this government has accumulated . . . and with the help of National Team a lot of this was accumulated. I don't mind saying it. I mean, it has only been recently that there have been some changes of minds towards the National Team.

**Mr. W. McKeever Bush:** It's been recently that the National Team's been mashed up!

**Hon. Truman M. Boddin:** In 1992 the Public Service Pension Fund only had \$6 million in it. And at that time, I think it was something like \$70 million contingent liability. No previous government had been prudent enough to



put money in this fund. And I am going to go quickly on this because I am going to relate this to something different than what I did yesterday.

At present, Mr. Speaker, the year-end balances (and I would also like to lay this on the Table). . . and, Mr. Speaker, once again this is prepared by the Financial Secretary and the Accountant General so these figures are correct.

The general reserve fund as at the end of 1998 had \$10.5 million, and as you know we have transferred another \$3 million, so that is \$13.5 million. The general revenue fund, which is the surplus that has been found after the prudent management has produced it, is \$7.2 million. There is a Capital Development Fund of \$4.1 million; Environmental Protection Fund, \$0.1 million; Housing Reserve Fund, \$0.7 million; Infrastructure Development Fund, \$3.9 million; making a total of \$26.5 million.

And the Public Service Pension Fund has been built up from \$6 million in 1992 to \$39.9 million at the end of 1998, and we know another \$9.71 million is going in. Now, that makes in the Pension Fund, \$49.61 million. And when that is added to \$26.5 million we get approximately \$76 million sitting in the reserves and the funds.

Now, Mr. Speaker, it is quite right (and I said this yesterday) that the money in the Public Service Pension Fund is there to pay pensions for civil servants. We have built that up for that specific purpose, and that is what it is to be used for. But if that fund did not exist for the future, the Government would still have to pay that money. This is a legitimate debt that is owed for pensions.

Mr. Speaker, when this Government started with \$6.2 million, it had nothing to fund what I believe was \$70 million or \$80 million of contingent liability. At this stage, the \$50 million is probably funded to the area closer to one-third of the total funding. Let me show you how prudent we have been, Mr. Speaker, because I have pushed to preserve this money for civil servants, and I hope they appreciate that.

I also tried to have this entrenched in the Constitution, because it is wrong not to put money in there when money is owed to civil servants for pensions. I have preached this over the years. They are probably, say, 30% funded. The money we are putting in the fund . . . no money is being drawn out to pay civil servant pensions now. We are paying that out separately. It makes sense! But we were the ones who did it, Mr. Speaker.

*[inaudible interjection]*

**Hon. Truman M. Bodden:** That's right! But that's what I am saying. I am glad that one member on the other side believes it makes sense, because all of it makes sense if they will think about this carefully.

The present pensions are being paid out of recurrent revenue. When this is finally built up, Mr. Speaker, and it is totally funded, it will then fund all pensions and no more money will have to come out of general revenue.

Now, what happened in the past, Mr. Speaker—during my time between 1976 and 1984, during the time of my good colleague, the Third Elected Member from George Town (his 1988 to 1992 period), and the period from 1984 to 1988 with Sir Vassel, Captain Charles and Mr. Benson, their government—was that nobody put anything significant, if anything at all into this fund. They took the money and they put it either in a general reserve, which they could use for whatever they wished, or they just applied it against loans.

I will show that the difference between the loans in 1993, after the drawdown of the Cayman Airways loan (which was really a 1992 loan that they couldn't get), when you apply the amount of money put here, if we had put this in the loans our debt would be the same substantially (give or take a few million) as it was in 1992 if they had drawn down the \$16 million for Cayman Airways. And that is a fact. But what I want to stress is that the \$76 million in the General Reserve Fund and in the Public Service Pension Fund and the other funds is actually cash—and in the Pension Fund part of that is securities when I say cash. But this is money that hasn't been spent; it is money that has been saved, although it has to go for a specific purpose.

It is very important to know that our colleague, the present Minister for Tourism (who was then the Financial Secretary), is a gentleman who had the foresight to set this up at that time, and his advice has always been good. As it was then, it is also good now. And we are very happy that this was done. And you can see the wisdom and the prudence.

Mr. Speaker, if we had wanted not to be prudent, or if you want to find out about crises management, we would never have built this up. We could have applied that \$44 million that we have put in this in the last six years against loans. The loans would have been \$44 million less. In fact, the loans would have been less now than they were in 1993 when we took over. This is a fact, and I challenge anyone to tell me, based on the figures that I say are correct (and I have them in my hands and I am going to lay them on the Table). The balance as at 31 December 1993 (because the loan for Cayman Airways that was approved in 1992 . . . we had to get it early in 1993) was \$54,126,799. And the balance (as at 31 December 1998) of all the loans, which is the public debt, self-financing loans and the IDB loans, stands at \$93,556,448.

And I would like to lay that on the Table at this stage along with a copy of the financial summary showing the Public Service Pension Fund, that's to 1998, but we know there was this \$9 million-plus that has just been brought in and that is going on to the public service pension fund.

Now I would like to just deal with the situation as it was sometime back, because these comparisons have been used. I will lay this on the Table at the end, and these are all government figures nothing but fully correct.

From 1984 to 1988 the government built up the reserves and the general fund, the surplus, to \$30.1 million

in 1989. Let me show you what crisis management and imprudent government is all about.

From 1989 and 1990, \$6 million was taken out of reserves. There was only \$17.6 million left and the surplus was down by \$2 million. There was a drop of about \$13 million in the first year. By 1991, it was at \$17.3 million, and in 1992, there was only \$3 million left. There was a general reserve in 1992 of \$10.2 million, and a deficit of \$7 million, when taken off, leaves \$3.1 million dollars. So from \$30 million, in less than four years the government of 1988 to 1992 had basically raided the Treasury and there was \$3 million left.

Now, I accept there was an economic recession, but a good government can do things to ease an economic recession as well. And now, as I said before, this has been built up. Agreed, it is not necessarily moved the same pace in every year, but we saw that going from \$3.1 million (and these are the figures I just laid there) in 1993, we got it up to \$5.8 million. But we put also \$3 million in the Public Service Pension Fund, that went to \$9.3 [million]. In 1994, it went up to \$6.4 million and the Public Service Pension Fund went to \$12.7 million.

At present, Mr. Speaker, it stands at \$26.5 million, the general reserves and the funds. And the Public Service Pension Fund as at the end of last year was \$39.9 million, and at the end of this year will be \$49 million.

So, Mr. Speaker, it is not possible to accumulate \$76 million dollars of hard cash (and some securities in the pension fund but when I refer to cash I include that) that has not been spent and is sitting between our general reserves and the different funds.

Now, Mr. Speaker, when we look at the fact that we picked up debt of \$54 million, which, by the way, Mr. Speaker, in 1989 was only \$29 million and increased to \$54 million with the CAL Loan in 1993. At present the total debt (as at the end of 1998) is \$93.5 million and sitting against that difference of less than \$40 million there is \$65 million of reserves and in the pension fund. In other words, Mr. Speaker, we could have taken and kept the debt at \$54 million by applying the \$40 million, the \$39 million to it, and we would still have had \$20-odd million left for the general reserves and everything else that was there.

Mr. Speaker, there can be no doubt, as the *Caymanian Compass* very clearly stated—and they are the voice and the sounding board of many people—that this is prudent and that the course we are taking of building up the reserves in the funds for a rainy day is a very prudent approach.

Mr. Speaker, I want to deal with one other area before I leave this. Some comment was made about what was referred to in the manifesto about recurrent profit (and, by the way, when this manifesto came out, this was everybody in the National Team) which is in here at \$60 million. Let me tell you how that is made up.

The contribution to capital, which is the surplus amount between the recurrent revenue and the recurrent and statutory expenditure (in other words, paying for all the salaries, all the expenses, and paying for all the debts that we have to pay in the year), that is the recur-

rent profit or the recurrent surplus—I use the word profit here because it is better understood.

*[Members' laughter]*

**Hon. Truman M. Bodden:** Mr. Speaker, I hear some cackling on the other side.

Never, in my fifteen years in government, have I ever had a recurrent loss or recurrent deficit. That only occurred in (let me get this right now) 1990 and 1992. So I should really be cackling on this side, Mr. Speaker.

Okay, the amount is made of this, Mr. Speaker, and this is on the paper that has been given out and has been laid on the Table.

- ◆ 1993, \$11.2 million;
- ◆ 1994, \$13.9 million;
- ◆ 1995, \$16.3 million; and
- ◆ 1996 (because this only went down to 1996) was actually \$23.7 million. (I only had \$18.4 million because went only through July of 1996.) But the figure shows instead of \$18.4 million recurrent surplus that was contributed to capital it was \$23.7 million, which actually makes for just about \$65 million.

So, Mr. Speaker, this is money that went to capital. It is a surplus that went to buy schools, buy roads, and apply towards buying vehicles and anything else that was there. At no time, and believe me the day that occurs, as it did only two times in the history of this country, then one really has to worry. That never happened.

That's the way the \$60 million was made up and I am happy to say that even though we were only to July with \$18 million, that was increased. Each year there have been further contributions to capital for the surplus: in 1997 it was \$18 million, in 1998 was \$17.9 million. And that \$17.9 million, as we know, we also had a profit . . . sorry, a surplus (but a profit and a surplus are the same thing) of \$7.2 million at the end of 1998.

If I could borrow a copy of the matter with the overdraft from the honourable member, my colleague from George Town, I would just try to address that.

**Mr. D. Kurt Tibbetts:** What do you want?

**Hon. Truman M. Bodden:** I don't have whatever the Third Elected Member from George Town read—the letter from Mr. Mason about the difference between an overdraft in a bank and the balance in your chequebook.

*[Inaudible Interjection]*

**Hon. Truman M. Bodden:** Oh, it is in this! I am sorry. Yes. Was that what you referred to? I thought you were referring to a flyer that was put out. Okay, page 8. (Pause)

**Mr. D. Kurt Tibbetts:** You can get assistance with that. Do you want a lawyer to show you?

**Hon. Truman M. Bodden:** I see there is just a reference. I see what was used, sir.

Mr. Speaker, the explanation on this, . . . the Accountant General is right. There are no two ways about this. And the way I will explain it is this: If you have a current account in a bank, a chequing account that has an overdraft of \$100, and you write a cheque for \$50. Before it is presented to the bank, the bank has a balance of \$100 in it still, but your chequebook will show \$50. There is a difference between a cash book balance and the balance in the bank. In other words, cheques that are not presented in the interim remain only in your chequebook balance and not in the bank balance.

It is nearly impossible with a large company that there are not a very large amount of very large cheques outstanding. And what the Accountant General said in a written report, or written letter, or whatever it was, "**The bank overdraft of \$7,479,639 is a figure shown in the Treasury cash book; whereas the Barclays Bank current account statement shows a balance of only \$1,179,973 overdrawn as at 31 December 1995, compared to the approved overdraft limit of \$4,500,000.**"

I couldn't see anything simpler than that in my life, Mr. Speaker. When you have issued cheques your chequebook balance never equals exactly what the bank balance does.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** Well, that's good accounting!

**Mr. D. Kurt Tibbetts:** Which one do you use? You use your chequebook balance.

*[Interjection by a Member: That's Voodoo!]*

**Hon. Truman M. Bodden:** So, when we talk about a bank balance, it is a balance in the bank. Nothing could be simpler. You don't have to be an accountant to do that. And believe me, neither of our Accountant Generals have ever used Voodoo, I can assure you, especially not the present ones. All of the figures are right.

Let me go over that again, Mr. Speaker. The amount in the bank may differ from the amount in the cashbook or in your chequebook because until a cheque you issue is posted to the bank there will be a difference between the balances. And the Third Elected Member from George Town knows the difference between a cashbook balance and a bank account balance. They are two totally different things.

That is why when a person gets their statement, they go through and check off the cheques to see what has come in. Those that have not come in remain in their chequebook and the balance will be different from what it is in the bank. Very simple! I would not even have thought that I would have to explain that to my professional colleagues across there; but every now and then it helps to simplify these things.

Mr. Speaker, our finances, and our country are in an economic boom. And that is clearly admitted. Nobody in this House can say otherwise. It has been that way for a long time and with the help of the good Lord it will go on for a long time to come. But there are cycles. I admit that.

And that's why it is prudent to put money into the reserves, put money into the pension fund for the day that we have to draw on that pension fund to pay civil servants or general reserves to pay for expenses.

And it is significant, Mr. Speaker, that after the adjustment of the general reserves we have continuously built it up. We have never raided the general reserves; we have never raided or touched the pension fund. That's why it stands at nearly \$50 million, Mr. Speaker. We are prudent, we are paying our way and we are saving in these funds.

I just want to say that the world out there is not quite as rosy as it is in Cayman. All around the Caribbean, countries are having economic problems. Even those countries that have been put up to us as the examples of what a sustainable economy is and, in fact, one of them that we are actually using as an example is now in an economic recession. A sustainable economy, Mr. Speaker, survives an economic recession, let me just say that. But it just points out how people can play with words.

*[Members' laughter]*

**Hon. Truman M. Bodden:** At the end of the day, Mr. Speaker, what is important is that the country has made a profit and that the country has put up money for a rainy day. And I am sorry for the other countries in the Caribbean whose economies are down and some of them relate to agriculture, which is different.

Take New Zealand and Singapore, which are the two examples that... And I am not saying anything about the system. Let me make that clear. I accept we are bringing in their system of finance. But they have now . . . and I am reading here from one of the reports where it states, "**Following several years of very high real interest rates aggravated by the downturn in Asia after mid-1997, the economy moved into recession in the first half of 1998.**" So we see, Mr. Speaker, countries such as Singapore (and this is mainly the Far East), New Zealand, actually Australia is also in a similar situation . . . where other countries that have had very outstanding systems in place (this is the point I am making) . . .

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** I can give this to you if you want it. It is called, "International Financial Outlook, Economics Department." My colleague here said you may want it.

The point that I making, Mr. Speaker . . . I keep losing my train of thought because it seems like some backbenchers are speaking longer than I am during my speech. I should probably get extra time for that, sir.

Going back to the point I was making, although they claim that the system in New Zealand or Singapore is the ideal system, those two countries have now moved into very serious economic recessions. Okay? And what I am saying is that at the end of the day, no matter what system you put in place, it is the people who work the sys-

tem that produce the results. And the proof of the pudding is in the eating.

This government—the National Team—has clearly proved that we have saved; we have a profit, a surplus, for last year. Regardless of what criticisms are made, we get the right results. If you are doing the wrong thing, how can the results be right? The country is in an economic boom, it has a surplus; it has \$76 million in cash sitting in funds or in the reserves. How can that be wrong? The world around us, with the exception of North America and parts of Europe, has continued to move downwards while here and in North America we have moved upwards.

The public clearly understands where the country is.

*[Inaudible Interjection]*

**Hon. Truman M. Bodden:** I will deal with Cayman Airways. I heard what you said about that. Let me deal with that because there is a lot of confusion going around out there. Before I say what I have to say on that, let me just point out that I appreciate the support of this House and the good things that have been said about Cayman Airways. It is very near and dear to me, as is education and the balance of my ministry.

But there is confusion between an accumulated deficit and a shareholder deficiency. I hope the backbench adviser—the Third Elected Member for George Town, the accountant—will bear me out on this. If he hears anything that he feels is not correct, he can tell me.

In the balance sheet I have here, what has to be looked at at the end of the day, and what shows a netting out between assets and capital and liabilities, is the net shareholder deficiency which is right at the bottom of the balance sheet.

Now, what happens, sir, is that under shareholder deficiency (and if necessary I will have a photocopy of the Cayman Airways balance sheet) there is an accumulated deficit of \$44,344,184, say, as at the end of 1997; and against that the share capital of \$38,376,215. Now the total shareholder deficiency is \$5,967,969. You take one away from the other. The shareholder deficiency does not bear relation directly (well, it bears it indirectly, I would say) to two things: the assets, or the amount owing in the company is a different amount. The two things are separate and they are under assets and they are under liabilities.

Now, let me just show you how that accumulated deficiency came about. As I have shown, we inherited I think it was \$57 million of debt in 1992, or early 1993. So, we inherited a very large accumulated deficit. I will show you the way it is built up. Back on 30 June 1991, the accumulated deficit carried forward jumped from \$13.5 million to \$27.8 million because Cayman Airways' loss was \$14.3 million. So it moved from \$13.5 million to \$27.8 million, and on 31 December 1991, six months (the account times changed) it moved up to \$32.7 million. In 1992 it had reached \$36.9 million. In 1993, which was after the biting of the loan for—and there was \$16-

odd million put in—the accumulated deficit was \$40,951,000.

That is the accumulated deficit that I picked up in Cayman Airways. It now stands at \$44.3 million or approximately \$3-plus million more.

Now, Mr. Speaker, that doesn't mean that Cayman Airways owes \$44 million. And this is the point I am coming to. What I have said about what is owed being in the area of \$17 million to \$18 million (whatever, it fluctuates a bit, but is substantially where we were), is down a bit because a substantial part of that is the Civil Aviation Authority debt, and we have been over that a million times.

Now, against this deficit of \$44 million, there is share capital, of which \$16 million went in in 1993 from the loan of \$38,376,000. So the net shareholder deficiency (i.e., assets less liabilities taking into account capital) is \$5,968,000 which is the difference between the accumulated deficit and the share capital.

Let me just show how it moved from the \$40,951,000 to the \$44,314,000. In 1994, Cayman Airways, after subsidy (this is all after subsidy), made a profit of \$1,568,000. In 1995, it lost \$1.1 million; in 1996, it lost \$1.6 million; in 1997, it lost \$2.1 million; and this year the loss dropped to under a million dollars. So, when you add the profit and take the loss out of it, it gives you the extra approximately \$3.3 million that is loss less profit.

The liabilities (I will give you as at 1997 because this has been laid on the Table, I believe) at present stand at—total current liabilities are \$19,159,000 a year ago.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** Sorry?

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** 1997.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** Yes, that could well be so.

And, Mr. Speaker, until there is a consolidation (which is now happening) of the leasing companies with Cayman Airways, a true picture will not be seen. But remaining on the accrual accounting system that will happen, because there are assets that Cayman Airways had paid for that do not sit in its name.

I hope I put this beyond doubt, because there was a little bit of worry. Some people called me up and said, "How in the world could Cayman Airways owe \$44 million?" It doesn't. And against the \$19 million (or \$22 million whatever it is now) there are assets of \$15.8 million and that is where you get the deficiency of \$5.97 million.

So, I hope I have explained that. And, Mr. Speaker, I really don't want to put Cayman Airways in politics, we have a good staff, and we have good people. But it is struggling. The Board is doing as much as it can, and I really appreciate the help of the House. I ask for the con-

tinued help there because for the first time I think in the last five years, while it has been a struggle, sir, Cayman Airways is now stable. When you don't see massive fluctuations like the \$12 million to \$14 million losses and we are containing them, and our effort now has to be to increase sales and to add a few more million on there so that we can reduce down the loss.

I think it is also significant, Mr. Speaker, that the \$4 million that we got five years ago, we are still only getting \$4 million that has not progressively gone up. So I think that is one good thing that Cayman Airways has done. And it is important to the island.

Mr. Speaker, I will be going on now to another topic. I am not going to spend a lot of time on this, but I want to stress again the position in relation to the revenue enhancement measures, just to show the approach that had been taken in the past by some members who really heavily criticised it.

The first thing to remember, Mr. Speaker, is that the company fees are \$5.2 million and the Health Services \$1 million. Health Services is a new service, these are not increases in fees; they are coming on line with the new hospital. The company fees do not impact as additions, as such.

Now you may say, 'Well, those services are gotten elsewhere,' which they were. People paid it, but they didn't pay it to the government; they would have gone to Miami to get those services. So out of it, \$6.2 million comes and we are left with about \$5 million to \$6 million, of which half of that is really in liquor and cigarettes.

With the permits we did a 10% increase, which is something that all of us here, but especially members of the Opposition, felt was the way to go. And I agree. Smaller increases over a period are somewhat better than larger ones, but what I would like to point out is that it has not been unusual in politics or in governments for this to be done in the manner that we have done. I know it took a lot of criticism, but I would just like to show that when the people who criticise are in the same position how they dealt with it.

At the time when the current revenue was only a little bit over \$100 million (in the budget that was presented on the 13 July 1990) there were fourteen different revenue measures proposed in the bill. And let me just tell you how wide it was and how heavy an impact it had. What has been done this time is nothing.

I showed yesterday that when you work it down nothing compared to what had been done in the past. It was 7% of the recurrent revenue, then it was 12%. The things that went up were (and I am reading from the speech of the Hon. Linford Pierson, page 883 [*Official Hansard Report*], 13 July 1990) cigarettes, Liquor, Planning Application Fees, Court Fees, Warehouse Fees, Traders' Licences, Sales of Laws, Visitor's Drivers Licence, Petrol Duty, Diesel Duty, Land Transfer Fees, Work Permit. And just to quote from page 883, he said, "**With a total effect that between August and December 1990** [these were the days when the budgets went through quickly and you got a part in the year it came in] **we are looking at \$2.8 million on the low side and**

**\$3.8M on the high side. So, it is not correct to say that we will be trying to take \$9 million to \$10 million out of the economy during 1990."**

Here is the catch: It does not come out in 1990 because the budget was presented in July. It came out in 1991 and here, over on page 882, he says, "**The Bill during the balance of 1990** [which is four or five months] **contemplates to raise some \$3 million to \$4 million, and some \$8 million to \$10 million is contemplated for the year 1991.**" Ten million dollars, Mr. Speaker, everything in the world.

Some things here I didn't even remember we increased. And if that was not good enough . . . and I am not going to really dwell on this much longer, because it is just that my colleague touched on it and he needed an explanation, I am sure, of what we used to do many years ago.

Back then, the following year when the budget had shifted to December . . . I am sorry, I noticed that Mr. Haig always spoke after the Financial Secretary opened. [*Laughter*] The following year, this was the 11<sup>th</sup> December 1991, and at page 1357, the budget presentation said as follows: "**The five areas with revenue-generating potential have been identified. These are annual renewal fees for registered companies; duty on diesel fuel...**" The second time, one after the other. And I don't want to go into that. It was a very large amount. I think it moved for 13 cents to 25 cents, something like that. And then it moved from 25 cents to something. "**These are annual renewal fees for registered companies: duty on diesel fuel; duty on alcoholic beverages and tobacco products** [both had been taxed the year before]; **and Planning application and Building Code fees.**"

So, Mr. Speaker, what has been done this year is really very soft when you think that having put \$10 million of crippling taxes on in one year that touched everything in the world; the second year, we turned around and increased the taxes on exactly the same things. And it ended up, Mr. Speaker, with near riots in this country, in petitions, Motion 3/90, and everything else. And this was done in the middle of one of the worst economic recessions this county had, but it had to be done because the country did not have enough money to pay the salaries of civil servants, so to speak.

And, Mr. Speaker, when you look at what we have done, things like alcohol had not been touched since 1991. In fact, we had reduced company fees, we have added a little bit on to it, and we would never in life do something like that, Mr. Speaker.

Anyhow, I want to move off that because I don't need any more trouble with my good colleague. You know we all had those bad times in Government, we just need to remember them from time to time.

Now, Mr. Speaker, I know there are some people whose whole speech is going to be on Truman rather than the budget. I know because they continuously break my chain of thought over there.

Now, Mr. Speaker, the other thing I would like to touch on: A lot of the money this year—\$30-odd million,

close to \$40 million—will go on education. But I would just like to read one thing that I have kept. Perhaps I should frame it, because as much as has been said about me I have been dedicated to improving education in the country and I have always been open and honest, and done everything I can for the school system of this country. And this year, a lot of money will be going there, and I thank the Legislative Assembly for that.

I appreciate it, and the most I can do I guess is to, you know, apologise for the increase in school fees. It was very small. It was \$250,000 out of nearly \$40 million dollars of budget. Mr. Speaker, I would just like to point out that the \$5 and the other fees in schools had not been changed since 1983—approximately 15 years.

Mr. Speaker, I would just like to read this because I think this sums it up. Again, this is that good newspaper, the *Caymanian Compass*. It says:

**“Last month with very little fanfare, reports on three local schools assembled by the School’s Inspectorate were released to the public.**

**“The inspectorate, a wholly independent branch of the Ministry of Education, came into operation in 1997, its job to monitor and report on educational standards in Cayman. The publication of the Inspectorate’s first three reports, for distribution to the schools and parents, is a highly significant moment in the history of education in the islands.**

**“The ministry had a choice to publish or not, and, to its great credit, chose to do so. Going public with the strengths and weaknesses of local schools is an admirably positive step towards transparency and accountability within the education system. It has meant that, for the first time ever, objective and independent assessments of standards at local schools are available to parents. That is information that all parents and guardians in every country deserve—or perhaps have the right—to have, but too often do not.**

**“Publication of the reports establishes the honesty of the Ministry of Education, gives much credibility to its stated aim of raising educational standards, and encourages trust between the Ministry and parents.**

**“Now the reports have been published, the schools are using their own self-assessment reports in conjunction with the Inspectorate reports to produce action plans. The purpose of these will be to bolster areas which have been identified as weak. The Inspectorate is to monitor the implementation of the action plans, and each school will continue to evaluate its own work on a regular basis.**

**“If staff at the schools concerned can remain motivated to see through their action plans in the coming months, it seems likely that real improvement in standards will quickly follow.**

**“It remains to congratulate the Inspectorate staff for carrying out its mandate with such thoroughness and professionalism. The inspectorate reports—detailed, concise, and objective as they are—provide an extremely valuable framework for upgrading the quality of education in the Cayman Islands.”** (*Caymanian Compass*, 24 November 1998)

Mr. Speaker, there can be no doubt. I always strive towards transparency, accountability, and honesty. The money that will be going into the schools and the education system is the best that can be done in any country.

There is a saying, “If you think education is expensive try ignorance.” We must educate our youth.

Many of us older people didn't have the opportunities children have these days. I went to school in what was basically about a three-classroom high school. I think three or four teachers. We all suffered that way with joint classes and no resources, but we have all managed to do well for our country. It is our duty. That is why I feel justified in supporting this budget, and in supporting the borrowing and supporting the measures that will assist these schools in generating the best education that our children will have because they have a future, and they one day will sit here in this Honourable House and run the country.

Mr. Speaker, I am wondering if we may be getting near to that time.

**The Speaker:** I was planning on about another five to ten minutes, but if this is convenient, that is okay with me. We can suspend proceedings for lunch until 2:15 p.m.

#### PROCEEDINGS SUSPENDED AT 12:21 PM

#### PROCEEDINGS RESUMED AT 2:30 PM

**The Speaker:** Proceedings are resumed. Debate continues on the Loan (Capital Projects 1999) Bill, 1998. The Honourable Minister for Education, Aviation and Planning continuing.

**Hon. Truman Boddin:** Mr. Speaker, the good results that this government has achieved have come about through proper planning, through taking the right decisions.

You know, Mr. Speaker, when the results are right such as they are now—surplus, plenty of money sitting in the reserves and the different funds—then you know that planning and the government's ability and hard work have gone into it.

At present, there are many, many plans in effect. And, like every other government, I guess we are not perfect. There are some that need to be done. But I am happy to say that many of the major plans are now in place: the Education Strategic Plan, the Tourism Plan, the Health Strategic Plan, the Drugs Strategic Plan, the Agricultural Development Plan—

**Mr. W. McKeeva Bush:** The old-age plan?

**Hon. Truman M. Boddin:** —the Port Authority has a plan, the Water Authority has a plan. And, Mr. Speaker, as we know the Vision 2008 is well on its way, which will pull together and be an overall plan for the country.

And most important, I almost forgot, Mr. Speaker, after exactly twenty years we have a new Development Plan. I think this Government will go down in history as having achieved that, as well as the fact that there are another three draft plans which will shortly go out to the

public. So there is a lot of planning in place. There has to be, Mr. Speaker, for us to continue in a boom.

We also have the Youth Policy, which has started, and it is well on its way. So there are many, many good things going at this stage.

In fact, Mr. Speaker, we have been talking about these three-year plans. To be frank, in a simple form it could well be easily and quickly put together based on the three years that are in the Estimates at this stage. But there are plans to be done and that is one of them, and there are other plans beyond just a financial strategy plan that need to go in place.

I know a lot of this debate has been about money, but there are many other important things in life other than money, and many of those plans are already in place—those which increase the quality of life for our children and our families.

But when reform is done, Mr. Speaker, it has to be done right. This is very important. It is not a matter of sitting down and just producing a plan. It takes a lot of time and effort. The Development Plan . . . and I agree that is probably the most difficult one because every one of our previous governments faced it and they were not able to do it. I mean, that is clear. No other Government was able to do this, and the National Team Government was able to put that in place and now we are about to come out with the second in Grand Cayman and one for Cayman Brac and Little Cayman.

So while there is work to be done, there has been a lot of reform. We are well on the way with the introduction of the plan relating to finance which will be very important. It will be a Cayman plan based on the New Zealand model. I think that when it is introduced and when we have accrual accounting it will go a long way towards showing that the country is in good shape.

Mr. Speaker, a lot has been said about the salaries and what I am going to say here I hope honourable members will take with a bit of humour because after a very good lunch, I feel in a fairly good mood.

*[Some Members: Oh!]*

**Hon. Truman M. Bodden:** Now, when this all came up I could see after a while there was a move to try to shift some sort of blame or liability onto the Government. But as was said many times, just about all members (not all) sat down informally and looked at this. We came forward with it altogether, and subsequently there were second thoughts, motions in the House, that all members here supported, to leave the salaries where they were.

The area that was perhaps somewhat confusing was the first motion [that] referred to government finding the money. It is a duty of the controlling officers who handle money—politicians and MLAs do not handle the money of government. That was one of the things that we looked at.

What I found very interesting (and I won't say anymore on this, and it relates to nobody specific) was that some MLAs' salaries on the lower part of the rung would have been \$81,000, and it ended up nearly \$84,000. And

even some said that it should be \$91,000: Yet, when the pressure came on there was a bit of scrambling.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** At least with the Executive Council salaries we left them where they were in the scale.

And I want to just repeat again for everybody's sake: The salaries were done by an independent review of the civil service. Previous governments had pegged all salaries of MLAs and Executive Council Members in a certain bracket in the civil service. What was done by the civil service group ended with increases to both MLAs and to Executive Council Members. But Executive Council Members' salaries were going to be pegged where they are now in the bracket.

I would just make that one little point. We didn't attempt to move them up by another eight or nine or whatever over it.

**Mr. W. McKeeva Bush:** You didn't need to, at forty thousand dollars extra! *[Laughter]*

**Hon. Truman M. Bodden:** But like everything else, sometimes politicians have a way of spoiling their own pots, so to speak, and that is for the benefit of the country I am sure.

Mr. Speaker, a lot of time was spent on the measures that this present Bill before the House relates to. A lot of time was spent in the Finance Committee. In fact, we have not been in the open House for about the last two months; we have been sitting in Finance Committee.

Most of that time was spent with us answering questions on the recurrent revenue and the continuing projects. When the Opposition had an opportunity to say how they could achieve the \$25 million of loan as against what was in our \$32 million (but is now \$26 million) . . . by the way, for the same amount of capital that the \$32 million was for we found the savings and the profit that would bring this down to \$26 million.

I have always been one to face my problems and try to solve them, because I have always believed that you don't get a problem solved by running from it. I think we had a golden opportunity to have asked . . . well, as we did from time to time I guess in the House and otherwise, saying if the Loan Bill is to be \$25 million then what should be cut from the capital. I presume there would not be any cutting on the recurrent. And the Opposition had no solution to that problem, Mr. Speaker.

In fact, when we decided to vote on those new measures that affect this \$26 million, some of the Opposition [members] walked out of the room and remained out of the House during that period.

I guess what I am saying here, Mr. Speaker, at least we have . . . well we didn't do what you said but I mean when you say something you should really have the solution to it. You should produce it and say you can cut the Loan Bill in this way, 'Take X amount out of schools,

and X amount out of roads, or X amount out of whatever.'

*[Inaudible interjections and general uproar]*

**Hon. Truman M. Bodden:** Mr. Speaker, it goes to show when you are the government decisions have to be made, and you have to make them. It is no good in sweeping decisions under the table. A lot is needed out there, and at least I am happy to say that the Opposition and the Government are really only one million dollars apart in relation to the loan.

Sometimes, as mentioned about principles, one does what one thinks. But I guess my view is that especially if you are going to run a government or any company, you can't sweep the problems under the carpet and say you can't do something, but you don't know what the alternative is. So with that I would really point out that the government did what it felt was right.

We had the same dilemma that the Opposition or anyone else would have had. All these projects are very important, they are needed. Nobody really wanted to sit down and begin cutting. But the harsh reality, Mr. Speaker, is that when you run a government the decisions have to be made, you can't really walk out and expect them to fix themselves.

Now, the National Team Government, and the previous one (when I say that I include really all the former members of the National Team), did a lot to assist people in this country. We have seen considerable increases in the relief assistance for the poor. We have seen that come up quite good. We have seen a housing scheme for young Caymanians. I think the total loans are in the area of \$20 million. A lot of young people have been helped.

We have recently seen the Minister for Health and Social Welfare increase the \$200 monthly allowance by \$50, and we all supported that. And these are increases that have been fully supported by us.

I will admit that in many of these areas when the First Elected Member for West Bay was Minister he moved them and moved ahead on them. Especially in the area of sports, for example, where a lot of money was spent and a lot of good has come and will continue to come.

Now, the—

**Mr. W. McKeeva Bush:** Yeah, well he tells them that I spent all the money.

**Hon. Truman M. Bodden:** No, no, no! I mean the money spent on sports, Mr. Speaker, I think is money well spent. The money we spend on our youth can't be better spent anywhere else.

**Mr. W. McKeeva Bush:** I know what you are doing.

**Hon. Truman M. Bodden:** One of the other ministers will detail a lot of these things, but the government has put a lot of money back in the country.

**Mr. W. McKeeva Bush:** What you need to do is say who spent it. That's what you need to do. You're laughing?

**Hon. Truman M. Bodden:** No.

Mr. Speaker, I think that if there is one thing that the National Team Government, the present Government, can go down for is that despite being very prudent, despite the heavy savings that we have—and we do have that \$75 million between the pensions and the different funds, and the reserves and the balances on the accounts, the surplus—despite that we have put a lot back in that is very good. I just looked, for example, at health. I mean how important is that, Mr. Speaker? And look at what the minister has done. We have a first class hospital. We have clinics in every district.

Roads have been built all over. We have a lot of improvements in George Town, and we have a lot more to go. And schools, there has been a lot of improvement in education. There is so much that has been done.

I was quite heavily criticised yesterday evening at the meeting. I decided to pull myself away from the television where another backbencher was talking on the history of Cayman and other things, and to drive across there. And I hope members take this in the humorous light that it is given. But when I was going by and saw all those chairs, I thought there was a quite a lot of people. But I realised once I got there that there were a lot of chairs left.

I guess it goes to show you one of two things: I will give the benefit of the doubt here. Obviously the population is very satisfied when they don't come out to public meetings, especially from six powerful politicians as there were.

*[Laughter]*

**Hon. Truman M. Bodden:** Or I guess I could give them the benefit of the doubt in a humorous way, they may have been at home watching television where another one of our colleagues was busy on the television.

**Mr. W. McKeeva Bush:** Our who? Say that again Truman. *[Laughter]*

**Hon. Truman M. Bodden:** But, Mr. Speaker, I guess the conclusion one draws from this is one of two things. One of them has to be that the people in this country are quite satisfied. When people are unhappy, believe me, as we saw seven or eight years ago when we saw thousands in the streets, and we saw petitions signed by nearly 4,000 people—that's when you have to worry. But the public knows that the country is in good shape as the Financial Secretary has told them.

**Mr. W. McKeeva Bush:** When you can produce two budgets in one year? You're in good shape? Yeah!

*[laughter]*



**Hon. Truman M. Bodden:** Therefore, the—

**Mr. W. McKeeva Bush:** Truman, you've said enough now, sit down.

**Hon. Truman M. Bodden:** The position of the country financially is very good. This Bill to borrow \$26 million—the only difference is \$1 million between us and the Opposition—it's good for the country. The public will see schools, they will see roads, and that is where the majority will go. But the public is watching to see solutions to traffic. They want to see development in schools because we are schooling the future generations that will run this country.

Mr. Speaker, the government has been very prudent. We have built up total reserves and funds of \$76 million of which—

**Mr. W. McKeeva Bush:** Where it is?

**Hon. Truman M. Bodden:** I will explain exactly where it is to that honourable member who asked me. Here we are.

Mr. Speaker, the Public Service Pension Fund which is money—

**Mr. W. McKeeva Bush:** Well, we can't spend that.

**Hon. Truman M. Bodden:** Yes, it can be spent for pensions because the Government owes pensions to the civil service and it owes a lot more than the \$50 million that will be in this fund, \$49.61 million. And that money, Mr. Speaker—

#### POINT OF ORDER

**Mr. W. McKeeva Bush:** Mr. Speaker, on a point of order.

The Member generously said he would explain what he could do with it. Can he tell us then whether they can use that money—that \$76 million—for building roads, schools or any kind of capital expenditure? Because surplus, as I understand it, is for that; or you can use it at any given point. But I don't understand what he saying, and he said he would explain it.

**The Speaker:** I think he is in the process of explaining it now. Honourable Minister for Education?

**Hon. Truman Bodden:** Yes, sir. I will. I am always happy to give way to my colleague to get an opportunity to vent a bit of his—

**Mr. W. McKeeva Bush:** Frustration!

**Hon. Truman M. Bodden:** Frustration.

Mr. Speaker, the Public Service Pension Fund is a fund that will be used to pay for public service pensions. If it is not there, Mr. Speaker . . . well, it can be used at

any time that it is needed . . . well, for public service pension. If the time comes—

**Mr. W. McKeeva Bush:** Get the *Hansards*!

**Hon. Truman M. Bodden:** What do you mean you can't use it for pensions? What is the Public Service Pension Fund for? It is for pensions. The aim of this—

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** Mr. Speaker, if I could just try to finish.

This government is trying to build up the Pension Fund because the government of this country owes to the civil servants a large contingent liability, which is well in excess of this \$50 million. It is money that has to be provided for. That money can only be used for civil service pensions.

Now, what is being done at present, Mr. Speaker, is that we are putting in, as we did this year, nearly \$10 million a year to try to build it up because over the last twenty years governments—including governments that I was in—did not do it. When this government took over there was \$6.2 million and probably \$70 million or \$80 million of contingent liability to civil servants. That was not right. There was no money there, in the event of a crisis, that could have paid for civil servants' pensions.

This money has to be built up until the fund is fully funded. Then that fund will service the pensions of civil servants. At present, we have a double burden, and this is what I am coming to. This government, out of choice, because we not only pay civil service pensions out of our recurrent revenue and along with that amount, Mr. Speaker, \$9.7 million this year is going into a reserve, a savings, a pension fund, whatever you call it, for paying for past debts owed to civil servants on pensions when they become due.

This year, the cost of just paying for civil servant pensions, that is coming out of recurrent revenue, is \$3.5 million. Most governments, Mr. Speaker, only paid that. They didn't take this \$10 million that we have taken. I want to point out here when we got in it was \$6 million, and at the end of this year it will be nearly \$50 million (\$49.61 million), and this is cash and securities. And it is not money that has been spent; it is money that's put aside to pay civil service pensions. It can't be used for anything else and nobody should ever touch it.

But what had happened in the past was civil servants had been wrongly deprived of this money. And I hope the civil servants of this country appreciate this, sir, because this \$50 million could easily have been applied against the increase in loans between 1993 and now. It is only \$40 million. We would have had no loans. In fact, we put in \$44 million and this is a fact in this pension fund. We could have taken that and put that against loans and we would have still had a further \$10 million that could have gone into reserves and then the country would still have had \$6.2 million and a large contingent liability for it.

But we are prudent. And we know that this money can't be used to pay for roads because while the public leaves this Government inside of this Legislative Assembly, Mr. Speaker, we do not need to go into this or any of these funds to get money to pay for recurrent revenue or other expenditure in the country, we have enough there. And this fund is one of the many ingredients of fiscal responsibility, proper planning.

*[Some Members' Laughter]*

**Hon. Truman M. Bodden:** Mr. Speaker, if you want to see what proper planning is, you just take this:

**Mr. W. McKeeva Bush:** Let's look at the two budgets!

**Hon. Truman M. Bodden:** You just take this, Mr. Speaker: We came in when the civil service was owed \$70 million to \$80 million in contingent liabilities that would have been necessary to pay whenever a person retired. Instead of taking the \$44 million that we have put in here and using it to apply it against the loans, . . . in fact, if we had taken this money there would have been no loan this year and no loan last year, and probably no loan the year before because the increase in loans (and I am going to show that) is less than the amount of money that we have built up in these funds here.

The money has to be used for pensions, Mr. Speaker. But it is still money that some government would have to pay. So we are providing for the future of this country and the future civil service of this country because the day the civil service of this country is not paid pensions or salary, the country grinds to a halt. And the continuity of this country depends on prudent financial management such as this.

We could have built \$44 million worth of more roads, schools, and everything else and left nothing. But a future government would have to pay that money. This is the difference. We are prepared to prepare for the future. Some of this money will probably not have been drawn on for another five to fifteen years, whatever it takes.

**Mr. W. McKeeva Bush:** Oh yeah?

**Hon. Truman M. Bodden:** And we have built not just for the 21<sup>st</sup> Century with this Public Service Pension Fund, we have built way into the 21<sup>st</sup> Century. When this finally reaches a totally funded state, the country will cease to have to pay from its recurrent revenue for pensions.

I hope this is very clear, Mr. Speaker. This is money that has to be paid in the future and we are—

**Mr. W. McKeeva Bush:** We can't use it.

**Hon. Truman M. Bodden:** You can't use it for political purposes, as one member is saying across the floor. You can't use it! Politicians should not be using this money. We have put it in here for the civil servants.

*[Inaudible interjections]*

**Hon. Truman M. Bodden:** Mr. Speaker, I have not read the law on this, but the intent (and I am not going to get into picking here) . . . everybody in this House knows the intent of this public service pension fund is to provide for future civil servants pensions, and it has to be paid by a future Government.

Can you image the amount of money it would take this country in another ten years, Mr. Speaker, if there was no fund here? In fact, if what it is being said is correct, that it has to be fully funded before any payment is made out of it, it shows how much further in the future we have planned for it. It means this may not be drawn on—

*[inaudible interjection]*

**Hon. Truman M. Bodden:** Well, Mr. Speaker, I don't know if the public is hearing these comments, but I am replying to some of these. I am very happy that the Minister of Tourism, our former Financial Secretary, is a man who had the wisdom to put this in place.

And, Mr. Speaker, you and the members here know that I fought inside of this House to get entrenched in the Constitution that the civil servants' pension fund could not be touched because time and again politicians have taken and spent this money to the detriment of the country.

**Mr. D. Kurt Tibbetts:** Including you, sir!

*[Inaudible interjections]*

**Hon. Truman M. Bodden:** And despite, Mr. Speaker, at this stage I don't know if the public can hear it, but every Opposition member who can talk on the other side is talking at the same time.

#### POINT OF ORDER

**Mr. Roy Bodden:** Mr. Speaker, on a point of order. The gentleman is misleading and saying false things, sir, because I am not speaking, and Mr. Pierson is not speaking. I insist that he retract the comment, sir.

**Mr. W. McKeeva Bush:** And I am still waiting to hear him say that they are not going to use it!

**Hon. Truman Bodden:** Mr. Speaker, it was done in a sense of humour, and I am happy—

**Mr. Roy Bodden:** Mr. Speaker, what about the point of order, sir? I wasn't speaking, and Mr. Pierson—  
Mr. Speaker!

**Hon. Truman Bodden:** I retract it, Mr. Speaker. I apologise to Mr. Roy and Mr. Linford. They were studiously doing things. One or two others were over there making noise. So

if we stop the noise we won't have to waste time on this. Now, if I may go on, sir.

**Mr. W. McKeeva Bush:** We're not noisy!

**The Speaker:** Please continue.

**Hon. Truman Bodden:** Mr. Speaker, on top of the \$49.61 million in the public service pension fund is a total of \$26.5 million made up as follows: There is a general reserve of \$10.5 million (and we will be adding another \$3 million this year); there is a general revenue fund, which is our profit or surplus from last year, of \$7.2 million. There is a capital development fund, \$4.1 million; an environmental protection fund of \$0.1 million; a housing reserve fund, \$0.7 million; an infrastructure development fund, \$3.9 million, making a total of \$26.5 million. And another \$3 million, as I said, will be going on to this amount this year that we are transferring out of the large surplus that we have been able to generate in the country.

And these other funds as well, not just the pension fund, Mr. Speaker, but these other funds, like the capital development, infrastructure and the others, have to be used for the purposes they are established. But this money, if it wasn't put there, could be used either to put into just general reserves, as other politicians have done in the past—blown it on buildings and roads and everything else—but these are savings for specific purposes of which there are \$76 million.

Mr. Speaker, if we had ended up with that hospital in the swamp, we would have really been in trouble with the pension fund now. We never would have had any money to put in there.

*[Inaudible interjections]*

**Hon. Truman M. Bodden:** I figured that I would say something I could get the Opposition to agree with! *[Laughter]*

Now, on the more serious side, I have also shown (and I am just about to the end of all of this now)—

**Mr. W. McKeeva Bush:** Good!

**Hon. Truman M. Bodden:** —this government . . . and do you know what? I shouldn't just say *this* Government, but *the National Team* (up until maybe a year back or whenever) did a lot towards what I am saying here of keeping loans low and of providing these funds that are in there, the \$76 million in cash.

Now (this is in summary) after the loan to Cayman Airways: Back in earlier mid-1993, and, by the way nothing was borrowed by this Government in.... (let me just have a quick look. If it was, it was extremely small.) Practically nothing was borrowed. It looks like maybe \$1 million must have been hanging over from.... I am sorry, \$800,000 was all that was borrowed in 1993. And in 1994, the loan was only \$4.7 million. In 1995 (and this is coming from the summary that I have already laid on the Table) was only \$1.8 million.

We picked up a debt of \$54,126,799 from the past government and, Mr. Speaker, at the end of December 1998 it stood at \$93 million, a difference of a bit under \$40 million increase. As I said very clearly before, funds that are

sitting in the \$76 million could easily be applied to bring this back to exactly where—

**Mr. D. Kurt Tibbetts:** Mr. Speaker, on a point of order, sir.

#### POINT OF ORDER

*(Misleading)*

**The Speaker:** Let me hear your point of order.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, the Minister has continually spoken about \$76 million which the government has. The \$76 million he is quoting about—and I am not going to argue against what he is saying—but the \$76 million he is talking about is *projected* in 1999 at year-end. He is saying that it is *had*, and it is not had. He is misleading the House.

**The Speaker:** I don't think that's a point of order because he clearly stated what that \$76 million is made up of repeatedly—time, and time, and time again.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, I hear what you are saying, sir. But he has continued to say the \$76 million that we "*have*." This is a *projected estimate*; it is not money that we have. We don't know if it is going to be like that. Even if the projections become accurate, we will not know until it is realised, sir. And it is not realised so he cannot continue to say \$76 million that we *have*. Surely, sir, that must make sense.

**Hon. Truman Bodden:** Mr. Speaker, I am in such a good mood, I don't really want to have any arguments. Let me just explain what the member would like me to explain.

As at the end of December 1998 what is sitting in cash is \$66.4 million—cash and securities when I say that. That is sitting in cash.

What is projected for this year (and if that is what he wishes me to make clear—which I thought I had made clear before) is another \$9.7 million. So \$66 million is already in cash put in by this government, or our two governments (the last one and this one), and is sitting there. The \$9.71 million is projected for this year—but it has been approved, Mr. Speaker, by members of this House.

Now, I can't say with absolute certainty that \$9 million will go in. But, Mr. Speaker, look at how good our projections have been. When you project nothing literally, or \$100,000 as a surplus, you end up with \$7.21 million. Then it's nearly almost certain that, God willing, the \$9 million will go in—and I believe it will.

Mr. Speaker, if we do as good this year as we did last year, we may be able to increase.

**Mr. D. Kurt Tibbetts:** Yeah, you'll be able to settle that up.

**Hon. Truman M. Bodden:** I hope that has been explained.

**The Speaker:** Excuse me one second. (Pause)

Please continue. I was going to address the First Elected Member for George Town but he has left. Please continue.

**Hon. Truman Bodden:** Thank you, sir.

So, Mr. Speaker, if all and all is taken when you look at the prudent fiscal management, and I agree that a very heavy amount has had to go for the Civil Service Pension Fund. But that is prudent. Future generations are going to reap the benefits. Some of those who will be going into this fund could be as far as fifteen years—even twenty-five years down.

So, Mr. Speaker, if I may just repeat this one last time because there seems to be confusion over on the other side of the House.

The money in this fund is being put there to pay for civil service pensions. It will pay for future pensions of civil servants in this country. If the money isn't put there by us then our children and our future generations are having to fund a pension for the civil service that is bankrupt. Do I have to make that plainer, Mr. Speaker?

Isn't it good management to put money into a fund to pay for your future debts—some of them twenty-five years down the line? Future generations of this country will benefit from the money we are putting in there. And yes, Mr. Speaker, the politician can't get in this pension fund and that is probably what is beginning to anger some of these politicians.

*[General uproar]*

**Hon. Truman M. Bodden:** They can't touch this fund, Mr. Speaker. They can't touch this fund to take and use for other purposes.

**Mr. W. McKeever Bush:** You are forgetting that I was in Executive Council and how hard you had to fight to get it, so you better not start opening your mouth about who wants to use it. I know who didn't want to do it then.

*[Laughter]*

**Hon. Truman Bodden:** I am confused.

Mr. Speaker, so much as been said about future generations and that nothing will be left. This is a good example of putting money in the bank for future generations because this load of money will not have to be extracted from my children or our children.

And, Mr. Speaker, if I had my way I had asked the United Kingdom to put a blocking of this type of fund in the constitution. We got something in there but it did not specifically deal with the fund. The money is being saved and I think that the public by now, hopefully, understands very clearly the prudent fiscal management of this government.

We haven't squandered. We could have spent this money. They are talking about excessive borrowing, excessive this and that. Mr. Speaker, what we have spent has been prudent. It had to be if we can take and put away \$44 million in pensions alone and another \$26.5 million in cash sitting in the funds.

Now, I would like to just like to try to get my thoughts together to where I was really going.

The balance of the debt, Mr. Speaker (because this is what we are talking about at this stage), is loans and debt. What I am reading from has been laid on the Table of this House so that the public or the press or anyone can look at this if there is any doubt.

After the Cayman Airways loan in early 1993, the government owed \$54,126,799, and nobody can dispute that. At the end of December 1998, the loans moved up to \$93,556,448, or a little bit under \$40 million increase in loans had been done. Because you remember, Mr. Speaker, in that first four years nothing literally other than \$6 million to \$10 million had been borrowed, whatever I call out a bit earlier. And this is very small because at present the cost of servicing the debt—of which more than half of it was inherited; \$54 million was inherited and we added \$40 million to it—is 7.1% of the annual recurrent revenue, which is way under what is prudent.

Now, two things are important to understand with this: That figure is high for the amount of money we borrowed because we borrowed the money short and medium term. As the public knows and the members know, if you borrow over eight to ten years you pay a lot more money back than if you borrow over 20 or 25 years, which is how long most governments borrow for.

Secondly, Mr. Speaker, it is a clear example that by and large a bank will lend on a loan to an individual up to 40% of the income, or jointed income normally because it is usually the salary of a husband and wife. This is only 7%. It is obviously very prudent. I am just trying to finish winding up here.

*[Inaudible interjection]*

**Hon. Truman M. Bodden:** Well, I know this hurts, Mr. Speaker. It's getting painful for me to keep my thoughts together now. *[Laughter]*

I have put in a table that shows how the repayments of that will reduce down so that in about seven or eight years' time it is way down to whatever it showed there of 3% or 4% of the recurrent revenue. And the 7% is very prudent.

Earlier I mentioned places such as Canada, for example (and I am dealing with the GDP now percentage, not recurrent revenue, because internationally the GDP is used instead of the recurrent), was in the area of 55%. I know at one stage New Zealand was in the area of 37%, those two I know because I have figures here for them.

The other important point, Mr. Speaker, is that we have contributed from the recurrent revenue into capital. It was \$60 million up to the time (and I spelled this out) that our manifesto came out, and there have been further contributions to capital. In other words, the surpluses that we have contributed, in 1995 was \$16.3 million; and 1996 we put another \$23.7 million; 1997, 18.8 million. And that is in addition to the money that was put into the \$66 million of reserve and pension fund that we now have as at the end of 1998. So that is a very substantial amount of money.

Mr. Speaker, in conclusion no one can say that this government has not been prudent. It is like saying the country isn't in a boom. Nobody can say that we are not in an economic boom; that's been readily admitted by everyone. The savings for these specific purposes are very high. The loan is quite low compared to what we

could borrow to go up to the minimum amounts that are there. The money is being well spent, it is going on schools mainly and roads and many of the other areas, and prior to that a lot of money went on health.

Mr. Speaker, we have taken the approach of putting by very large funds of savings for the future generations of this country. Not just the next generation but generations that are not yet born will benefit from the pension fund either directly as civil servants or indirectly by not having to contribute the \$50 million that at the end of this year will be there.

The figures that have been given are correct figures. They have been given by the Financial Secretary, the Accountant General, who is very competent, and the Deputy Financial Secretary who is now our Third Official Member in here today.

The figures are correct, Mr. Speaker, there can be no doubt about it and at the end of the day what is important, despite what may be said about planning or anything else, is the results. Mr. Speaker, the results of the economy of this country is that we have a surplus of \$7.2 million and we have savings up to the end of 1998. And the different funds of \$66 million with another \$9.7 million going in, bringing up the \$76 million that future generations, a larger part, will reap the benefits, and good planning takes into consideration what will happen to our children. The money being spent going in schools is the best that could be spent because one day the education of those children and the training will be what will be necessary to take this country forward.

So I would ask the Opposition, while it may be hard to do when the Government has brought down the Loan Bill from approximately \$30 million to where there is only \$1 million difference between what was put forward by the Opposition (to borrow \$25 million) and we are at \$26 million. . . .since we have come down so far that maybe the time has come for the benefit of the country and so that we can move forward as one team because this is very important. A lot of what is happening out there, the Opposition should be very happy and should basically go along with the many, many things that are being done to benefit the people of this country.

There is a \$1 million difference and I think they should take a prudent approach and give this House the benefit of the doubt and vote for the \$26 million Loan Bill.

Mr. Speaker, there is no other solution put forward by the Opposition. Nobody has said cut this that, or cut whatever because we know you cannot on the one hand say that the Government must do the schools, the roads, and then on the other hand say you can't spend it, as the fight came over the budget, or you can't borrow it or whatever.

I know that what is being done now as well as what we have done over the last six years, Mr. Speaker, is good for the country. And we are looking at planning for the future generation well into the 21<sup>st</sup> Century, in this instance up to twenty-five years down the line. And I believe that with God's help and guidance the economy of this country will be able to move from strength to strength and our people will continue to reap the benefits

of a good economy. And that the aim of everyone here after everything is said and done has to be moving forward for the good of the country.

Thank you, sir.

**The Speaker:** I think this would be a convenient time to take the afternoon break. Let us try to limit it to fifteen minutes.

#### PROCEEDINGS SUSPENDED AT 3:29 PM

#### PROCEEDINGS RESUMED AT 3:53 PM

**The Speaker:** Proceedings are resumed debate continues. The second reading of the Loans (Capital Projects 1999) Bill, 1998. Does any other Member wish to speak?

The Floor is open for debate. Does any other Member wishes to speak? (Pause) The Floor is open for debate. (Pause) I can't wait much longer, does any other Member wishes to speak? (Pause)

I want to give every Honourable Member an opportunity but can't wait much longer. Does any other Member wishes to speak? (Pause)

*[inaudible interjection]*

**The Speaker:** I cannot wait much longer. Does any other Member wish to speak? (Pause) I am going to wait another two minutes and then I am going to call the Honourable mover to reply.

This is the final call. Does any other Member wish to speak? If no other Member wishes to speak, I will call on the Honourable mover to exercise his right to reply.

The Honourable Temporary Acting Third Official Member.

**Hon. Joel Walton:** Thank you, Mr. Speaker. In keeping with the spirit that is already underway, I just wish to thank all Members who contributed to the debate on the Loans (Capital Projects 1999) Bill, 1998. I thank them for their contributions, sir, and say thank you for the opportunity That is it, sir.

**The Speaker:** The question is that a bill entitled, The Loans (Capital Project 1999) Bill, 1998, be given a second reading. Those in favour please say Aye. Those against No.

**AYES and No.**

**The Speaker:** The Ayes have it.

**Mr. Roy Boddén:** Mr. Speaker, a division please, sir.

**The Speaker:** Certainly. Madam Clerk would you call a division please?

**DIVISION NO. 21/98**

**AYES: 9**

Hon. James M. Ryan  
 Hon. Joel Walton  
 Hon. Truman M. Bodden  
 Hon. Thomas C. Jefferson  
 Hon. John B. McLean  
 Hon. Anthony S. Eden  
 Hon. J. O'Connor-Connolly  
 Mr. D. Dalmain Ebanks  
 Dr. Frank McField

**NOES: 1**

Mr. Roy Bodden

shall put the question. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 1 AMENDED.**

**The Chairman:** I now put the question that Clause 1, as amended, do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it. Clause one as amended stands part of the Bill.

**AGREED: CLAUSE 1 AS AMENDED PASSED.**

**The Speaker:** The results of the division: nine Ayes, one No. The bill has been given a second reading.

**AGREED BY MAJORITY: THE CAPITAL LOANS PROJECT (1999) BILL, 1998 GIVEN A SECOND READING.**

**The Speaker:** The House will now go into Committee to consider the Bill entitled, The Financial Bill, 1998, and the Loans (Capital Projects 1999) Bill, 1998.

**HOUSE IN COMMITTEE AT 4:00 PM**

**COMMITTEE ON BILLS**

**The Chairman:** The House is now in Committee.

With the leave of House may I assume that as usual we should authorise the Second Official Member to correct minor printing errors and such the like in these Bills?

Would the Clerk state each Bill and read its clauses?

**THE FINANCE BILL, 1998**

**The Clerk:** The Finance Bill, 1998.  
 Clause 1. Short title.

**The Chairman:** There is an amendment to Clause 1.  
 The Honourable Temporary Acting Third Official Member.

**Hon. Joel Walton:** Thank you.

There was an amendment to Clause 1 as set out in number 2, which has been circulated. Basically it's that Clause 1 be amended by numbering the existing wording as subsection (1), and by inserting the following subsection (2):

*"This law is deemed to have come into force at 9:00 a.m. on the 16<sup>th</sup> November 1998."*

**The Chairman:** The question is that Clause 1 be amended. The question is open to debate. No debate? I

**The Clerk:** Clause 2. Amendment of Companies Law (1998 Revision).

**The Chairman:** The question is that Clause 2 do stand part of the Bill. There is an amendment. The Acting Third Official Member.

**Hon. Joel Walton:** Yes, thank you, sir.

This moves that Amendment number 1 as circulated (and if I could just refer to it as that as opposed to having to read the entire amendment) that number 1 stands part of the Bill. If that's possible, sir, as opposed to having to read the entire three pages. Thank you, sir.

**The Chairman:** The question is that Clause 2 be amended. This is open for debate.

**Mr. Roy Bodden:** You already passed Clause 1, sir?

**The Chairman:** Yes. The question is on the amendment to Clause 2. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 2 AMENDED.**

**The Chairman:** I will now put the question that Clause 2 as amended do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it. Clause 2, as amended, stands part of the Bill.

**AGREED: CLAUSE 2 AS AMENDED PASSED.**

**The Clerk:** Clause 3. Amendment of the Customs Tariff Law (1998 Revision).

Clause 4. Amendment of the Education Law (1997 Revision).  
 Clause 5. Amendment of the Exempted Partnership Regulations (1997 Revision).  
 Clause 6. Amendment of the Health Practitioners Fees, Regulations (1995 Revision).  
 Clause 7. Amendment of the Immigration Regulations (1998 Revision).  
 Clause 8. Amendment of the Legal Practitioners Law, (1995 Revision).  
 Clause 9. Amendment of the Liquor Licences Fees, Regulation (1998 Revision).  
 Clause 10. Amendment of the Public Health Garage and Refuse Disposal Regulations (1998 Revision).  
 Clause 11. Amendment of the Trade and Business Licences Law (1996 Revision).

**The Chairman:** The question is that Clauses 3 through 11 do stand part of the Bill. It is open for debate.

**Mr. W. McKeeva Bush:** Mr. Chairman.

**The Chairman:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** I would have to reach my Opposition so that they can be recorded in this aspect of the *Hansards*, since everybody already knows, but the aspect of school fees and the other areas in this . . . and therefore we the backbench—six of us—have already said we cannot support these fees: That is, Mr. Pierson, Mr. Roy Bodden, Mrs. Edna Moyle, Mr. Kurt Tibbetts, Mr. John Jefferson, Jr., and me.

The reasons have already been stated, Mr. Chairman. We cannot support these increases.

**The Chairman:** Any further debate? I shall put the question that Clauses 3 through 11 do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES and NOES.**

**The Chairman:** The Ayes have it.

**Mr. W. McKeeva Bush:** Can I have a division?

**The Chairman:** Certainly.

#### DIVISION NO. 22/98

##### AYES: 8

Hon. James M. Ryan  
 Hon. Joel Walton  
 Hon. Truman M. Bodden  
 Hon. John B. McLean  
 Hon. Thomas C. Jefferson  
 Hon. Anthony S. Eden  
 Hon. J. O'Connor-Connolly  
 Mr. D. Dalmain Ebanks

##### NOES: 6

Mr. W. McKeeva Bush  
 Mr. John D. Jefferson, Jr.  
 Mr. D. Kurt Tibbetts  
 Mr. Linford A. Pierson  
 Mr. Roy Bodden  
 Mrs. Edna Moyle

##### ABSENTEES: 3

Hon. David Ballantyne  
 Dr. Frank McField  
 Miss Heather D. Bodden

**The Chairman:** The results of the division: eight Ayes, six noes. The Clauses pass.

**AGREED BY MAJORITY: CLAUSES 3 THROUGH 11 PASSED.**

**Hon. Joel Walton:** Mr. Chairman, I have a suggested addition. No, I am sorry.

**The Chairman:** We have an insertion of a new Clause 12. The Honourable Acting Third Official Member.

**Hon. Joel Walton:** Thank you, sir.

Committee Stage Amendment number three as circulated, requires an insertion after Clause 11, of Clause 12, as set out in the amendment. I beg that this be included in Bill.

**Mr. W. McKeeva Bush:** Sorry, we don't have that clause.

**The Chairman:** That was numbered number 3, and they were given out as a package.

**Hon. Joel Walton:** It was along with—it was actually 1, 2 and 3.

**Mr. W. McKeeva Bush:** I don't have it. The government gave out so many packages that . . . What was it about, Joel? I haven't seen it. Maybe you should read it Joel.

**Hon. Joel Walton:** The following clause, Mr. Chairman, reads as follows:

*“12.(1) The imposition, recovery and application of the fees, customs duty and other charges at the rates specified in this Law on and after the 16 November 1998 is validated and is to be taken to have been lawfully imposed, recovered and applied.*

*“(2) This Law does not affect any order or determination made by a court before the coming into force of this Law.*

*“(3) If any proceeding for an offence committed before the coming into force of this Law was commenced, but not finally determined, before that time, or is commenced on or after that time, the proceeding is to be dealt with and determined as if this Law had not been enacted.”*

**Mrs. Edna Moyle:** Mr. Chairman.

**The Chairman:** The Elected Member for North Side.

**Mrs. Edna Moyle:** Mr. Chairman, I thank you for this opportunity, sir, because I was one of the persons who questioned the correctness of this. For clarity, I wonder if the Honourable Attorney General could just explain the situation with this particular Law?

And when he is explaining that, sir, the other amendment was that the Law came into effect at 9:00 am on the 16<sup>th</sup> and Parliament does not meet until 10:00 am, it gives me a little bit of concern.

**The Chairman:** Honourable Second Official Member can you comment on that please?

**Hon. David Ballantyne:** Mr. Chairman, in relation to the proposed amendment to the Finance Bill, I will comment on that first of all.

This is necessary because sections 74(1) of the Customs Law, and section 74(2) collectively mean that if after the resolution, which was introduced on the 16<sup>th</sup> November, fifteen sitting days elapsed with the Bill being read for the first time, or the resolution being renewed, then the resolution would, as I understand it, cease to have effect.

Even if that barrier is overcome, after a month the resolution would also cease to have effect and I think what happens is that although the matter was aired in the House by virtue of the debate continuing, the time was overtaken. And the matter was raised by a member of the House, and members may recall that it featured on the front page of the *Caymanian Compass*. Although I am not a Member of the Finance Committee, I had regard to those sections at that time.

The long and the short of it is that I gave certain advice relating to the fifteen day part but, of course, matters continued and I was not further involved. And it transpired that the month elapsed and it was therefore necessary to give legal effect to the resolution in another way. And that's what these amendments do.

Not all the charges were imposed, or intended to be imposed, as I understand it, from the 16<sup>th</sup> of November. Only those relating to customs duty. And it is only the customs duty that has this provision. But because there are other charges (and we are now into February) which were intended to have been introduced from the 1<sup>st</sup> of January, according to the Financial Secretary it's sensible just to have this operating from the 16<sup>th</sup> of November so that the charges are validated and will be properly imposed.

*[Inaudible comment]*

**Hon. David Ballantyne:** I am sorry, I missed that.

Oh! Thank you.

At any rate, I am satisfied—otherwise I won't associate with it—that this is a competent way of dealing with the matter. And in the circumstances it's the only sensible way to deal with it in order to effect the changes that the Bill contemplates and the resolution originally proposed.

I think it goes without saying that it would be better to observe the time limits, but I don't think this was a case of deliberately not observing time limits. I think that the passage of time overtook matters and this is a straightforward way of dealing with it.

If the situation arose again, I would suggest that it would be better to deal with it in other ways, as I referred to earlier: either by renewing the resolution or by reading the Bill for a first time. But, of course, if the debate goes on beyond a month anyway you are sunk because you know those other statutory time limits.

That's where we are, Mr. Chairman, and that's the explanation.

I wasn't very clear about the second part of the question and I wonder if I could be refreshed on that. Thank you.

**The Chairman:** The Member for North Side would you re-ask your second question?

**Mrs. Edna Moyle:** Thank you, Mr. Chairman.

I think I heard the Acting Financial Secretary make an amendment saying that the law took effect from 9:00 am on the 16<sup>th</sup> of November. And this is my personal concern: Parliament does not convene until 10:00 am.

**Hon. David Ballantyne:** I don't think, with respect to all concerned, that it is appropriate to say that a law takes effect from a certain time. The Interpretation Law will say, I think, that if a law is effective from a certain date that it is effective from that date. So subject to having the opportunity of looking at the Interpretation Law to confirm that point I don't think it is necessary to specify a time.

I mean court judgments, for example (just to give you a comparison), don't specify a time unless of course time was critical. But I think if it is stated to come into operation on a certain date; it is in operation on all hours of that day.

That is my general understanding but I am opened to correction if anyone, you know, is of a different opinion.

**Mr. W. McKeever Bush:** Mr. Chairman.

**Mrs. Edna Moyle:** Mr. Chairman, if I may, I just wanted another matter cleared up.

**The Chairman:** Please continue.

**Mrs. Edna M. Moyle:** We are saying that the law took effect from 9:00 am on the 16<sup>th</sup> of November 1998 for fees. This effect . . . I don't know how to word this. Let's use garbage fees, for instance, are they going to be increased from November or is it taking effect for 1999 fees?

**Hon. David Ballantyne:** No, as I think I tried to say, it is only the customs duty that would be effective from that date. The matters that were the subject of the resolution that was—



**Mr. W. McKeeva Bush:** Haven't been discussed as yet?

**Hon. David Ballantyne:** I am sorry. Yes. No, no. It does refer to all the fees but it doesn't mean that all the fees are operative from the 16<sup>th</sup> of November.

As I mentioned in what I said earlier, I understand that certain fees were to be introduced and effective from the 1<sup>st</sup> of January. You could distinguish if you want. You could elaborate this clause and say that in relation to customs duty effective from the 16<sup>th</sup> November in relation to all other fees and charges from the 1<sup>st</sup> of January, if that would make it clearer.

But I am not familiar with the dates of introduction of these other charges, as only based on a conversation that I had with the Financial Secretary about the matter. Perhaps the Third Official Member would be able to clarify that issue.

**Mr. W. McKeeva Bush:** Mr. Chairman.

**The Chairman:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** Mr. Chairman, I think that the Honourable Attorney General's explanation is fair, but I think the government has found itself in a pickle.

Retroactive legislation is not good. And when we hear ministers of government blowing their horn about the management of the country this does not speak well for the management of the country when this sort of position has to be taken. It is a terrible day when a government finds itself in this position—especially with so many legal minds around on Executive Council.

Mr. Chairman, we do understand that it is a long session, but that does not say that government should not be prepared. Government must be prepared for these sort of eventualities, and it should not be caught having to put in place retroactive legislation—especially when it comes to money bills, because this is what this is all about.

It's a Parliament matter. In money matters you should not put in any sort of retroactive legislation—but especially money matters—and this was brought to their attention by the Deputy Speaker, the Elected Member from North Side.

Now, I know they can very well try to blame this side for the length of this meeting. But, as I said, Mr. Chairman, government has sufficient lawyers on that side and they should be prepared for any of these eventualities. It is just bad management.

They are saying that it has been the long session, meaning that they are trying to blame this side of the House. But the fact is that government itself proposed two budgets—the one that they sent down to the Honourable Financial Secretary to proposed, and then their long and drawn out budget, the one that we have had so many problems with. That is what caused the delay—not

this side of the House. We didn't put forward any legislation.

**Mr. Roy Bodden:** Mr. Chairman.

**The Chairman:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Chairman, I find it regrettable—and it is certainly a reflection on the elected government—to come here and expect conscientious representatives to assist them in voting for retroactive legislation that is burdening our people with taxes. And I pose a seminal question, Mr. Chairman. What is going to happen to all those people who have been conscientious and have paid the fees that they schedule? Is the government now going to expect them, through no fault of their own, to pay additional money?

Mr. Chairman, I hope that the people will be wise enough to be conscientious objectors in those cases. And the government need not try to say that it was because the session was long, implying it is the Opposition on the backbench who is to blame.

It is crystal clear, Mr. Chairman, that the government is not in sync with what is going on in the country, and I find it unfortunate that the government who just finished boasting how it is so organised and the affairs of the country are doing so well finds itself in a position where it has to be depending on retroactive legislation.

Mr. Chairman, it is a paradox. The government acclaimed spoken and the true position of having to depend upon retroactive legislation is out of sync.

I am leaving it to history and the memory of the Caymanian people. I certainly will not have this sin visible on my hands. I am not assisting the government in saddling the people with any retroactive legislation, and I am putting the elected government on notice that it better be prepared to defend its position.

Mr. Chairman, I have dusted off my old political soapbox, and I shall be going from one end of the country to the next letting the people know about the bad management and the retroactive tax legislation that the government has brought upon the people.

**The Chairman:** The Honourable of Education, Aviation and Planning.

**Hon. Truman Bodden:** Mr. Chairman, the answer to the problem—I won't be long, Mr. Chairman, and why I don't have to be long is because the last two speakers gave the public the answer why this is retrospective. They have kept us in this House asking questions for two and a half months and that is why we couldn't get through any earlier.

Thank you, sir.

**Mr. W. McKeeva Bush:** Mr. Chairman.

**The Chairman:** The First Elected Member for West Bay.

**Mr. W. McKeeva Bush:** If the government had put forward everything as clear as they are supposed to, and in the right fashion as they are supposed to, we would not have had to asked such deep searching questions.

As I said, it was not the questioning that brought the retroactive legislation, it was the government's second budget, and its mismanagement to the extent that it presented one budget on one day and in a few days time came back and contradicted the government's chief spokesman of finance—the Financial Secretary—and brought its own budget. That is what has delayed this and that is what has caused this retroactive legislation.

And their bringing the second budget caused even more questions to arise.

**The Chairman:** I will now put the question that new Clause 12 do stand part of the Bill.

Third Elected Member for Bodden

**Mr. Roy Bodden:** Mr. Chairman, before you put the question, sir, may I be permitted to say, if the Minister for Education is expecting me to be an extension cord, that I may be long and skinny, Mr. Chairman, but I am certainly not an extension cord, nor do I have any apologies for being conscientious and meticulous about the business of the people which I was elected to do.

If the government doesn't want fielded questions from us then it should come with a convincing budget. And the next time it brings two budgets here, I am going to double my quota of questions. So I am putting it on notice that when the next budget session comes around it had better decide to have only one budget, because the next time the Financial Secretary brings a budget and the Minister of Tourism comes with the second budget my questions are going to be quadrupled.

**The Chairman:** I now put the question that new Clause 12 do stand part of the Bill. Those in favour please say Aye. Those against No.

#### AYES AND NOES.

**The Chairman:** The Ayes have it. Clause 12 do stand part of the bill.

**Mr. Roy Bodden:** Mr. Chairman, may we have a division, sir?

**The Chairman:** Madam Clerk, call the division please.

#### DIVISION NO. 23/98

##### AYES: 9

Hon. James M. Ryan  
Hon. David Ballantyne  
Hon. Joel Walton  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John McLean  
Hon. Anthony S. Eden

##### NOES: 6

Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr.  
Mr. D. Kurt Tibbetts  
Mr. Linford A. Pierson  
Mr. Roy Bodden  
Mrs. Edna Moyle

Hon. J. O'Connor-Connolly  
Mr. D. Dalmain Ebanks

**ABSENTEES: 2**  
Dr. Frank McField  
Miss Heather D. Bodden

**The Chairman:** The results of the division: nine Ayes, six noes. Clause 12 stands part of the Bill.

#### AGREED BY MAJORITY: CLAUSE 12 PASSED.

**The Chairman:** I put the question that the Schedule do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it.

#### AGREED: THE SCHEDULE PASSED.

**The Clerk:** A Bill for a Law to Amend various Laws and Regulations to Increase Fees and Duties.

**The Chairman:** I put the question that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**AYES.**

**The Chairman:** The Ayes have it. The title do stand part of the Bill.

#### AGREED: TITLE PASSED.

**The Chairman:** That concludes this Bill we are moving on now to the Loans (Capital Projects 1999) Bill, 1998.

We have reached the hour of 4:30 PM. I would entertain a motion that we continue beyond 4:30 PM.

**Hon. Truman Bodden:** Mr. Chairman, I move that this . . . a . . . I am sorry, several people. . . um, . . . I move that—

*[inaudible interjections]*

**Hon. Truman M. Bodden:** I think some of the Members would prefer to go out. Unless you can finish in another five or ten minutes we could just leave it until Monday—

**Mr. W. McKeeva Bush:** Mr. Chairman, again the government doesn't seem to understand where it wants to go. It seems that we do not have much left on this Order Paper, let's continue and finish this.

**Hon. Thomas C. Jefferson:** Mr. Chairman, Mr. Chairman.

**The Chairman:** We will have to come back on Monday in any case because we have the reports to table.

**Hon. Thomas C. Jefferson:** Mr. Chairman, I will move the adjournment on this Honourable House until Monday morning at 10:00 a.m. We have other business—

**Mr. W. McKeeva Bush:** Mr. Chairman!

**The Chairman:** We will have to suspend the Committee. This concludes proceedings in the Committee and we will go back to the House.

#### HOUSE RESUMED AT 4:31 PM

**The Speaker:** Proceedings are resumed. I will entertain a Motion for the adjournment. The Honourable Minister responsible for Education, Aviation, and Planning.

#### ADJOURNMENT

**Hon. Truman Bodden:** Mr. Speaker, I move the adjournment of this Honourable House until Monday at 10.00 AM.

**The Speaker:** The question is that this House will now adjourn until 10.00 AM on Monday. Those in favour please say Aye. Those against No.

#### AYES and NOES.

**The Speaker:** The Ayes have it. The House do stand adjourned until 10.00 AM—

**Mr. D. Kurt Tibbetts:** Mr. Speaker can we have a division, please, sir?

**The Speaker:** Certainly. Madam Clerk would you call the division please?

#### DIVISION NO. 24/[98]

##### AYES: 10

Hon. James M. Ryan  
Hon. David Ballantyne  
Hon. Joel Walton  
Hon. Truman M. Bodden  
\*\*Hon. Thomas C. Jefferson  
Hon. John McLean  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly  
Mr. D. Dalmain Ebanks  
Dr. Frank McField

##### NOES: 6

\*Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr.  
Mr. D. Kurt Tibbetts  
Mr. Linford A. Pierson  
Mr. Roy Bodden  
Mrs. Edna Moyle

##### ABSENTEES: 1

Miss Heather D. Bodden

**\*Mr. W. McKeeva Bush:** We could finish this in half an hour!

*Mr. Speaker, before I cast my "Nay" on this matter just let me say I think this is a disgrace. Because we have the report that the Minister of Tourism spoke about, it is just the matter of the Third Official Member laying this report and we could finish this business this afternoon and be out of here.*

*Now I don't know what other business we have because they say they didn't have any more, unless there is something else they intend to spring on us—another budget perhaps!*

*But, Mr. Speaker, since we are voting I am against it at this time. They have all the business at hand to finish, Mr. Speaker.*

*[General uproar]*

**\*\*Hon. Thomas C. Jefferson:** Mr. Speaker, I thought we were taking a division, sir.

**The Speaker:** This is a division. Please continue Madam Clerk and call the division.

**The Speaker:** The result of the division: ten Ayes, six Noes. The House do stand adjourned until 10.00 AM on Monday.

#### AGREED BY MAJORITY: MOTION TO ADJOURN PASSED.

**Mr. W. McKeeva Bush:** Mr. Speaker, before you rise can anybody say what's going to be on Monday?

**The Speaker:** Business remaining on the Order Paper.

**Mr. W. McKeeva Bush:** What is the business?

**Mr. Roy Bodden:** Arrogance of power!

*[The Honourable Speaker rose.]*

**AT 4.36 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 15 FEBRUARY 1999.**

**EDITED  
MONDAY  
15 FEBRUARY 1999  
10:22 AM**

*[Prayers by the Honourable Minister for Health, Social Welfare, Drug Abuse Prevention and Rehabilitation.]*

**The Speaker:** Please be seated. Proceedings are resumed.

There are no announcements. Item number 3 on today's Order Paper, Presentation of Papers and Reports. Report of the Standing Finance Committee on the Appropriation Bill. The Honourable Third Official Member.

**PRESENTATION OF  
PAPERS AND REPORTS**

**REPORT OF THE STANDING FINANCE COMMITTEE  
ON THE APPROPRIATION (1999) BILL, 1998**

**REPORT OF THE STANDING FINANCE COMMITTEE  
FOR MEETING HELD ON 10TH FEBRUARY, 1999**

**Hon. George A. McCarthy:** Mr. Speaker I beg to lay on the Table of this Honourable House, the report of the Standing Finance Committee on the Appropriation (1999) Bill, 1998 and the report of the Standing Finance Committee of a meeting held on the 10th February, 1999.

**The Speaker:** So ordered.

**Hon. George A. McCarthy:** Mr. Speaker, I would like to point out for the benefit of honourable Members that since exhaustive discussions have already taken place during Finance Committee on each Head of Estimates, rather than go through the details once more, it has been agreed that the report be tabled as presented.

However, Mr. Speaker, I would like to make two observations. There was a meeting of Finance Committee to consider the supplementary agenda at year-end. This is what is normally referred to as the clean-up exercise in order to make sure that approvals were in place for all-over expenditures on various Heads. And that amounted to a sum of \$7,012,031 which is included in the report on the Appropriation Bill.

Secondly, Mr. Speaker, I would like to point out that initially when the Appropriation Bill was presented, it was for a value of \$277,669,087. As Members will recall, there were several changes:

Head 26 for Health Services Department was initially presented for a sum of \$37,323,587, and that was increased by \$580,085 to a value of \$37,903,672.

In Head 27, Ministry of Agriculture, Communication, Environment and Natural Resources were sums that were rightfully shifted to the Ministry of Education (Head

36). Accordingly, the sum of \$4,671,641 was reduced to a value of \$2,583,267 which increased the value of that Head which was initially presented for Head 36 (\$9,464,163) to \$11,552,537. So this was a compensating movement in amounts.

Also in New Services there was a reduction for the Lands and Survey Department and honourable Members will recall that one post was reduced by a value of \$11,314. Therefore, the original New Services amount of \$1,979,051 as presented was reduced to \$1,967,737.

Capital Development was initially presented for a value of \$29,159,469. That was increased by \$13,375,131 to a value of \$42,534,600.

As I mentioned earlier, the original Appropriation Bill which was for \$277,669,087 is now reflecting a value of \$291,612,989. All of these changes have been reflected in the report of Finance Committee.

**The Speaker:** In accordance with Standing Order 67(4) they have been deemed accepted by the House.

The House will now go into Committee to consider a bill entitled, The Loans Capital Projects (1999) Bill, 1998.

**HOUSE IN COMMITTEE AT 10:35 AM**

**COMMITTEE ON BILLS**

**The Chairman:** The House is now in Committee.

With the leave of the House may I assume that as usual we should authorise the honourable Second Official Member to correct minor printing errors, and such like, in these Bills?

Would the Clerk state the Bill and read the clauses?

**THE LOANS CAPITAL  
PROJECTS (1999) BILL, 1998**

**Hon. George A. McCarthy:** Mr. Chairman, I read the details of the report and made reference to it, sir, but I did not raise the question of the report being tabled. So at this time I would like to have the report laid on the Table.

**The Clerk:** The Loans Capital Projects (1999) Bill, 1998. Clause 1, Short title.

**The Chairman:** The question is that Clause 1 do stand part of the Bill. I put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it. Clause 1 do stand part of the Bill.

**AGREED: CLAUSE 1 PASSED.**

**The Clerk:** Clause 2, Power to borrow.

**The Chairman:** There is an amendment to Clause 2.

**Hon. George A. McCarthy:** Mr. Chairman, in accordance with the provisions of Standing Order 52 (1) and (2), I give notice to move the following amendment to the Loan Capital Projects (1999) Bill, 1998: *That Clause 2 be amended in sub-clause (1) by deleting \$19,150,000 and substituting \$26,000,000.*

**The Chairman:** The question is that Clause 2 be amended. The question on the amendment is open for debate. No debate? I shall put the question on the amendment to Clause 2. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: AMENDMENT TO CLAUSE 2 PASSED.**

**The Chairman:** I shall now put the question that Clause 2 as amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: CLAUSE 2 AS AMENDED PASSED.**

**The Clerk:** Schedule.

**The Chairman:** The question is that the Schedule do stand part of the Bill. This is open to debate. The honourable Third Official Member.

**Hon. George A. McCarthy:** Mr. Chairman. In accordance with the provisions of Standing Order 52 (1) and (2), I give notice to move the following amendment to the Loan Capital Projects (1999) Bill, 1998: **That the Schedule be amended by deleting \$19,150,000 wherever it appears and \$26,000,000 be substituted therefor.**

**The Chairman:** The question is that the amendment be part of the Bill. This is open for debate. No debate? I will put the question. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**Mr. Roy Bodden:** Mr. Chairman, can we have a division, sir?

**The Chairman:** Certainly. Madam Clerk can you call a division?

#### **DIVISION 25/98**

##### **AYES: 10**

Hon. James M. Ryan  
Hon. David Ballantyne  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly  
Mr. D. Dalmain Ebanks  
Dr. Frank McField

##### **NOES: 6**

Mr. W. McKeever Bush  
Mr. John D. Jefferson, Jr.  
Mr. D. Kurt Tibbetts  
Mr. Linford A. Pierson  
Mr. Roy Bodden  
Mrs. Edna Moyle

##### **ABSENTEES: 1**

Miss Heather D. Bodden

**The Chairman:** The result of the division, ten Ayes, six Noes, one absent. The Schedule stands part of the Bill.

**AGREED BY MAJORITY: THAT THE SCHEDULE BE AMENDED BY SUBSTITUTING \$26,000,000 FOR \$19,150,000 WHEREVER IT APPEARS.**

**The Clerk:** A Bill for a Law to authorise the borrowings of \$26,000,000 for Financing of Capital Projects

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: TITLE PASSED.**

**The Chairman:** That concludes proceedings in Committee on a bill entitled, The Finance Bill 1998 and the Loan Capital Projects (1999) Bill, 1998.

The question is that the Committee do report to the House. Those in favour please say Aye. Those against, No.

**AYES.**

**The Chairman:** The Ayes have it.

**AGREED: COMMITTEE TO REPORT TO THE HOUSE.**

**The Chairman:** That concludes proceedings in Committee and the House will resume.

**HOUSE RESUMED AT 10:40 AM**

**The Speaker:** Proceedings in the House are resumed. Reports.

**Hon. George A. McCarthy:** Mr. Speaker, before I report on the Bill, sir, at this time I would like to table the reports of the two Finance Committee meetings.

**The Speaker:** I thought we had done that before, but so ordered.

## REPORTS

### THE LOAN CAPITAL PROJECTS (1999) BILL, 1998

**The Speaker:** Reports.

**Hon. George A. McCarthy:** I am to report that a bill entitled, The Loan Capital Projects (1999) Bill, 1998 was considered by a Committee of the whole House and passed with amendments.

**The Speaker:** The Bill is accordingly set down for third reading.

### THE FINANCE BILL, 1998

**Hon. George A. McCarthy:** Mr. Speaker, I am to report that a bill entitled, The Finance Bill, 1998 was considered by a committee of the whole House and passed with amendments.

**The Speaker:** The Bill is accordingly set down for third reading. Bills, Third Readings.

## BILLS

### THIRD READINGS

#### THE APPROPRIATION (1999) BILL, 1998

**The Clerk:** The Appropriation (1999) Bill, 1998.

**The Speaker:** The question is that a bill entitled, The Appropriation (1999) Bill, 1998 be given a third reading and do pass. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**AGREED: THE APPROPRIATION (1999) BILL, 1998 GIVEN A THIRD READING AND PASSED.**

**The Speaker:** Bills, Third Reading.

#### THE FINANCE BILL, 1998

**The Clerk:** The Finance Bill, 1998.

**The Speaker:** The question is that a bill entitled, The Finance Bill, 1998 be given a third reading and do pass. Those in favour please say Aye. Those against, No.  
**AYES.**

**The Speaker:** The Ayes have it.

**Mr. Roy Bodden:** Mr. Speaker, can we have a division, sir?

**The Speaker:** Certainly. Madam Clerk, would you call a division, please?

### DIVISION NO. 26/98

**AYES: 10**

Hon. James M. Ryan  
Hon. David Ballantyne  
Hon. George A. McCarthy  
Hon. Truman M. Bodden  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Hon. Anthony S. Eden  
Hon. J. O'Connor-Connolly  
Mr. D. Dalmain Ebanks  
Dr. Frank McField

**NOES: 6**

Mr. W. Mckeeva Bush  
Mr. John D. Jefferson, Jr.  
Mr. D. Kurt Tibbetts  
Mr. Linford A. Pierson  
Mr. Roy Bodden  
Mrs. Edna Moyle

**ABSENTEES: 1**

Miss Heather D. Bodden

**The Speaker:** The results of the division: ten Ayes, six Noes and one Absentee. The Bill has been given a third reading and passed.

**AGREED BY MAJORITY: THE FINANCE BILL, 1998 GIVEN A THIRD READING AND PASSED.**

#### THE LOANS CAPITAL PROJECTS (1999) BILL, 1998

**The Clerk:** The Loans Capital Projects (1999) Bill, 1998.

**The Speaker:** The question is that the Loans Capital Projects (1999) Bill, 1998 be given a third reading. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**Mr. Roy Bodden:** Mr. Speaker, can we have a division, please?

**The Speaker:** Certainly. Madam Clerk, please call a division.

### DIVISION NO. 27/98

**AYES: 10**

Hon. James M. Ryan

**NOES: 6**

Mr. W. Mckeeva Bush

Hon. David Ballantyne      Mr. John D. Jefferson, Jr.  
 Hon. George A. McCarthy    Mr. D. Kurt Tibbetts  
 Hon. Truman M. Bodden      Mr. Linford A. Pierson  
 Hon. Thomas C. Jefferson    Mr. Roy Bodden  
 Hon. John B. McLean        Mrs. Edna Moyle  
 Hon. Anthony S. Eden  
 Hon. J. O'Connor-Connolly  
 Mr. D. Dalmain Ebanks  
 Dr. Frank McField

**ABSENTEES: 1**

Miss Heather D. Bodden

**The Speaker:** The results of the division: ten Ayes, six Noes and one absentee. The Bill has been given a third reading and passed.

**AGREED BY MAJORITY: THE LOANS CAPITAL PROJECTS (1999) BILL, 1998 GIVEN A THIRD READING AND PASSED.**

**The Speaker:** This concludes the business on today's Order Paper. I would now entertain a motion for the adjournment of this honourable House.

**Mr. Roy Bodden:** Mr. Speaker.

**The Speaker:** The Third Elected Member for Bodden Town.

**Mr. Roy Bodden:** Mr. Speaker, I stand here this morning in amazement to realise that the Government brought this House back at a time when we are on the eve of prorogation just for fifteen minutes.

I have to record my gross disappointment in what I call this tremendous irresponsibility on the part of the Government. It is no wonder that the finances of the country are not handled more appropriately if this is the Government's idea of effective time management.

Mr. Speaker, I am going to recommend that they take a seminar in Effective Time Management because it is a downright shame, a waste of time, a waste of the country's resources, and a misuse of the Parliament to come here in this vindictive and spiteful and inappropriate way—

**POINT OF ORDER**

**Hon. Truman Bodden:** Mr. Speaker, on a point of order, sir.

**The Speaker:** Let me hear your point of order.

**Hon. Truman Bodden:** He has referred to us bringing this back here as vindictive and spiteful; vindictive is unparliamentary.

**The Speaker:** I have to agree with that, please withdraw that word.

**Mr. Roy Bodden:** Mr. Speaker, I bow to your ruling and I will say that the approach is nothing short of worthless for the Government to come here and waste the time of the Parliament and the resources of the country.

Perhaps, Mr. Speaker, this is an effort to justify the request that the six of us on the Backbench denied them a short while ago. Mr. Speaker, it is the height of inconsideration and it should not go un commented upon, sir. I wish in the strangest of languages and the strictest of descriptions to voice my objection and my abhorrence to this kind of behaviour. And, Mr. Speaker, I would seize this opportunity to remind the Parliament that we were opposed to this—what we consider irresponsible management and imprudent borrowing—and now, finally, we are opposed vehemently to this misuse of time and the public resources of this Parliament.

Thank you, sir.

**The Speaker:** The honourable Minister for Education, Aviation and Planning.

**Hon. Truman Bodden:** Mr. Speaker, I move the adjournment of this House sine die and I would like to reply to the honourable Member, sir.

**The Speaker:** Please go ahead then, before we move the adjournment.

**Hon. Truman Bodden:** Mr. Speaker, I was very surprised to hear the honourable Member talking about wasting time. We have been in this honourable House, most of it in Finance Committee for three months. One day is not a waste of time, Mr. Speaker. If one day is, then there is ninety times the amount of waste of time because of the length of time that we have been here.

And, while I know the honourable Member may be annoyed that the Government is in a good financial position with a profit of \$7.2M surplus and with savings of \$66M with another \$10M savings going in, Mr. Speaker, I don't see why a few hours on Monday morning really matters, considering we sat here listening to the Opposition questioning us and civil servants ad nauseam for three months. I don't want to get into any drawn out argument but I can understand the frustration on the other side after building up so much against the Government and having it destroyed when they found out we were in a profit/surplus with very large savings and only borrowing \$26M when they said \$25M.

Thank you.

**The Speaker:** The First Elected Member for West Bay.

**Mr. W. McKeever Bush:** Mr. Speaker, I am not going to try to carry on the debate that has already been debated several times over. But I will ask the Government to try to get the House in order for the new session. It behoves the Government to do that, Mr. Speaker. Politics or not, they can claim it, they can say anything but it is a shame the way this House and the country's business is being

run. We are all big people and they are well versed—or should be well versed—in parliamentary procedures.

Mr. Speaker, what I am afraid of is that one of these days this House is going to be challenged through the Courts, simply because it is not adhering to procedures. Government is not doing the things it is supposed to do in the House with the procedures. One of these days that is going – as somebody said – “*to come home to roost.*”

So, Mr. Speaker, I hope Government takes it in the light that it is being said, and will try to get the House in order for the next sitting.

**The Speaker:** There is an adjournment motion on the floor. I now put the question that this House do now adjourn.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, is that to say that no one else is allowed to speak, sir?

**The Speaker:** Is it the wish that everybody speaks then?

[Members' interjections: Yes]

**The Speaker:** I thought they were objecting to being here so long. But, if that is the wish, please continue. The First Elected Member for George Town.

**Mr. D. Kurt Tibbetts:** Mr. Speaker, that is exactly the objection. But of course the Government never loses an opportune moment to spout out the twisted truths that they so like to do. I think it is only appropriate that the country understands the real truth.

The Minister for Education in his wonderful dissertation just a while ago was talking about the lengthy ninety days of Finance Committee and I think he used the word ‘ad nauseam.’ That’s a new one to me because I am not a lawyer but I can get the gist of what he meant.

What the First Elected Member for West Bay alluded to awhile ago, Mr. Speaker, was the House not being in order. If the Government had not brought us two budgets, and if all the information had been available to us, certainly it would not have taken the ninety days that purportedly it has taken.

Mr. Speaker, it is only fair for this country to understand that while the one-upmanship and the politics must go on to a certain level, not only is it our inherent responsibility but it is our sacred responsibility not to make any attempt at any time in any public forum to mislead the public into believing what is not actually so. And I contend this morning that this is another attempt, Mr. Speaker, at exactly just that.

**The Speaker:** Does any other Member wish to speak?  
The Fourth Elected Member for George Town.

**Dr. Frank McField:** Mr. Speaker, since Mr. Bush would like to hear my voice again I would just say that I certainly am thankful that this sitting is over and that we

are going to have the opportunity to begin anew on Friday. I am satisfied that what has been done in these Chambers over the last two months has been done in the right direction.

We know that there are a lot of things that are wrong with the way in which the system is working with regards to the way finances are administrated, and that there needs to be a lot of changes. But I, Mr. Speaker, feel somehow satisfied that the country is not in a desperate situation and it is unfortunate that some of us have to continue playing politics and not see the reality of the issues before us.

**The Speaker:** Does any other Member wish to speak?  
I want to be very democratic, giving everybody a chance. This being the last sitting of this Meeting, I would like to thank honourable Members for their courtesies and tolerance to the Chair. I would like to thank the Clerk, the Deputy Clerk, and her office staff, the Hansard Officers, and the Serjeant-at-Arms for their efficient services rendered to us. I would also like to thank Anita for the numerous meals she has prepared and the hard work that she has performed during this long session. Again I wish God's blessing on each and every Member.

At this time I will put the question that this House do now adjourn sine die. Those in favour please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it. The House do stand adjourned sine die.

**AT 10.55 AM THE HOUSE STOOD ADJOURNED SINE DIE.**